

# Getting “Lean” for the Twenty-first Century

## Portage Attorney Gives Clients Only What They Need

By Lynn Patrick Ingram

**M**echelle Woznicki knows what it's like to be underserved. She knows what it's like to barely get by. And she knows how expensive it can be when you need an attorney.

So when she became one, she faced the task of balancing the need to make money with the desire to serve those without the means to afford her. Her solution: offer clients only what they really need—a concept now known as limited scope representation (LSR).

With her experience in the Navy and in the workforce, Woznicki understood the importance of efficiency and quickly implemented the concept of “lean” manufacturing into her practice. Lean manufacturing is essentially a procedure focused on planning ahead, figuring out what works and what doesn't, eliminating waste, and always improving. By doing this, she was better able to pinpoint clients' needs, provide specific services (LSR), and charge clients accordingly.

I recently spoke with Woznicki about how the practice of law has changed, how she has adapted, and what the future holds.

### Tell me about your practice

I decided to become an attorney much later in life. I was in the Navy for 10 years, then worked as a global sourcing manager in healthcare for 20 years. In both of those careers, I was heavily involved in the concept of lean manufacturing and standard

workflow. I went to law school while working full time, still traveling the globe for work (it was a little crazy). I've been married for 34 years and have two daughters and five grandchildren.

In my office, you'll find my daughter Kacie, who is my assistant; a paralegal who is in the Army Reserve; a couple of grandchildren; and a dog or two sometimes. We have a relaxed atmosphere but know how to get the job done.

When I first started my firm as a new attorney, I had no idea how to practice law. So I started researching law trends like crazy and found myself attracted to the concept of unbundled services, LSR, and lean law. I practice family law, estate planning, and small-business startup.

As a new attorney, I struggled with the inefficiency of civil procedure. With my lean manufacturing background, I implemented lean into my practice. Lean is a process where you map out your entire workflow, eliminate waste, and practice continuous improvement through measurement and process control. Eliminating waste increases the value to the client and increases your effective hourly rate.

You must have a lean process to practice LSR.

### Please explain LSR in simple terms

This is when the attorney and the client agree to limit the scope of the attorney's involvement in a case to specific tasks.

I compare it to a menu of services from which the client can order as little or as much as needed based on how comfortable he or she is at doing part of the work.

For example, I can offer to help prepare court documentation or draft complaints, motions, or responses. I also offer the client step-by-step instructions, how-to guides, or in-person coaching on filing and court procedures, and sometimes enter a limited appearance for specific court appearances.

### Why did you feel the need to offer LSR as part of your practice?

I grew up poor and understand the plight of the underserved low- to medium-income family.

When I became a lawyer later in life, I knew I needed to do things differently. I needed to find a way to both make money and serve people who really need legal help. Let's face it, only a small percentage of people can afford the large retainers that most attorneys require—and then there is everybody else.

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—Portage attorney Mechelle Woznicki



Photo by Kyle Fraaza

“Future of Law” is a regular column of the *Michigan Bar Journal*. Articles about lawyers who are innovating the practice of law are written by Lynn Patrick Ingram. To submit a story idea, please contact Lynn at [lingram@michbar.org](mailto:lingram@michbar.org).

**“Lean is a process where you map out your entire workflow, eliminate waste, and practice continuous improvement through measurement and process control.”**

I witness unrepresented litigants in court and watch everyone struggle. The judge is frustrated with the lack of correct procedure. The litigant doesn't understand why the judge is so frustrated. The other litigants waiting for their motion hearings are losing time while the unrepresented process is stalled by inefficiency.

### Has LSR been well received?

Yes! Clients are shocked when they realize they can get an attorney without breaking the bank. Usually by the time they call me, they've been turned down by legal aid, called several other attorneys, and are desperate for help.

I've had more than 130 cases in the last year, all of them at some level of limited scope, flat fee, alternative billing, or other nontraditional lawyer-client relationship.

### How do you explain it to your clients?

Here's my pitch after I hear a little bit about their story:

“Let me tell you a little bit about how I work. I do things differently than most attorneys. There are many ways that I can help you, and how we work together is up to you. I offer limited-scope or full-service representation. What that means is that you can hire me to ‘be your attorney’ throughout your entire divorce (or other action) or I can help you with just the parts that you need.

“For full service, I offer a variety of services to make this affordable for you. I will give you an estimated flat fee for the entire service, take a small down payment, then take an automatic payment every other Friday until the fee is paid in full. Or you can hire me to just do the parts that you need help with. For example, if you want to do the paperwork and just have me go to court with you for just this one hearing, we

can do that. Or you can come in with your paperwork completed and I can coach you through it for my hourly rate. We can list all the tasks required to get the job done, and you and I can collaborate on who will do what and how much that will cost. That way, you save money and get the representation you need.”

### Has it helped your clients? Has it benefitted your practice?

I can help those who otherwise would have been unrepresented. They would otherwise have unnecessarily burdened themselves, the opposing counsel or party, and the court system.

I recently represented a person for one motion hearing on a limited-scope basis. It was a 15-minute motion hearing. My client wanted to fight like crazy for what he thought should happen. If he had gone alone, it would probably have gone to an evidentiary hearing. The opponent was represented, so likely my client would have lost. I was able to negotiate with opposing counsel and get a settlement they could both live with. My representation agreement only covered the one hearing and no others were needed. His fees were low, but my effective hourly rate given the short duration of representation was high. The client was satisfied, the parties don't have to fight anymore, the process was efficient, and I made some money.

I met my financial goals for all of 2018 by September, only five months after beginning my new procedures.

The key really is having a lean practice. If your normal rate is \$250 an hour and you charge a flat fee of \$500 to draft documents, it's almost all profit if you can get your process refined enough to have the documents automated from intake to delivery. Then the coaching can be refined so

that it's consistent from client to client, with predeveloped teaching aids for the client. Less time and more value, freeing you up to do other things.

### Do you think LSR is something attorneys will need to offer as part of their practice? Does this represent a significant shift in the way we practice law?

Yes, I think even large firms should consider offering limited scope. To me, this is a great learning opportunity for a new lawyer coming into practice under the direction of experienced attorneys. A new lawyer would get experience drafting, appearing in court, and legal coaching without the burden of long-term representation.

This is absolutely a shift in the way we serve our clients. With the availability of legal information online, people do their research before they come to meet with me. Sometimes they just need a little coaching to get them to the next step. That doesn't negate the need for representation, it just changes how you offer it.

I think it's important for our profession to recognize that the general population is changing how they look at legal services and lawyers. The old-school thinking may not work with who our clients are going to be over the next 10–20 years. The millennial generation does not determine your value as a service provider by external markers such as high-end suits or big offices; they want high-quality representation at a reasonable price. They also value social awareness and take a global view of all issues, including how we're serving clients. If they believe that we care about people getting justice, they'll be more receptive to what we have to offer.

### What are some of the challenges and pitfalls that attorneys and clients need to be aware of?

The most important thing is to ensure the client understands where representation begins and ends. Your representation agreement must be *very* clear. Then, when representation is over, a letter confirming that is a must. I use the words “I am no longer your attorney.”

It's also important that your limited-scope appearance is clear and that the court understands what you will and won't be doing. That way, if an evidentiary hearing is scheduled and you're only doing the motion hearing, you can get out with a withdrawal notice.

This also presents a new opportunity for a new representation agreement to be created with the client to assist him or her on the evidentiary hearing—either with coaching or through another limited appearance.

**Can you provide an example of a client you've represented in this fashion whom you otherwise may not have represented (because they couldn't afford full representation or because you were unable to offer full representation)?**

There are so many!

I've done divorce documents for a client who had discussed with her spouse that they wanted a "default" divorce. I charged for the document preparation and coaching on the process and legal implications.

I have one low-income client who began paying me \$25 a week in advance of hiring me to come up with the \$750 down payment. I call that legal layaway. He never missed a payment and is still paying me for representation that has been over for some time.

**What advice would you give other attorneys who might be considering LSR? Any advice for clients?**

My advice is the same to both lawyers and clients. Limited scope gives you an opportunity to try it before you buy it. You both get to see if the relationship benefits you. Your exposure is low, and the benefit is high. It allows both the attorney and the client to find a person who aligns with their goals. ■

*Note: This interview has been lightly edited for clarity.*

*Lynn Patrick Ingram, Esq., is publications development manager and legal editor at the State Bar of Michigan.*

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