

Accelerate Your Legal Practice

How Lean Thinking Will Make Your Legal Work More Rewarding for You and Your Client

By Matthew Casby and Zachary Moen

Like professionals in any other industry, many lawyers face daily pressures to reduce costs while still delivering the best possible value to clients. This means that whether working as in-house counsel, in a large firm, or as a solo practitioner, lawyers need to be efficient. Many lawyers have begun using continuous improvement methodologies to analyze and optimize their practices to improve efficiency without sacrificing quality. Specifically, Lean process improvement, with its long and proven track record in many industries, is quickly becoming the performance management methodology of choice for law firms and lawyers.

But what is Lean? Why should you adopt Lean principles for your practice? And how do you do it? Read on to find out.

What is Lean?

Lean's creation is generally attributed to the Toyota Production System developed in Japan.¹ This system is credited for Toyota's rise from a near-bankrupt automaker in the early 1950s to a large multinational corpo-

ration by the 1980s.² At its core, the Lean philosophy is based on elimination of waste and inefficiency through a cycle of continuous process improvement.³ Using this process, organizations can focus on value-added activities, increasing quality while simultaneously reducing costs.

The evolution of Lean: From the manufacturing floor to the boardroom

Although Lean was created to optimize manufacturing processes, the principles have been widely adopted by a variety of non-manufacturing industries. Today, Lean thinking and continuous improvement principles are firmly entrenched in the cultures of many industries, including government, healthcare, education, financial services, and education.⁴ In fact, you're unlikely to find a successful business in any industry that isn't using some systemic approach to efficiency and productivity.

Lean principles and methodology are already prevalent in corporate legal departments and have quickly gained traction in law firms and other legal settings.⁵ This past February, the Michigan Lean Consortium hosted the first workshop of the Lean

in Legal community of practice, bringing together attorneys and legal professionals from private practice, in-house legal departments, government legal departments, and law schools to discuss how Lean principles have been and can be used in the legal field.⁶ The variety of participants at this event demonstrates the rising interest in using Lean to become more efficient, reduce costs, and meet client needs with high-quality legal services.

Why use Lean in Legal?

If you haven't yet begun your Lean in Legal journey, perhaps you have doubts about the benefits to your work. Maybe you feel that your work is fine the way it is, so why change things? Maybe you aren't feeling an urgent demand to reduce costs, or you're not sure if your firm is ready to become Lean. To answer these and other concerns, let's use a Lean tool known as the "five whys."

The five whys tool is a simple but powerful method used to explore the cause-and-effect relationships underlying a problem or issue and determine the root cause. This method was developed at Toyota as a critical component of its Lean problem-solving

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training, as described in Taiichi Ohno's book *Toyota Production System: Beyond Large-Scale Production*.⁷ "By repeating why five times, the nature of the problem as well as its solution becomes clear."⁸

Let's begin asking the five whys we apply to legal services:

- (1) *Why should we use Lean principles in connection with the delivery of legal services?* In a broad sense, Lean can improve the delivery of legal services.
- (2) *Why do we want to improve the delivery of legal services?* Improving the delivery of legal services can reduce costs, improve the quality of services to our clients, and increase our efficiency.
- (3) *Why do we want to do those things?* By reducing costs and improving efficiency, we can increase profits and do more with less.
- (4) *But is that really why?* Certainly, increased profits and lowered costs are important, but are they *really* why we should implement Lean in Legal? Is it all just about numbers? While the numbers are nice, the real reasons to implement Lean in Legal are the human results: happier clients, which leads to increased client loyalty and satisfaction; and happier members of the legal profession, which increases career satisfaction, provides a sense of ownership and accountability, and improves morale.
- (5) *Why does that matter?* It matters because, despite the process and technology available, the legal field is still fundamentally about people—solving their problems, making their lives easier, expanding their careers, helping them grow and protect their businesses, etc. Lean should be seen as another tool available to help you achieve your ultimate goal of helping people.

Starting your Lean journey

Now that you've learned more about the benefits of adopting Lean principles in your legal work, you're likely wondering how to begin. Becoming Lean or incorporating Lean principles into your practice is not nec-

essarily a short-term solution or quick fix. Practicing Lean is a way of thinking—it's about embracing continuous improvement. Having said that, beginning your Lean journey doesn't need to be overwhelming, and the best way to start is to take the first step.

As previously discussed, maximizing value to your clients and eliminating waste are fundamental Lean concepts. Therefore, the first steps are identifying your client for a particular task or service line and defining the value you provide from the client's perspective (you might consider getting his or her feedback.) Once you've identified the value that you provide to your client for that task or service, try to map the process by writing down each step involved in performing or providing that task or service. Be sure to include even the small steps, such as intake of and setting up the file, formatting the document, saving copies to the file, and tasks performed by paralegals or other staff.

After defining the value that you provide and mapping your current process, you can then determine which steps further that value and which don't (and thus are considered non-value-added or waste). For each step that you identify as waste, think about why you do it and whether it can be eliminated; you can use the five whys to aid your thinking. Even if a step can't be eliminated, think about whether it can be performed more efficiently by technology or by a different person. If you determine that it can be eliminated or performed more efficiently, you've achieved your first win using Lean and can move on to your next item of waste.

Conclusion

Remember that the final "why" from our root-cause analysis above was about happy clients and happy people in the legal field. By taking the simple steps outlined above, you've begun a journey of continuous improvement in which you're constantly adjusting your processes to improve efficiency. This will allow you to produce high-quality legal work in less time and at less cost, which will make your work more enjoyable and delight your clients—the ultimate benefit to adopting Lean principles. ■



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ENDNOTES

1. For a general overview, see Womack, *Lean Thinking: Banish Waste and Create Wealth in Your Corporation* (New York: Simon & Schuster, 1996) and *A Brief History of Lean*, Lean Enterprise Institute <<https://www.lean.org/whatslean/history.cfm>> [<https://perma.cc/NG4ZR4NB>]. All websites cited in this article were accessed April 11, 2020.
2. *Lean Thinking*.
3. *Id.*
4. Elias, *Four Sectors that have Benefited from Lean Thinking*, LCS (August 27, 2016) <<https://www.leancompetency.org/lcs-articles/four-sectors-benefited-lean-thinking/>> [<https://perma.cc/35HY-RTTK>] and Elias, *Why Lean Thinking is Valuable to the Service Industry*, LCS (August 22, 2016) <<https://www.leancompetency.org/lcs-articles/lean-thinking-valuable-service-industry/>> [<https://perma.cc/LB95-2UF7>].
5. Damon, *Applying Lean Six Sigma Methods to Litigation Practice*, Practical L the J (December 2013/January 2014), p. 30, available at <http://info.legalsolutions.thomsonreuters.com/pdf/LIT_Dec_Jan2014_LeanSixSigma.pdf> [<https://perma.cc/FWE5-STQA>] and *Lawyers jump into process improvement*, PEX Network <<https://www.processexcellencenetwork.com/lean-six-sigma-business-performance/articles/lawyers-jump-into-process-improvement>> [<https://perma.cc/CD6N-R2NG>].
6. "Lean In Legal" workshop presented by The Michigan Lean Consortium on February 7, 2020, in Troy, MI <<https://www.eventsquid.com/event.cfm?id=8451>> [<https://perma.cc/R85P-SLXC>].
7. Ohno, *Toyota Production System: Beyond Large-Scale Production* (Cambridge: Productivity Press, 1988).
8. *Id.* at 123.