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PROCESS AND PROFITABILITY OCTOBER 2013

Remaking the legal business

Process-led working, mobility, centralisation, outsourcing, new working methods, specialist units and more – how legal is being reconstructed, right now

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Interview **Richard Jones**

The man who's reformatting Wragge & Co for a more mobile, more agile future

Feature **Goodbye to all that...**

How legal operational leaders are deconstructing firms as they head into more process-led future

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In this issue, we take up the baton from last month's special on pricing and profitability and move on to process – how legal businesses can change the

way they work, from workflows to where they work, anywhere in the world.

We chat with **Richard Jones, Wragge & Co**'s director in charge of reformatting the business (not his real title), about changing the way people work and moving to an office with fewer desks than there are people...

Our feature examines how firms are changing their ways and joining up their businesses – we speak to leaders in Addleshaw Goddard, BLP, Dundas & Wilson, Irwin Mitchell and Riverview Law.

We also have wide-ranging and useful insight from the supplier community this month. See overleaf for who's in this issue, but we kick off with an interview with one of the leaders of **Thomson Reuters' eBillingHub** business, Carlos Seoane, who gives a blunt assessment of how much many firms are probably losing through leaving billing to manual processes.

As always, feel free to email me with your thoughts on Briefing, good or bad, at rupertw@lsn.co.uk.

Rupert White, editor of Briefing

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Interview: Richard Jones, Wragge & Co



We talk to Richard Jones, the director responsible for reformatting Wragge & Co, about the seismic shifts of going paperless, being mobile, outsourcing, centralisation and adopting project-led working. And steal your desks...

jump to article

page 06

Feature: **Goodbye to all that...**



How operational leaders are deconstructing and, in some cases, throwing out traditional models as they head into a more corporate future. Clients are demanding improved process – and firms are responding, driven by BPM's quiet revolution

jump to article

page 14

page 23

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jump to article



Industry analysis index

Briefing Issue Sponsor Interview:

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Briefing speaks to **Carlos Seoane of Thomson Reuters' eBillingHub**, about why billing automation and e-billing can affect every part of a firm's delivery – and its bottom line

page 26

This month's interview with **Richard Jones at Wragge & Co** was transcribed by:



Interview: Are you available?

Niall Anderson at G3 Comms talks about taking legal into amore collaborative world with solid communicationpage 28

Interview: In search of improvement

Driving up compliance and profitability can push a firm forward, explains **Jitendra Valera of Advanced Legal Software** page 30

Case Study: Getting more done

Crawford Hawley-Groat at Maclay Murray & Spens talks progress through Thomson Reuters FloSuite Legal page 32

Case Study: Taking over the world – from Leeds

How **DLA Piper** has saved cost and boosted efficiency using **BigHand** for process and workflow

page 34

page 42

Analysis: Getting an edge

Nick Hull at Phoenix on why BPM doesn't just stop atimplementation – training and user adoption are keypage 36

Analysis: Going digital, safely

Document security and client confidentiality are challenges law firms must face, says **Amanda Recknell at Canon** page 38

Analysis: Keep calm and press record

Maxine Park of DictateNow outlines the benefits of recording and transcribing all formal in-house interactions page 40

Analysis: Projecting power

LPM isn't magic, it's simply core to efficiency, says **Nigel Williams of LexisNexis Enterprise Solutions**

Analysis: Bring in the professionals

Law firms need to learn from other professions, says **Chris Duddridge at Deltek** page 44

Analysis: Capture the content, enable the process

Colin Miller at ABBYY on how making the most of existing technology is as crucial as on-boarding new offerings page 46

Analysis: Outcomes-focused business intake

How a firm takes on new business and handles information are the most crucial of processes, says **Sam Suri of IntApp** page 48

Analysis: Make people your priority

Humans vs machines – Martyn Best of Document Direct on the need to humanise BPM in the real world page 50

Opinion: Clients should drive all firms' BPM efforts

Osman Ismail of DPS Software says the secret of good business process management is client focus page 52

Opinion: Workflows should work for people Pauline Freegard at Ochresoft presents another view of workflow – one that lies outside your firm

page 53

The Briefing Interview

Re-engineering tomorrow's firm

Rupert White talks to Richard Jones, the director responsible for reformatting Wragge & Co, about the seismic shifts of going paperless, being mobile, outsourcing, centralisation and adopting project-led working. Photography: Jonathan Goldberg



Wragge & Co's Richard Jones wants to take your desk away. In return, he wants to give you peace of mind – and better profitability. Is he mad? Or is he one of a small but growing number of people who think law firms should be very, very different beasts?

Jones is a lawyer who crossed over into directorship and management eight years ago. His big idea for Wragges is Darwin, a business modernisation programme that might turn Wragges on its head.

"The recession was a bit of a catalyst, but it would have happened anyway. We were reaching a point when we realised that to appeal to what our clients need from us, to get our infrastructure where it needs to be for the next five, 10, 20 years, and to respond to the way our people want to work, there was a whole load of change we were going to have to get our heads round. There was lots of good work going on across the firm in pockets within support and the legal groups, but we didn't have anything that brought that together coherently, with acceleration and focus and central resource and, frankly, a bit of investment." Jones, a self-confessed 'minister-withoutportfolio' at Wragges, got himself volunteered to get this done. "Darwin was a badge for all that work, because it was going to be about adaptation, change, but not getting rid of the essence of what we thought Wragge & Co is about and what we think is valuable to our clients."

The Darwin project comes down to three key areas: completely reviewing procurement; re-engineering areas of the firm from support's resources to paper use, from increasing mobility and hot-desking to digitising billing and finance processes; and a mix of project management and process-mapping work to drive up automation and workflows in the firm.

Wragges brought in KPMG for a procurement review of all the firm's suppliers – it was "what our clients were doing in the market" so it made sense to do the same. The second act was far broader – "focused principally on support structures, support resource and the way in which we might innovate and change those for the longer term". This involved bringing in a 'managed services' company and relocating the firm's Birmingham

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operations into one building in the Snow Hill area of Birmingham in May 2014.

Moving 800 people to new offices isn't innovative in itself – but Jones says the firm wanted a blank piece of paper for the fit-out and how the firm would operate and the working practices it would have – including paperless working, mobility strategy, a technology upgrade and how the firm links with its global offices.

Oh, and there will be fewer desks in the new office than there are people working there. Wragges, it seems, is learning much more from the world of KPMG et al than just procurement – it's beginning to look like a client-site-based, highly mobile consultancy.

This is all hooked into seeing things in a 'next generation' way, says Jones. A phrase originally used by the firm's IT people to describe where they wanted to go with technology, Jones now uses it to describe not only how the firm is going to change the way the support or business services functions work in Wragges but also how it deals with a younger staff layer.

The IT side of this is called 'Next Generation Desktop' in the firm – and it boils down to speed and mobility, in a big way. It's "probably the biggest IT upgrade in 20 years for our business", says Jones. Part of the problem is that people now have fabulous IT at home, or in their palms – but at work, if they're in a law firm, it's a world apart. "Anything that's clunky or difficult to use we will get grief about in the business, so in part it's to respond to that – but also it's to enable us to do more radical things."

Despite fears that the technology available to the firm wasn't ready for a move into mobility and desk sharing, Jones said he and others in the firm determined that somehow, it had to be done. "It's a 20-year play," he says, so they had to start somewhere. The Next Generation Desktop project includes laptops for anybody that wants them, dual screens "so people don't need to print", plus piloting 'pull-printing' and using desktop-to-desktop video conferencing. The firm's new Snow Hill offices will have a "huge amount more video conferencing" between UK and international offices out on the floors, rather than in dedicated rooms, he says. "It's all designed to enable a potentially much bigger shift in the business: do we all need a desk?"

This is, to put it mildly, a Big Deal in a traditional world like law. But it's hardly new – looking to the accountants firms and some of the big corporates, he says, "they're working their real estate a lot harder than the law firms typically are". So why not law?

"We do feel the value in having a place where our best people gather each day to deliver great service. But on the other hand, what we're trying to do is be more progressive than any other top 25 UK law firm in the use of space and efficiency of the space. I think mobility is going to be key to that."

This looks like a move towards a more management consulting/accountancy model, and nothing could be more indicative that times are changing in legal. Firms are going virtual, getting more connected, and are joining processes and people across cities, countries and continents.

"In one sense, the leap isn't as big as you perhaps might think it is. The ability of our teams to work virtually has already come on leaps and bounds. We've got a big Birmingham office, a big London office, a Paris office, a China office and we run transactions across all of them. The only way you can do that is by effective virtual working, and technology has made that a whole lot easier in the last five years.

"The bigger challenge is the 'my desk is my

home and my castle' mentality. That's definitely where the accountants have pushed things on quite radically." You can't compare them directly, he says, but he and others have tracked desk usage in Birmingham and London over two months – and found a startling result. "We now know that they're only used two-thirds

of the time. From a pure utilisation perspective, that's a lot of expensive real estate and potential. I don't think we're going to go slashing our desks by a third – but it starts the debate."

Once Jones found some partner champions for the idea (surprising in itself), "all of a sudden it starts to become very practically possible for people".

"We could probably save 10,000 square feet if we're really smart about technology and mobility. What this asks in the longer term, though, is that over the next five, 10 years, can we grow our business while either keeping the same space or reducing the space? I think that is becoming a realistic possibility."

But all this virtual working and operating a more distributed firm (think about how Accenture or PwC work to see the end-point of that road in professional services) requires much more serious attention to consistency and better quality of process across a multiplicity of devices and places.

"Managing virtual teams needs to be underpinned by strong project management, but if you look at the reality we're halfway there." Wragges isn't abandoning the idea that people need to be together physically, says Jones, and points to Yahoo's recent move to force people back onto premises as an example of why that can be important. "What we're into is redefining why people are together physically. There are some good reasons why they are, and we want to hold onto those. We



"The bigger challenge is the 'my desk is my home and my castle' mentality. That's definitely where the accountants have pushed things on radically."

Richard Jones, Wragge & Co

place a real premium on our ability to work well as a team, and being together physically has a value – but that doesn't mean we should have a third of our desks sat idle."

A very new way forward lies ahead. Part of the new way forward is (whisper it) breaking law firms' addiction to paper. Jones even

dubbed the project to slash the amount of paper used in the firm 'Rehab'. As part of the Rehab idea, Jones helped set out a "very clear firm-wide standard of 100% e-filing in our document management system", which of course also has massive benefits in availability wherever, whenever – and in security and compliance. The goal is to go far more digital by the time the move to Snow Hill is made.

One driver for all this change is the new generation of Wragge staffers coming through the ranks. Gen Y and beyond are now filtering through our law firms, and they want very different things to their predecessors – and they want to work in different ways, for different outcomes.

They still have to play by the core rules, says Jones, but the firm must also be open to change. "We are a law firm. We've got certain client expectations and sometimes that means that [Gen Y staff] need to adopt the same practice that partners of 20 years did. But, equally, if we're clinging to what a partner of 20 years feels is the best way to work, we could have absolutely no quality trainees or qualifieds coming through."

Gen Y'ers want greater flexibility and worklife balance, says Jones – and for a law firm, that's always a challenge. Jones says he thinks Wragges does better than most on that front – "we have about a third of our workforce on part-time or flexible working". The youngsters also want an IT experience that's as good as their iPhone, he says, "and law firms aren't necessarily equipped to deliver that overnight". "They're also hungry for opportunity, and that's taken a bit of a hit in recession – but they'll need to see prospects, they're very collaborative, and they want to be involved, have a voice and be influential." That's a lot of difference from the law firm of yesteryear.

A key technology that's getting huge early traction in firms right now is desktop-to-

"Email is fantastic but it has its limitations, and sometimes you just need to see people."

Richard Jones, Wragge & Co

desktop video comms. Many firms now have pilots of this, and it's a technology that's streamlining communications inside many businesses outside legal already. Management consulting now loves this tech – and the Gen Y people in firms assume it should happen, because they use it all the time at home.

Clients aren't crying out for more video comms yet, says Jones, but "in terms of interoffice communication, it's becoming massive".

"It's a huge part of the way we work, both in the UK and internationally. Email is fantastic but it has its limitations, and sometimes you

just need to see people." The use of video has progressed at Wragges from team meetings and for linking the London and Birmingham office, says Jones, and the "natural next progression is that they can do that from the desktop to their colleague in Paris or in Munich. It's a more effective, often quicker way to get things sorted". essentially a package of administrative support and the practical day-to-day project management of trial bundles and so on; and increasing the firm's central compliance function, with new roles to handle client ID processes and conflict checking. This will streamline a very time-consuming and



"There will be fewer PAs in the future than there were PAs and secretaries combined previously."

Richard Jones, Wragge & Co

fragmented process in the eyes of clients, says Jones.

Part of the reformatting lies in creating "a PA role which is very focused on partner and fee earner support", says Jones. "There will be fewer PAs in the future than there were PAs and secretaries combined previously." Jones

A major part of Jones's reformatting of Wragge & Co lies in project management, centralising services and changing the nature of the key 'support' roles in the firm, in large part through a deal with outsourcers Intelligent Office.

The firm is creating practice management assistant roles to help with finance processes, under the commercial directors in each group, and the real estate group at Wragges is piloting project administrator roles. These are "much lower-level than a partner, but much more effective than partners in tracking the progress against what the client asks us to do, the price we've agreed, the estimate we've given to them". This way of working will likely be rolled out firm-wide, says Jones.

"We'll also create a document production centre that will handle all of the firm-wide documents [such as PowerPoints, Excel documents] and it will be responsible for house style, consistency and quality. It will be responsible for all formatting and reformatting work, taking documents from other firms that we have received and working on those, everything."

Other innovations? A 'concierge service',

is careful to point out that the firm didn't go looking for a cost-cutting exercise. He wanted to radically alter a traditional secretarial role with all sorts of other support.

"We wanted to start from the perspective of what legal support we need in place, how much time does it take, and what type of resource and what level of resource is best placed to deliver it?

"It was pretty clear that fee earners and partners were spending too much time either navigating a quite traditional and fragmented legal support structure and processes, when what we could do is give them a set of services that were quite clear on what they delivered, easy and fast to access that would enable them to deliver a more responsive service to clients. And, yes, behind the scenes we would be streamlining the resource structure to the right levels of seniority, the right levels of cost – but as a long-term play, rather than a cost reduction drive. We're not anticipating any big savings in year one of our project."

All this change is something it seems Jones and (one hopes) the rest of the firm see as vital changes to prepare Wragges for a more costconscious, tough-growth future.

Following in other businesses' footsteps, he sees a future of "project management and resource management and lean [methodology] and process". But far from being irretrievably backwards, legal can be ready for this world, he says. "There is a foundation for it, because we've always had some degree of matter management, we track every unit of our time, we've had visibility of what people are adding to the clock – so it's not the Wild West. In support, we've had elements of project management for a long time.

"What has changed is that client expectation and rigour has become much more focused and demanding for every firm, the pressure to win work and be competitive on pricing has become more critical, and firms need to be competitive in their profitability – and this stuff really matters to our profitability."

The key to making this kind of change happen in a firm (so far), he says, is identifying that much of a law firm's work can be componentised – decomposed is Susskind's ungainly phrase for it – and showing how project management and process-led thinking can really help fee earners deliver more value for less.

"That's critical to client satisfaction, to meeting our price commitment and being profitable. But the way you might put it to a jobbing lawyer is: isn't it awful when you wake up on a Monday morning and you remember that file where you're over budget, and you still haven't spoken to the client, and you know you've got a whole load more work to put on that file this week... and it's just getting worse and you haven't mentioned it yet to the partner, but you know at some point that's building and you need to just have that conversation.

"They think: 'Actually, that's me'. I can remember that file on my desk right now. Project management comes alive at that point. The trick is going to be getting the conversation going in a way that doesn't turn people off – because they don't wake up screaming 'Give me project management!' But they do wake up thinking 'I wish I had a better life and my clients were happier and I was being more profitable and recognised for that."

"It delivers for the client, it delivers for the firm but also critically it delivers for the individual. That's what we're working really hard to put into the context, so they'll not just accept it, they'll positively embrace it."

Wragge & Co moves to Snow Hill, and a brave new world, in early 2014. Watch that desk-sharing, mobile-working, project-led space. ●



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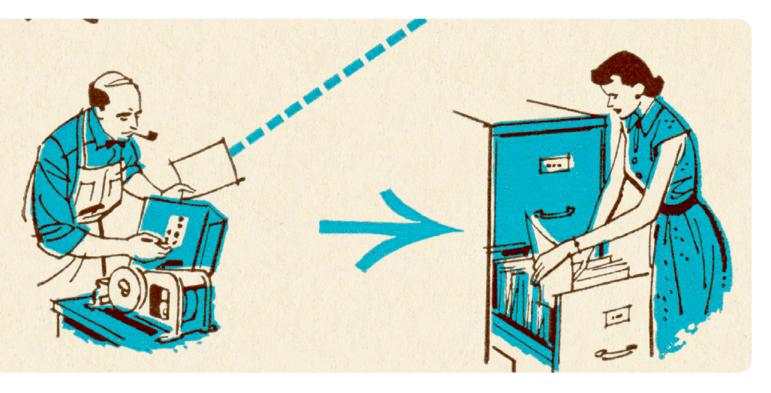
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Nicola Laver finds out how operational leaders are deconstructing and, in some cases, throwing out the traditional business model as they head into a more corporate future. Clients are demanding improved process and now firms are responding. How much of that is being driven by BPM's quiet revolution, and will people accept it?

Shhh... can you hear the change in your firm?





How can law firms change the ways they work to be really, really efficient? This isn't about slashing costs by trimming fat and shedding staff you don't need – this is about re-engineering the law firm, and creating legal businesses.

The traditional business model simply isn't fit for purpose, say some. Over the next few pages, we're going to peer into the future to find out what some firms are doing to remake the legal business in a new image.

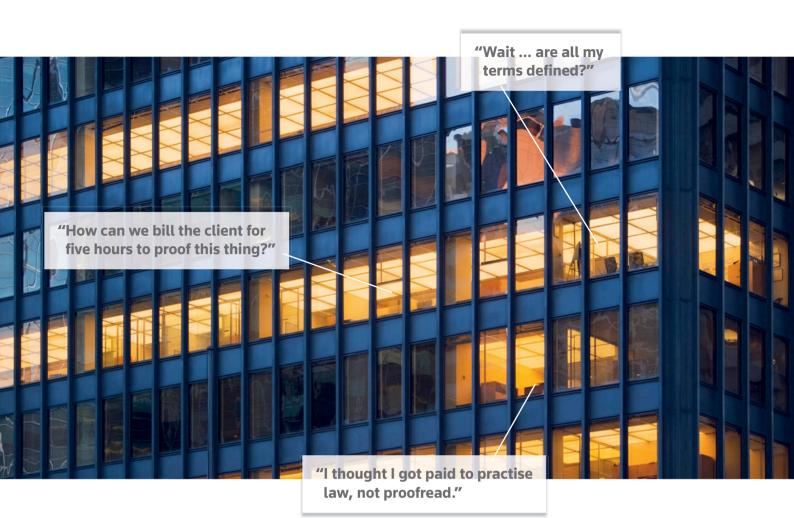
"Firms have seen margins eroded dramatically and profits declining, so they know something has to be done," says John Craske, head of business IT at Dundas & Wilson. Reduced budgets combined with the increasing demand for legal services and higher customer expectations create pressure. Craske suggests firms are now picking up on two areas: alternative resourcing, and instilling some project management skills and process improvement skills in their lawyers.

At Irwin Mitchell, 'process thinking' has been at the forefront of its way of working for many years, says the firm's associate director, Hugh Darby. He says automation may be the only way to deliver some legal services in a commercially viable manner. "Each area of business and each client may be different, so a considered assessment of service delivery is needed to understand what service elements need to be delivered, by what mechanisms and in what form.

"In some areas, standardisation and systemisation is an obvious objective, and easier to achieve and align with client requirements. In other lines of business, automation is more difficult and perhaps not cost-effective to attempt to any significant degree. There will invariably be, however, some routine elements of any legal process that are more susceptible to standardisation and systematisation, and which don't need to be performed by lawyers, but can be performed by paralegals, administrators, IT systems – or even by the client in a self-service model."

Processes and automation

So how is process mapping and automation – already embraced elsewhere in the corporate



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Andrew Loach, COO of the Transaction Services Team (TST) at Addleshaw Goddard, is leading the firm's process-mapping initiative. As he explains, it's essential to identify what work should be done at what level first.

"The idea of breaking down the process is that you can be very clear about what resources should do what piece of work at what time. To do that, you need to get partners, associates, managers, and legal directors in the room – and they've got to agree on a consistent way of doing it.

"Then you map out what would be the ideal way of doing things in a way that's efficient, and you're clear about who should be doing the work at each stage." The firm has already mapped all of the firm's 50+ core processes, says Loach, adding: "We now know what resources we need, and can plan properly to hire the right people at the right level." That's resource planning – something law firms are very new to.

Craske describes the challenge of process mapping and automation as "getting the business to articulate and agree on what the process is and should be". If automating is the easy bit, the difficult bit "is getting people to accept that it's a good idea to explode a stream of work (or 'process') that has often been done that way for a long time, identify the improvement opportunities, and then Elsewhere, new(ish) firm Riverview Law rapidly achieved results after establishing itself in 2011 on a business model founded on process mapping and automation – a key part of its repertoire.

Jeremy Hopkins, director of operations at



"We now know what resources we need, and can plan properly to hire the right people at the right level."

> Andrew Loach, COO of the Transaction Services Team, Addleshaw Goddard

Riverview, says this success is a result of careful planning. "We extensively researched what the market needs, what we needed to deliver and how, and worked from this as a starting point to come up with a model to achieve it." The result is that "clients get results in line with their requirements, both in terms of process

and outcome".

That's a win-win – Riverview picked up its first FTSE 100 contract within around six weeks of starting, and now boasts many more.

Show me the (process-oriented) money

Craske says the financial and efficiency savings can be huge, depending on how radical firms want or need to be. "A well-designed process with the right resource doing the right steps can deliver jobs much more effectively and quality that's at least as good."

Darby has no doubt about the significant benefits to be gained from process standardisation and systematisation, providing it's applied appropriately and in due consideration of the costs and benefits.

"There's no value in attempting to automate service elements that rely heavily on deep legal knowledge, expertise and professional judgment.

"Systematisation should be seen as a way to free lawyers up to do more of the interesting part of their job – 'the law' they trained to do. Some may resist this change because it removes an 'easy' part of their work but, with clients less accepting of the need to pay hourly rates to produce 'boilerplate' documents, lawyers who don't automate face increasing competitive pressure on their costs."

"The biggest benefit," says Hopkins at Riverview Law, "is that it generates a dialogue with a customer at the outset as to how you deal with their matter. At the corporate end, in-house legal teams have become very sophisticated and they know what they want – people who take the time and effort to work on processes and to use the right resources to meet objectives and to meet budget."

Berwin Leighton Paisner (BLP) is another firm that's incorporated a process approach to its legal work where the business needs require it. Lucy Dillon, director of knowledge management at BLP, says the benefits are immediately visible.

"There's no value in attempting to automate service elements that rely heavily on deep legal knowledge, expertise and professional judgment."

Hugh Darby, associate director, Irwin Mitchell

"By breaking down transactions into their component parts they are easier to automate, which improves speed and consistency of delivery and enables more junior staff to deliver on more complex tasks. The reduced cost and increased efficiency benefit clients."

Efficiency is the major drive for Loach at Addleshaws. "We just want to become efficient at what we do and how we do it. The real reason for this efficiency is important – it's about the client. The value to the firm is we do things in a consistent way."

Does BPM necessitate outsourcing?

While Craske says outsourcing is not critical, Darby says it's an approach that should be considered, along with alternatives such as off-shoring and north-shoring.

"Firms considering outsourcing need to do so with their eyes open. They need to understand what it is they're outsourcing and why. The worst scenario is to outsource a process that's poorly understood or 'broken' – this will only ever lead to a more broken process which will, overall, become more costly to operate."

And Loach says the work that is now being done by Addleshaws' TST was once done by fee earners, and could be outsourced, "but clients like the fact that we are delivering it both more efficiently and with Addleshaw Goddard quality standards".

"Our approach is also freeing up associates to do work that they couldn't get do – often more challenging and interesting work. We are finding that they are in a position to spend more time with clients and develop skills because their in-tray isn't full of the routine work the TST is now doing."

Over at Riverview, Hopkins says its 'legal advisory outsourcing' offering is one that the market wants and is "a key part of our strategy".

"It enables in-house legal teams to outsource large parts of their workload for a fixed fee over a number of years. Process mapping for this is vital to ensure that we and the customer are clearly agreed as to the right process, thus enabling them to have genuine benefits of outsourcing. They can 'let go' of the work knowing that it's being managed effectively and in the agreed way." BLP and others are also embarking on such ventures.

Managing change within the organisation

Managing internal evolution and changes to a firm's business model is not going to be easy.

Craske says change is hard and takes time, and for that reason, he says, a key part of Dundas & Wilson's legal project management development programme focuses on leading

"Project management helps improve things, speed things up, and improve the client experience – and it gives examples of how it will help."

Andrew Loach, COO of the Transaction Services Team, Addleshaw Goddard

business change as well as how to manage projects/matters more efficiently and profitably.

Loach at Addleshaws says he has experts whose role it is to explain what project management is and how it works and provide examples of how it works. "This helps improve things, speeds things up, and improve the client experience – and it gives examples of how it will help. Some partners say: 'This is amazing and I wish I'd known about this years ago because I'd have done things fundamentally differently."

But managing change requires teamwork across the organisation, headed by



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strong senior management. Craske says: "[Change] requires people who have a deep understanding of the operation of the business, but also the ability to speak to the lawyers, the techies, the Board. Then you need the technical (lawyers) experts for the area you are looking at, some development professionals to help educate, and IT people to help with business analysis and provide solutions as necessary. You may also need, for example, BD people to help advise on pricing and HR on resourcing."

John Lucy, HR director at BLP, says: "We work closely with our peers in the other support departments to help deliver the desired solutions in an efficient and effective manner. The business services directors meet weekly to discuss priorities and where we need support from each other, and HR attend all practice group meetings to ensure we are in tune with the needs of our internal clients."

Loach, who was previously senior management in BLP's Managed Legal Services business, says there's recognition among partners that clients want things done differently. "The skill is to get the really experienced individuals who know how to tease the best from what they can bring to get the best possible end out of partners, people in business development and technology (which is an important part of it)."

Now show me the future...

Addleshaw Goddard is expecting to deliver at least 10% of its work through the TST by 2015 – and Loach is already seeing success. "When we've used process mapping and project management with clients and we've been transparent with them and explained how and why we've done it... [they] recognise the value it brings. We are now starting to see more work because we can show a process map showing where a partner, associate, or paralegal gets involved. When you package all

"All firms should be looking into improving their processes. Clients are demanding it."

Lucy Dillon, director of knowledge management, Berwin Leighton Paisner

that together and show what the price comes to, clients know they are getting value because we can show them how we're going to do it."

As to why firms are still behind in automating processes, Loach says it's partly the fear of the unknown. "If there are firms out there ignoring what's going on, they won't be out there much longer. Partners will leave and they will split up."

A move to a flexible and client-focused legal service is inevitable if firms are serious about their survival. As Lucy Dillon puts it: "All firms should be looking into improving their processes. Clients are demanding it." •

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INDUSTRY ANALYSIS INDEX

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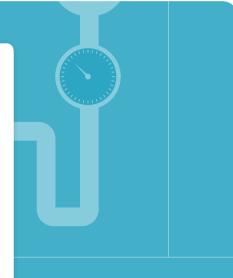
Become a process guru

Briefing Industry Interview

How billing can reshape your firm



Briefing speaks to **Carlos Seoane of eBillingHub**, part of **Thomson Reuters**, about why billing automation and e-billing can affect every part of how a firm delivers work – and its bottom line – if it's considered in a more systematic way



page 26

Interview: Are you available?



Niall Anderson at G3 Communications on improving collaborative effort through better communications

page 29

Case Study: Getting more done



Crawford Hawley-Groat at Maclay Murray & Spens talks about pushing the business ahead with Thomson Reuters FloSuite Legal page 33

Interview: In search of improvement



Jitendra Valera of Advanced Legal Software on driving up compliance and profitability with attention to process and continuous improvement page 31

Analysis: Taking over the world – from Leeds



How **DLA Piper** has saved cost and boosted efficiency by centralising document services in Leeds using **BigHand** for process and workflow **page 35**

and

INDUSTRY ANALYSIS INDEX CONT.

$\bullet \bullet \bullet \bullet$

Analysis: Getting an edge



A fully formed BPM doesn't end at implementation, it needs training and user adoption, says **Nick Hull of Phoenix**

page 37

Analysis: Capture content, enable process



Making the most of your existing technology is just as crucial as on-boarding new offerings, says **Colin Miller of ABBYY**

page 47

Analysis: Going digital, safely



Document security and client confidentiality are major challenges, but ones that law firms must face, says **Amanda Recknell of Canon**

page 39

Analysis: Outcomes-focused business intake



How firms take on new business and handle information around it is the most important of processes, says **Sam Suri at IntApp**

page 49

Analysis: Keep calm and press record



Maxine Park of DictateNow outlines the benefits of recording and transcribing all formal in-house interactions

page 41

.....

Analysis: Projecting power



Legal process management isn't magic, it's simply core to efficiency and profitability, says **Nigel Williams, at LexisNexis Enterprise Solutions** page 43

....

Analysis: Bring in the professionals



Firms need to learn lessons in business process from other professional services – and innovate themselves, says **Chris Duddridge of Deltek** page 45

Analysis: Make people your priority



Humans vs machines – **Martyn Best of Document Direct**, gives his thoughts on understanding the need for BPM

page 51

Opinion: BPM and the client experience



Osman Ismail of DPS Software says the secret of good business process management is client focus

page 53

Opinion: Workflows should work for you



Pauline Freegard at Ochresoft presents another view of workflow – one that lies outside your firm

page 54

Briefing Industry Interview

How billing can reshape your aw firm

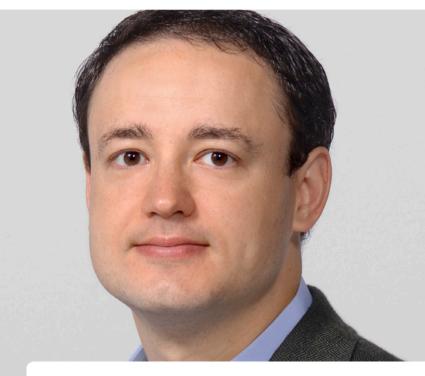
Briefing speaks to Carlos Seoane of eBillingHub, part of Thomson Reuters, about why billing automation and e-billing can influence every part of how a firm delivers work – and its bottom line – if it's considered in a more systematic way Finance is the biggest area of business services in any law firm – and it's an area in legal business that can benefit the most from being optimised, says Carlos Seoane, operations director and general manager at eBillingHub.

"There's a striking difference before and after when we work with firms optimising e-billing – not just because we've got a good product but also from a process standpoint, firms right now are doing things in an incredibly manual way, even large ones. I've seen firms with 60 people in the billing department that are still submitting and tracking submissions manually."

This is a major drain for firms and, worse, it also means they often fare poorly at knowing how many get paid on time, how many get rejected and why, how many get reduced and how many get stuck. "That needs to be streamlined," says Seoane. "It might be with people or with some form of product or it may be through an in-house solution – if you had the money to develop it. But it's shocking how little control some firms have over their electronic billing processes."

E-billing is on the rise in the UK, and for US firms it's already well adopted. The same goes for international clients, which, says Seone, will inevitably drive law firms to adopt e-billing – clients will make it happen.

E-billing is a finicky business. Clients have unique billing information requirements and law firms also need to watch what they put on their bills, and many things will get bills rejected. Rejected bills means late or reduced payments, which expands WIP-to-cash timings hugely. Putting in a system that can work



"I've seen firms with 60 people in the billing department that are still submitting and tracking submissions manually."

> Carlos Seoane, operations director and general manager, Thomson Reuters eBillingHub

out whether bills are 'right' according to the hundreds or thousands of clients you have, such eBillingHub, and can process them to any client can cut the number of days to payment by between one and two weeks, says Seoane.

"Electronic billing is something mandated by an increasing number of clients, and firms have very little option when a client decides

that they are going to move to e-billing. The problem for law firms is that, after that, you can automate a lot of bill assessment because every line item in an electronic bill is coded – so, if a client decides they are going to pay only 21p per photocopy, you don't need anybody with a red pen going through it because it's expense coded.

"But this is a negative for law firms, because if you take a firm's existing processes and move over to e-billing they will see rejections go up, because clients will catch things that they didn't catch before, and because a misplaced comma can get a bill rejected. Errors that humans would let through will get a bill for millions rejected."

For law firms, this means that moving to e-billing actually slows down payment, says Seoane. They then really need a way to streamline and automatically assess bills to ensure they meet with clients' criteria to chop down rejection rates – otherwise e-billing becomes a cost rather than a benefit.

Rejection rates in e-billing are high – somewhere around 18%, says Seone, which, if you're thinking cash flow, "is a big pot of money not getting paid".

Streamlining e-bills and ensuring that you're billing for the right things – and not for things you know the client won't accept, be that photocopying or junior lawyers – should form part of overall process mapping and streamlining in a firm, says Seoane, and it can help understand where things are going wrong.

"One of our top rejection reasons is semi-colons in the notes field. And it's a silly thing, but some lawyers by default use semi colons when they explain a bill. You've got to train people out of practices – that's one of the biggest low-hanging fruit for improving business decisions and lowering days to pay."

And working out how bills go wrong can change everything upstream about how fee earners work in case and matter management

"You've got to train people out of practices – that's one of the biggest low-hanging fruit for improving business decisions."

which streamlines the whole legal business, says Seoane.

So, billing can change everything in a firm, rather than being that thing that just happens at the end when you want to get paid. Examining and streamlining billing can enforce compliance and change for the better the way a firm works.

"Firms need to look at this as a whole system, from end to end," says Seoane. "It's all one system, and whatever you touch at one end is going to affect the other. Trying to understand better billing will make a firm more efficient and more profitable."

Learn about better billing from **eBillingHub** www.ebillinghub.com



Briefing Industry Interview Are you available

Improving the collaborative effort through better communications is the future for law firms. Niall Anderson at G3 Communications talks to Briefing about taking legal into a more communicative world

The future of the partner-client relationship will be far better connected than it has ever been, says Niall Anderson of G3 Communications. He should know – G3 is an expert in IT networks and unified communications. The technology that law firms can use to bind their teams and clients better together is hardly ground-breaking – but it's only just started to reshape the way the legal sector works.

"I walk round lawyers' buildings and the meeting rooms don't have conferencing systems, or they're collecting dust, because they don't do it. But the industry has woken up, and that's driven by clients and demand by Generation Y workers in the firms, as well as keen partners and fee earners," he says. Working in a more team-oriented and mobile way gives legal business people a more productive working life and delivers more capability when they're with clients, he says, and it's a reflection of the way firms will work in the future.

"Law firms are moving away from being practice-oriented and towards a more teamoriented way of working, and the way they work is changing, with more lawyers working on-site more often. Teams can take over work from in-house counsel and augment a company's legal skill, for example."

Generation Y, far from being the bane of HR, bosses and parents worldwide, is helping law firms to become more connected and collaborative places, he says.

"Smart phones have only been out around six years, but people who were in college

October 2013

or university in that period know no other way of working and communicating. They collaborate in the way they learn and they bring that collaborative approach in to their working environment. They ask what kind of technology is available to them in a different way – they're more interested in how they can be more mobile and not fixed to a desk the whole time. They want to work differently."

The technologies firms could be using, that will attract these new workers and help them deliver top-class work, are manifold – social networking tools, desktop-desktop video and so on. One set of technologies that bring these elements together come under the wonderfully brief heading of 'presence'. Presence is only just finding its way into legal, but it could have profound impacts.

"Using a system with presence allows people to see who's available, which changes your choices about how and when to speak to someone. If I can see that 'Mary' is available, for example, I'll just give her a call or drop her a text or an instant message, rather than emailing. And I can also see whether Mary's available at her desk phone, mobile or on her PC.

"It's about context, and can even be built around the skills base of people in the firm, routing calls and enquiries effectively." This is fiendishly clever: if a firm has six people specialising in international litigation, and one person is unavailable, the system itself can make others available based on skill set – not just if they're in the same room, hall or practice area.

This can also be turned into a client value enhancement tool – making certain kinds of people at certain levels of seniority available to certain clients compared to others, for example, or showing availability of a client team to the client, any time.

G3 worked with Penningtons to bring the

firm's desktop and voice systems together, extending voice and video calling capability to the firm's client base. It's not hard to imagine that being taken further to incorporate outwardfacing presence capability – which is what's on the cards at the firm. Video is, as Richard Jones in this month's **Briefing** interview points out, going to be massive for internal comms in law firms, and has the potential to be big in firmclient comms, too.

But it's not all about video – another G3 law firm client is embarking on a unified communications project that will connect fixed and mobile communications, providing far better access to people in the firm for internal parties and clients, who will never know if they're being passed from phone to phone – they'll just reach someone.

This is a way for a firm to operate with "a single simple platform approach, which looks likes one system even though people are in Singapore, Germany, London and so on", says Anderson. With so many law firms expanding internationally, a solution that defies geography is typical of the growing demands for G3's suite of global services.

However it's done, enabling easier and better communication across a firm binds it together, allows for better integration of processes around the firm and – rather importantly – saves money. A fee earner or BD person, for example, need not be out of reach, wherever they are.

Firms distributed across the globe, working on matters across businesses, can enable team-working in new, more useful ways – and for tomorrow's law firms, that will above all be about communication.

Get more from **G3 Communications** www.g3comms.com



Briefing Industry Interview

In search of Improvement

Briefing talks to Jitendra Valera, chief marketing officer for Advanced Legal Software, about driving up compliance and profitability with attention to process and continuous improvement

Workflows when combined with projectstyle delivery methods lead to better client engagement and drive real and measurable improvement in a legal business, says Jitendra Valera, chief marketing officer for Advanced Legal Software.

"When you look at the way firms need to manage matters, they now need a projectbased approach right from the start, even before they win business. For example, by using a matter planning/costing tool they can plan out who works on what part of the matter and work out matter profitability even before they take on a case. "This not only enables them to bid for fixed price work at a profitable point, it also rejects work that is not profitable. It also enables both the business development team and the fee earners once

they've won a matter to track it, both in terms of managing the process against the original work plan and the profitability."

"When used effectively, fee earners essentially become project managers of a particular matter. They can see the whole picture and only review things as and when they need to add value from a legal perspective, and monitor whether they continue to be profitable in that matter or not. "This is particularly useful in volume work, which is already an area where project-style working can reap huge benefits and drive up profitability.

Connecting processes to the client

More importantly, says Valera, is how such a system can ensure the right people find out when things aren't done correctly.

As we're now at the start of an outcomes-focused regulation era, when many breaches must be reported on and passed to the SRA, and all of them logged by the firm, a project-based approach with workflow proves to be an invaluable compliance tool.

"What workflow does is to glue things together, binding together different activities in different departments with different levels of people. It uses management information and dash-boarding to allow fee earners and management to take the right actions, so they can continue to be efficient and manage by exceptions if there are problems."

Continuous improvement – which first got a mention in **Briefing** in June this year as a big push at Clifford Chance under COO Amanda Burton's aegis – and other business improvement programmes are also deeply enabled by BPM. A key element of continuous improvement is driving up efficiency on the client side of the equation.

Valera says technology can now help hugely in making this easy for the firm and the client. Workflows can be bound to client self-service portals, and the client therefore becomes part of the legal services provision process. The firm can then take over more of the client behaviour by defining how things are done on the client side. "What workflow does is provide the engine behind client portals to define what the client sees, how you communicate with them, and what they need to do to move things forward on a matter."

"Project management-style working and workflows might seem to be at odds with fee earner autonomy, but they form the core basis for continuous improvement", says Valera. "If

"What workflow does is to glue things together, binding together different activities in different departments with different levels of people."

> used correctly, they empower fee earners and people who actually do the work, to provide input on how processes can be improved continuously rather than allow them to go stagnant for years"

But however it's done, constant improvement is the goal, he says. "At the end of a matter, you need a review of what went well, what didn't go well, did we deliver clients value and were they satisfied, and did we make money? All those things lead to process improvement or other improvements in the business."

Find out more about Advanced Legal Software www.advanced-legal.co.uk



Briefing Case Study

etting more done

Crawford Hawley-Groat, IT director at Maclay Murray & Spens talks about pushing the business ahead with Thomson Reuters FloSuite Legal's process management

There's no point in creating workflows and processes in a law firm unless you understand how work is done, how it should be done – and how it could be done better. There's often a disparity between those two visions: how work is done now isn't necessary how it ought to be done. If you want to re-engineer a law firm to make it more efficient, risk-managed and profitable, you have to go back to the source.

The people at Maclay Murray & Spens are by now experts at workflow – Crawford Hawley-Groat, the firm's IT director, says the firm reviewed its BPM and workflow options back in 2007. "Our ethos is to ensure processes enable our business rules to be followed, reduce risk and allow things to be done in the right way."

This meant prioritising business process management across the business, not just around fee-earning tasks. "To gain real efficiencies, on top of legal process mapping, there's a huge amount of business overhead that needs to be managed and optimised. Billing was high priority, alongside matter inception and document creation processes and workflows."

Hawley-Groat and the team wanted to cover all those bases, so he and the firm sought out an enterprise-wide BPM solution, not just a case management solution – and decided on Thomson Reuters' FloSuite Legal platform. Now in parts of the firm's business, such as probate and executor work, all work is done in a FloSuite Legal workflow in a completely "end-to-end" way.

Crawford's more aware than most that a huge part of BPM is reviewing and mapping the firm's working practice, and to why things are done the way they're done. "Before you get into FloSuite you have to understand what you need to achieve and build a picture of what you need to do. This means taking a big step back – not just creating an electronic version of what you do now, but thinking and working out how we could be doing it better – re-engineering the processes."

Automating billing, for example, meant going back to first principles – asking what the firm was trying to achieve, he says. "That doesn't necessarily mean reducing the number of steps. It can mean that, but that shouldn't be the end-game." This kind of approach is a huge task for a firm – not least for fee earners and senior management. So sponsors and champions are vital. "It was key to have the whole concept of BPM sponsored at chief executive level from first inception".

Rethinking the blueprint

"We wanted to be sure to reduce business overheads, manage risk and capture better management information on financials. But one of the benefits that we found very early on was that stress – and therefore risk – has been reduced." Plus, he says, more junior staff can carry out steps in less time, which equates to significant cost savings.

MMS is also seeing finance management benefits from BPM. "We have much better visibility of what's coming through the business. We can see and report more quickly on billing."

It's the joining up of processes, and consequently the business, that delivers the biggest rewards from BPM, he says. Using built-in APIs FloSuite Legal can connect to the firm's Thomson Reuters Envision case management as well as the other business systems. "For example, workspaces in iManage are created automatically as part of the inception process, but only once the correct processes according to business rules and current legislation have been carried out."

Integration is key to compliance. "During matter inception it's not left to individuals to remember and interpret legislation correctly," says Hawley-Groat. "Being right is the starting point. There is less duplication, better validation. It's constantly and consistently removing risk from the way we work."

But a robust inception process isn't just about process and risk – it creates revenue. "When it comes to billing, you now have all the correct data as a matter of course," says Hawley-Groat. "FloSuite saves the firm money every month. Going from a paper-based system to this means we no longer have people working overtime one weekend a month. Billing also takes less fee earner time, so we have reduced lost chargeable time." This cuts work-to-cash days dramatically, which creates revenue – it's well known that the closer you bill to when the work is done, the better your recovery rate.

A firm-wide BPM solution also integrates MMS as a multi-site firm. "A fee earner opens a matter in London and a task can be automatically allocated in another office, paving the way for helping with managing firm wide work load even more in future."

Across Maclay Murray & Spens processes are now connected and less onerous as a result of the process analysis work and the BPM solution from Thomson Reuters FloSuite Legal. But it's about people, not process, says Hawley-Groat. "A slick, easy to follow process allows tasks to be done more easily in less time. If you dread doing something, you put it off."

No surprise then that the next reforms at MMS are in expenses and time recording...

Learn more about Thomson Reuters
FloSuite Legal



thomsonreuters.com/flosuite-legal

Briefing Case Study

Taking over the world – from Leeds

How DLA Piper has saved cost and boosted efficiency by centralising document services in Leeds, using BigHand for process and workflow

Global growth needs structure and centralisation. And to reduce costs and increase capability, DLA Piper has forged ahead with a more corporate, process-led way of working, moving certain work to regional hubs. But to do that they first needed a solid, dedicated platform to base that on – which is where BigHand came in.

Jason Plant, head of applications technology at DLA Piper says that DLA Piper already had experience of running centralised services from Leeds through its IT department, and it saw an opportunity to move the firm's document services function to a single location. "There is a cost savings element to this, creating one centralised document services unit outside London, but it also gives us scope and flexibility globally: we can run the office for longer hours across the firm, and provide service to parts of business where support wasn't an option – where perhaps fee earners would otherwise be doing it. It's bringing about a stronger operating model and real process efficiencies."

By enabling document flow between DLA offices, BigHand has been the fundamental technology behind that change. "BigHand has a very good understanding of what we are trying to do with business process – they're not just about dictation," says Plant. "Over and above dictation, BigHand is a workflow engine on which to build DLA's business processes, helping us deliver more efficiency and competitiveness."

The kind of work being done by BigHand for DLA is moving away from dictation and towards "the workflow of documents – more mending and marking up using existing documents", says Plant. "It's that kind of activity that will be more integral to processes."

The way this works in practice is that a fee-earner quickly scans a document directly using any multi-function device at their home site, after which it's allocated to BigHand and the job status thereafter is transparent and trackable. The job is instantly transferred to the document services team leaders in Leeds, who monitor the work in a document review console within BigHand.

"It's taken care of," says Plant. "All you have to think about is when it's required, not 'Who can I get to do it?"

A big benefit of the Leeds document services centralisation is the ability for practice groups to share a pool of secretaries more easily, says Plant. "Workload is balanced, it's allocated automatically, peaks and troughs are eased and you get more work out of the pool."

Streamlining the document services process is, says Plant, "all tied into wanting to serve our clients faster and better". Financially, the investment decision was a no-brainer – Plant found implementation would cost little more than a new analogue solution. "This made BigHand effectively cost-neutral, with significant additional workflow benefits."

Switch-over was quick, as there were no major changes to infrastructure – which meant "a big bang in each office", says Plant, "but no huge training task, as it uses technology people are already happy with", making another plus sign in the cost savings column.

There have been remarkably few pockets of resistance to the changes. The human side is challenging when it comes to centralisation, says Plant, but that's the same with all firms at the moment. "There was an initial whiff of 'it used to be easier', but that has very quickly died off. It is already seen as the new way of doing things. The process is working, which makes fee earners happy."

But the move is essential, and it's keeping DLA's nose in front of the pack. "We are starting to see other firms look at centralising document service units and other back office functions, so we are slightly ahead," says Plant. "Our existing regional office network made it easier for us, leveraging our set-up as a firm."

His advice for firms embarking on such a project makes a lot of sense: don't be frightened by the technology side of things. "The shift from analogue to digital can be worrying because of the extra layer, but BigHand is simple – in a good way. It's straightforward to implement and fairly intuitive for users. Once you've used the workflow, it seems like common sense – how you would want to work as a firm."

The project will continue throughout most of 2013, gaining momentum to deliver more strategic benefits for the future, says Plant. "The senior team already feel they are getting the cost reductions and efficiencies they wanted, and I see longer-term gains as we use it more, especially outside the UK."

"The opportunity BigHand gives us is a global one – the 24/7 coverage opportunities across the world. We want to grow as a firm, and we can use this technology to help us."

Improve your processes with **BigHand** bit.ly/bighandworkflow



Industry Analysis

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A fully formed BPM doesn't just stop at implementation – it demands training and user adoption to ensure all-round efficiency. Nick Hull, head of development at Phoenix, explains how to make BPM work in practice

Firms are under a lot of pressure to streamline processes. With its promise of increased efficiency, reduced risk, and cost savings, business process management (BPM) will prove, we think, to be one of the key initiatives to enable legal businesses to gain the competitive edge.

In the past, BPM has been seen by some as a solution that worked best in high-volume practices with repetitive work. Today, firms throughout the market are rapidly learning that introducing automated business processes can improve both efficiency and profitability while ensuring outstanding service delivery to clients.

Partners and fee earners are often burdened with administration and inefficient processes that interfere with billable client work. Integrating BPM into existing systems (such as document, practice, or case management) to automate processes can significantly streamline and perhaps eliminate that burden.

BPM is a firm-wide initiative. If done correctly, it can provide a technology platform and framework that the entire working practices of a firm could be based upon. But for a BPM implementation to be successful, the software must meet the demands of the business – from the simplest to the most complex process – and it must be able to adapt. Processes evolve constantly, either as a firm's work mix changes or, perhaps, as a result of a regulatory or legislative change.

Before implementation, ways of working are identified, reviewed and documented to define processes possibly destined for a BPM platform – this is really where the concept of BPM discovery begins. Discovery is often a

fairly inclusive process, requiring input from a number of business areas and staff, usually in the form of workshops, to ensure accuracy. It should be completed independently and before any decision to buy a BPM platform or product is made.

This need not be an internal process. A discovery team can be appointed to carry out this phase and help a firm select the correct BPM solution for its needs.

But discovery is far more than just a due diligence exercise on current processes. It should enable a firm to create the business case and goals for the BPM purchase itself. These benefits may be in the areas of financial, efficiency, technology or even environmental – or, perhaps, needed to cover mandatory adherence to a legislative process.

Making BPM work for your firm

A mission-critical process may not be the ideal first candidate for BPM. It's probably wiser to try something simpler with slightly less impact initially, such as linked to requesting a service within the organisation (procurement, stationery) or perhaps for a survey. Focus on something that will get BPM in front of a wide audience, but without the criticality or urgency of a more front-line process. More complex processes can be tackled after that.

New client matter intake is a core process, critical to firms, and is lawyer-admin heavy – processes are repetitive and require fee earners to constantly key in (or hand-write) the same data, thus increasing risk of error. This makes it a perfect later goal for BPM. Introducing a central, supportable platform that you can incorporate controls on top of it will help to streamline this necessary yet cumbersome process, saving time while also reducing risk.

Establishing what happens in a process and

understanding how it could evolve through automation is crucial to executing a successful BPM project, as is realising the extended visibility potentially available to the firm by such processes and solutions.

It doesn't finish once the process has been implemented. BPM simply won't work as efficiently as it could if the process was only adopted by a handful of individuals, specific departments, or, in some worse cases, if its use is optional and the old process is left in place. These outcomes will lead to increased risk and reduced efficiency; but training and user adoption are also important considerations to ensure that BPM does make the firm more efficient.

The finishing cycle of the Legal Services Act, alongside pressure to become more corporate by clients, has resulted in pressure for firms to increase efficiency through automation and technology. To deliver on these needs we undertook a market review and significant due diligence – and selected K2 as a partner for legal BPM.

Such a solution automates areas including new business intake, debt collection and document routing, and it's flexible enough to allow for change as quickly and as often as a business requires. We're also working on a number of K2 Smart Objects, which will provide integration with all market-leading legal systems, including iManage, SharePoint, Elite, Aderant and InterAction.

BPM, when done with the rigour we've outlined above, can deliver the efficiency and consistency that tomorrow's competitive firms will need.

Read out more about **Phoenix** www.phoenixbs.com





The sheer amount of confidential data flowing through law firms now means that they need to find efficient ways to efficiently and securely store, manage, reproduce and access documents if they are going to maintain profitability and productivity.

Today this data exists largely in physical form, with documents generally scanned and manually processed or amended before being reprinted to be taken to court. Even in simple cases this can mean hundreds of pages that will then need to feed into other areas of the business. In many cases, simple information such as name, date of birth and address can be replicated, collected, stored and processed multiple times – further inhibiting the efficiency of these processes.

Even simple steps can make these processes easier to live and work with

though. Technology such as optical character recognition (OCR) immediately begins to intelligently archive information, meaning that it can be quickly retrieved or fed into further processes.

What's more, by introducing technology that has the ability to check certain information at this early stage in the process can save time further down the line when it is much more difficult to action changes. Contracts, for example, can be scanned as usual before being automatically checked for changes, redacted and then distributed securely and integrated into case management systems or stored for later reference.

Of course it is implausible to think that all legal processes can be fully digitised. Disclosure materials used in preparation for civil and criminal litigation, for example, are typically

provided in paper format so as to protect the disclosure process from opposing counsels, but if this process can be made quicker and more secure, business-wide efficiencies will follow.

Under lock and key

Given the wealth of confidential client information and sensitive digital documentation held by legal businesses and their people, data security is understandably a top priority in the legal services sector.

It is the responsibility of the profession to protect the privacy of their clients by ensuring the security of the data that they collect, store and process.

As well as the nature of their business, law firms also need to adhere to strict guidelines on data protection regulation (Data Protection Directive). By law, legal firms have a duty of care to ensure that confidential data is not released in an unauthorised or accidental way.

The recent high-profile leak unmasking J.K. Rowling as the author of 'The Cuckoo's Calling' shone a light on the importance of document security and left Russells Solicitors with a substantial damages bill. While it's impossible to completely prevent an inadvertent slip of the tongue by employees, using automated trails and workflows based on scanning technology will allow firms to track who has printed, scanned or sent documents, when and to whom, increasing the control firms hold over their clients' data and minimising the risk associated with its storage and processing.

The Data Protection Directive requires legal practices to place notices on a wide range of corporate documents. Whenever an organisation collects personal data (whether from employees, customers or other individuals), it must notify the individuals about the uses to which that information may be put, and inform them about their right to see and if necessary correct the information. This includes, for example, employment applications, employee contracts, website pages where personal information may be collected. This too can be a timely and costly process.

Sentenced to innovate

The level of data intensity within legal will never change. Lawyers will need to complete forms, process paperwork and ensure that they are confidentially storing and maintaining potentially millions of documents.

What can change is the way in which law firms set about these tasks. Data should be an asset – if it's accurate and up-to-date, the more data that a lawyer has access to the easier a legal process should become. If data is a burden because it's stored inaccessibly or counterintuitively, takes days to process or is riddled with omissions and errors, it will quickly become the source of inefficiency, frustration and a drain on costs.

This is why many law firms are turning to document service providers for help in effectively processing all of the documents – both paper and electronic – in the business. This is often accomplished through the use of on-site managed services that includes the entire data management process – from printing, copying, faxing, scanning right through to incoming and outgoing mail.

Business services are not isolated, and the more they inform one another, the more effective and efficient your law firm will be.

Want to know more? Canon www.canon.co.uk/legal



Keep calm and press record

Maxine Park, co-founder of DictateNow, explains the benefits of recording and transcribing reviews, interviews and hearings

In the business world, many disciplinary matters are still dealt with informally, perhaps with a quiet word off the record. But once the need for formal proceedings has been established, it's essential to adhere strictly to the organisation's approved policies and get it on the record.

Adopting the wrong procedures or messing up disciplinary and grievance interviews generates large numbers of employment tribunals every year, with claims for breach of contract, unfair dismissal and discrimination. Even without accounting for the cost of a payout, an organisation will expend considerable time, effort and money defending these cases.

Following agreed procedures will minimise the risk of a claim, but many organisations now appreciate the benefits of making sound recordings of disciplinary and grievance interviews. Some even routinely record job interviews, performance reviews and other important meetings to create accurate records. Transcriptions can be made quickly from these sound files, often within hours and offered to the parties concerned.

Making available a sound file or transcription of any interview, within minutes of its conclusion, helps minimise the risk of an organisation being accused of acting inappropriately, stalling the process or hiding information

But it's important to remember that every word will be captured, from both sides. So it is essential, that those tasked with undertaking personnel interviews understand the correct procedures and can be trusted to follow them, even in the face of provocation. Knowing every word can be listened to later, or reviewed by senior management can also help keep feelings in check, with no one involved wishing to appear too emotional or even threatening.

Digital recording has helped speed up proceedings, as there is no need to wait for handwritten notes to be typed up and distributed to the concerned parties for

approval. The traditional note-taking process often requires discussion and amendments, before a final version is agreed and made available for review by senior managers or attached to any employment record. It is the length of this back and forth process that can also lead to a complaint being made.

Employees often complain that managers involved in the hearing or interview process, fail to give them enough time to put forward their case or version of events. With managers being aware they are being recorded they will ensure adequate opportunity is provided to the employee to explain their position. Equally, the recording can be used to refute accusations that appropriate time was not afforded the employee.

Reviewing the sound files will highlight any deficiencies in performance of those undertaking the interviews and allow them to improve with training.

Larger organisations expect more meetings and more attendees at each meeting, and conference style recording equipment – so a separate microphone for each attendee is recommended.

This equipment is easy to use and allows an accurate record to be made of multiple speakers, even when they talk at the same time – hard to do with written notes.

Following recording, the next step is transcribing the file into a document format, ready for distribution to everyone involved. Unless this transcription is outsourced, there can be serious confidentiality implications, particularly where redundancies and serious behavioural or health issues are concerned.

Service providers with the relevant data security accreditations, well-versed in the process of transcribing hearings and interviews will ensure the transcription is a faithful representation. This is achieved utilising verbatim transcription, which includes not only every word, but all the 'umms' and 'errs' that often add real context to the actual words being used.

It's the skill of the experienced transcription typist to exclude mistakes and hesitations when dealing with normal dictations, but in interview transcriptions, any omissions may inadvertently affect the intended meaning of the spoken responses.

Failure to keep accurate records of any interviews or hearings, will often cause problems at an appeal stage or if a case proceeds to an employment tribunal. The potential criticism of not having kept accurate records can be almost completely removed by the ability to produce an accurate transcription of any interviews. Any tribunal is also bound to appreciate the ability to listen to any such recordings that offer valuable insight into the detail or emotions of the individuals involved.

It's important for organisations to understand that disciplinary hearings can also help improve standards of work and performance within the organisation. Recording and transcribing personnel interviews, reviews and hearings demonstrates how seriously personnel issues are taken within an organisation, and it shows how determined management is to get things right and keep improving the necessary processes.

Using external transcription providers might be viewed by some as an unnecessary expense when organisations are looking to improve efficiency and cut costs, but those same individuals must ask themselves: what might be the likely cost to the organisation for any accusation if they acted inappropriately?

Learn more about **DictateNow** www.dictatenow.net



Projecting power

Legal process management isn't magic, it's simply core to efficiency and profitability, says Nigel Williams, product manager for LexisNexis Enterprise Solutions

Legal process management (LPM) is by no means a new concept, and law firms have successfully implemented it for years, especially in the high-volume legal areas. However, today it's more than a niche approach to automate certain aspects of law firm operation.

While there are a few forward-thinking organisations who are already ahead of the curve in adopting LPM for broad efficiencies, for many law firms, their survival depends on it. LPM drives profitability and simultaneously ensures client satisfaction – two key goals of any legal services provider in the current cut-throat, customer-churn prone and rapidly changing business environment.

We often hear about the challenges firms face when adopting BPM. This article outlines the big ones.

Stakeholder buy-in is perhaps the biggest obstacle. Up until now, firms have focused on the classical top-line revenue growth as a metric of success, but now they must focus on profitability. This requires a fundamental change in mind-set and it appears that there is a reluctance to invest in this new way of thinking.

LPM provides visibility of every aspect of the law firm operation – right from resources to finance through to business development and client engagement. This in turn facilitates strategic planning, management and execution of every task and process in the profitable manner. In fact, LPM helps to execute tasks and actions with a quantifiable end goal in mind. It facilitates cost control of service production to the nth degree. Most importantly, it helps to separate the 'process' from the 'advice' – clients pay law firms for the latter and are increasing uninterested in how the service is delivered.

The experience of the banking sector is a good example for the legal sector to learn from. Banking/financial organisations have significantly invested in efficiency and automated processes for front-end and backoffice tasks, for which they are reaping benefits. In fact, many bank processes are extremely low value, but by automating them they have minimised the cost of processing without making a loss.

The technology challenge

There are many technology solutions today – all convincingly purporting different approaches to law firm operation and business. So how does a law firm decide the right tool for its business is a valid question.

LPM must be looked at as an aid for 'continuous quality improvement' and so it is not about adopting a 'one tool fits all' approach. Law firms need to first assess their business - what they do well, where there is room for improvement, in which areas an overhaul is required and so on. For instance, if effectively managing resources is a major requirement for a law firm, then a LPM approach can help automate and combine time, billing, financial and human resource management processes to optimise the function. Similarly, LPM-led technology can assist with managing legal matters, resourcing cases commensurate with client requirement, estimate service costs, accommodate flexible invoicing and optimise administrative costs through best practice processes for finance, procurement, fixed assets, invoicing, expense management and human resource management.

At a more granular level, LPM can facilitate a project management-led execution of legal matters so that there is a consistent, standard and structured approach to scoping, planning, pricing, executing, monitoring and managing all repetitive legal tasks across the organisation.

There is no mechanism to instigate a

new way of working overnight. However, a concerted and convincing effort top-down to communicate the rationale and benefits of new processes is a good place to start. Experience also tells us that cultural change is best implemented in small measures. Yet again, technology can be an enabler of change in law firms. Workflow-based systems allow process improvements, streamline flow of information within the boundaries of the organisation and even with clients, where necessary.

As an example, and unlike other professional service providers, many law firms find it difficult to engage in commercial conversations with customers around changes to scope. This reflects a lack of suitable real-time management information and understanding of workflow processes; and the need to change normal behaviours and ways of working.

Habitually, law firms try to do it all themselves, which sometimes ends up becoming a time-consuming, frustrating and costly endeavour. LPM adoption is no longer about implementing a technology system, it's about mapping business processes to strategic goals and objectives and then tailoring the technology solution to individual business needs. Law firms will gain more if they focus on their core expertise and leave the technology implementation to third party vendors who have the knowledge, tools and experience to make it happen. Their own focus is better expended on how they adjust their working practices and processes to adopt new tools and techniques that allow them to enhance the quality and efficiency of their service.

Find out more about LexisNexis Enterprise Solutions www.lexis-nexis-es.co.uk



October 2013



What is considered the 'new normal' by legal has been the reality for most professional services firms for decades. Law firms that want to be successful in the future need to apply some of the business practices of the best-run professional services firms, and drive innovation within their industry.

In a world of new legal business models, decreasing client loyalty, increased competition and 'new' price models, firms need a more structured and holistic approach to how to manage a legal business. Identifying the need for change is one thing, but if you are a partner or *C*-level executive in a legal business today, there are some key area of change you need to effect – and they centre on improving business performance management, streamlining operations, optimising compliance processes and winning new business.

Some types of engagements within a law firm are difficult to forecast and plan in an accurate manner. But you can realise substantial business benefits from proactive planning of existing and prospective client engagements and thus optimise both shortterm resource planning and long-term capacity planning within your firm.

Having the right person (rather than the best person) on the right assignment also maximises the revenue and profitability of clients and matters and ensures that your best people are utilised as effectively as possible. Consulting firms have applied proactive resource planning for decades.

Performance dashboards are nice to look at, but most executives have realised that,

though cool, they can be useless unless they're presenting useful data. But implementing proactive, transparent and holistic performance management is easier said than done. It requires strong master data management, thoroughly define your key performance indicators, setup proactive alert systems, align the way you measure your past and your present with how you predict your future – and implement an agile multi-dimensional model, both vertically and horizontally across your business.

The key thing is to understand is how to provide decision makers on all levels with accurate role-based, real-time business intelligence that helps them address both short and long term business challenges.

Implementing consistent and successful business development processes, targeting both prospective and existing clients and exploring your cross-selling opportunities is crucial.

Using a more process-led approach to BD and client understanding has been the reality for most professional services firms for decades, and there's a massive opportunity out there for those law firms who implement and embrace a strong BD and sales culture.

On top of thinking in process terms to find more information about prospects and clients, you still need to recognise and celebrate successful sales leaders – regardless of whether they are lawyers or sales people.

Financial control: watching the pennies

The most efficient firms are not efficient because they run a tight ship – they are efficient because they are relentless in their efforts to keep track of where and how they spend money.

A flexible and multidimensional financial model, combined with activity-based costing,

gives you financial transparency on every level of your firm as well as real time profitability on your clients and engagements. Financial control tells you exactly where you are and thus helps you plan and navigate forward.

Traditionally, what lawyers have perceived as good relationship management has prevailed over good business practice and cash management. But cash flow should be on everyone's mind. Your firm needs well-defined and efficient processes for near-real-time capture of time and expenses, fast and accurate billing and effective cash collection. Plus, the people negotiating client contracts need to understand that granting favourable billing models or payment terms is just as much a discount as decreasing rates.

If you are still used to billing on a time and material basis, you have likely found your current business practices would not easily or fully support engagement structures such as fixed fees or value-based, success-based or incentive-based pricing. This is a huge issue in legal, because legal is now in a minority of businesses that rely on those revenue models. They must embrace a market-enforced change.

If your firm has already changed the way it measures and bills, you will be probably executing more efficiently, estimating and delivering more accurately, and are already beginning to invent and sell new fixed price offerings. You will already be able to beat the competition in new ways.

And if your firm can approach every area from a process-led perspective, the 'new normal' may be the best thing that ever happened to it.

Find out more about **Deltek** bit.ly/delteklegal



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Capture the content, enable the process

Automation is the buzz word in law firm IT departments. And, according to Colin Miller, marketing manager at ABBYY, making the most of your existing technology is just as crucial as new offerings

Managing vast amounts of documentation, evidence, depositions, filings and court proceedings leaves no room for error or lapses in either security or availability. Firms need to accelerate their physical mail distribution process to support business growth and boost their legal team efficiency, while providing exceptional customer service and maintaining security and confidentiality.

We've seen that, by reducing administration costs and increasing productivity as it relates to documents, firms can operate more like a lean business and respond to the ever-present challenge to expand.

Typically, post is a manual process, with a delay between arrival and when it hits the desk of the intended recipient. There is then some process of filing, which may not be critical in terms of service, though it will have a substantial cost that is attributable in terms of the labour involved. Through automation, manual processes for managing high volumes of information from a wide variety of sources can be eliminated. Equally importantly, automation facilitates near-instant distribution to the desk of the intended recipient – whether they are in the building that day or off-site.

Technology has the potential to expedite and automate the distribution and workflow of these processes, as well as to provide a much-sought-after scalability, allowing a firm to quickly expand growing departments or scale down without workforce implications. Data capture and workflow automation allow the key filing to be done electronically up front, reducing operational costs and the risks associated with handling paper-based documentation.

But when we speak of 'documents' we not only mean it in the traditional sense of a piece of paper. Digital mailrooms automate the capture of all incoming documents, whether

they are delivered as paper, in an email, via fax, or at the point of origination (a multifunction peripheral or MFP, web portal or mobile/tablet device), and deliver back structured electronic information. In order to initiate or continue business processes, each mail piece is classified by type and structured information is extracted and delivered in the correct format to the correct process.

A digital mailroom, powered by enterpriselevel capture, converts incoming documents originating from mail, fax, email, MFPs, web portals, or mobile devices and tablets into structured electronic information, that feeds multiple business processes and systems across the enterprise.

An enterprise capture platform like ABBYY FlexiCapture then classifies the document by type, separates it and routes it on to the correct downstream process. It can determine the client and matter number to which documents relate before querying the database and distributing the mail to the relevant fee earners via the case or practice management system.

Key information is dynamically extracted and used for indexing into practice management systems, eliminating the need for manual indexing, apart from occasional exceptions. Documents can be indexed by type and content (eg matter ID or invoice due date), making them fully searchable and editable in the future. This means the document is filed up front, which radically changes and expedites the whole document handling process.

To maintain document security, procedures are in place if recognition of a document falls below an agreed level of acceptability. The document is referred to a verification role to ensure the data is accurate before returning to the automated process. The result is fast, accurate delivery, while mailroom staff can concentrate on handling exceptions. The key benefits of this are: • Immediate notification of document arrivals ensures quicker decision cycles

• Less paper results in reduced costs for printing, distributing and storage

• Better compliancy, data tracking and records management adherence

• Improved customer service through access to information and answers

Distributing incoming mail to departments, groups and individuals requires significant time and effort and leads to processing delays and routing errors. The speed of IT and the internet enables paper and digital documents to be consistently handled together within a digital mailroom.

Expediting the document distribution process reduces the requirement for manual labour – an important asset that can be redeployed to higher value tasks. Automation allows a firm to take on more work with a quicker turnaround, as well as providing greater document security through the disaster recovery measures.

Rather than acquiring and automating document services in silos that are different for every location, department and application, users can guarantee service levels. Major savings are achieved through economies of scale, faster processes and by unlocking the potential of existing IT systems.

Eliminating manual document distribution and speeding up the time to delivery enables a firm to reduce administration overheads and improve client relationships. Best of all, it is a solution that can scale as the business continues to grow.

Find out more about
ABBYY
www.ABBYY.com



Outcomes-focused business intake

How a firm takes on new business and handles the information around it is the most important process to manage, automate and build on, says Sam Suri, director of product strategy at IntApp

The competitive pressure on legal businesses is forcing them to hone operational efficiency and transform their business models to improve performance. To aid this, they are investing in or updating business process management (BPM) technology to improve process efficiency. A core process is new business intake (NBI) – deciding whether to take on new clients or matters and enabling lawyers to start billing hours.

Technology can vastly improve NBI by automating the relay of tasks between departments and, with the right data integrations, improving firm-wide data quality and business intelligence. But selecting the right technology requires analysis and foresight: demands for data-driven intelligence will grow, compliance obligations will evolve and the firm may change (eg through a merger). Getting stuck with the wrong product could seriously impact the firm's ability to stay competitive – choosing the right one will help the firm thrive as business needs evolve.

Since the introduction of outcomes

focused regulation (OFR) and ABSs, firms are actively revisiting risk management protocol to improve processes to vet bad clients and protect the interests of retained clients. Alongside these changes, processes also require unprecedented flexibility to manage varying provisions clients set in outside counsel guidelines (OCGs) and requests for information (RFIs).

Compliance officers updating risk programmes should pay attention to a few central business and legal risks addressed by NBI. First, firms should vet both legal and business conflicts at intake. The greatest challenge is to maintain real-time intelligence about corporate subsidiaries and affiliates, to comply with provisions requiring firms not to represent their clients' competition.

Next, do due diligence on a client's credit history to ensure compliance with anti-money laundering and know your client regulations at intake. Increasingly, firms also classify data to set information access controls as required by the Data Protection Act. Once a client or

matter is cleared, many then use a master data management strategy to cohesively populate data across systems and let lawyers begin work.

When evaluating technologies to update NBI, firms should consider that the system will likely be in place for years, so it will need to support unforeseeable business and risk management challenges. It should empower the firm to make future changes on the fly to increase ownership and cost effectiveness.

Given the importance of agility and flexibility, firms should beware of some common risks when evaluating vendors to update NBI:

• Stalled implementations: heavy BPM platforms need expensive customisation to fit law firm processes

• Undue expense and dependence: inevitable workflow or form changes carry exorbitant expenses and foster vendor dependence

• Cut corners: some vendors and consultants sidestep analysis of processes and shoehorn them to templates from previous engagements. Others overlook cultural particularities, crucial to adequately structure the forms to elicit meaningful data

• Alienated users: frustrated by antiquated interfaces that do not work on mobile devices, lawyers and staff work around the process, compromising data quality and firm compliance

• Mismanaged data: few BPM vendors have the additional technical expertise required to develop data integrations and information governance strategies. Lacking the right integrations, intake only furthers data duplication and incoherence across systems

An unsuccessful BPM implementation could end up amplifying the risks it is supposed to mitigate. By contrast, when coupled with a services approach that's attentive to the firm's culture and process needs, the right technology can transform NBI into a fulcrum to drive business success and firm-wide compliance.

Firms should look for technology built specifically for intake, which also entails situating intake into the overall matter lifecycle. Focusing on holistic matter management provides benefits such as:

• Better business performance: data collected at intake can improve marketing, set pricing for AFAs and hone firm strategy

• More responsive participation: lawyers and business services staff able to carry out tasks on mobile devices are more likely to comply with firm procedures and input accurate data

• Agility: firms can modify forms on the fly to address emerging practice and legislative requirements

• Improved client service and compliance: firms can tailor processes as needed to ensure analysis of and compliance with engagement letters, RFIs and OCGs

• Sophisticated information security: firms can automate the creation of information barriers at intake to reduce risk and operational overheads

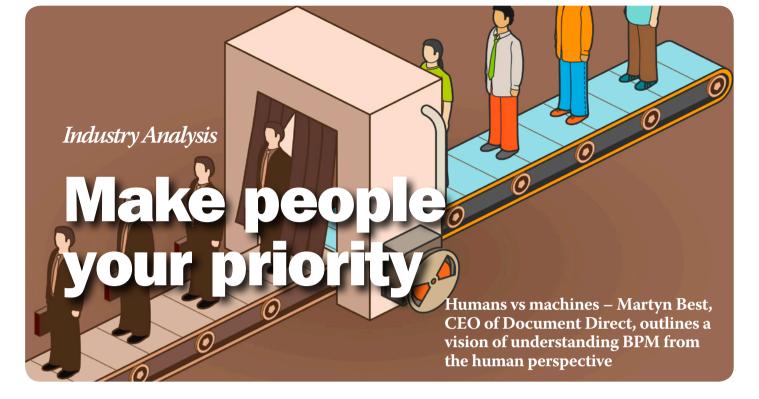
• Enterprise data governance: with the right integration strategy, intake can reduce data duplication, errors and ambiguities throughout firm systems

As practically everyone in the firm engages in some way with intake, the right system can be a vehicle for inter-department synergy and collaboration. And by enabling firms to take on the right clients, address their requirements, protect their confidentiality and staff their matters accurately, the right NBI technology enables firms to address the SRA's core principle – that firms focus first and foremost on client success.

Find out more about **IntApp**



www.intapp.com/products/intapp-open



Ever since the invention of that round thing that started to move our cave dwelling ancestors away from the comfort and security of their own feet, we humans have been in constant fear and distrust of change and technology.

It's not something to be afraid of – it's just built into 10,000 years of human experience and DNA, so the starting point for any introduction of process into someone's life or workplace environment is the total, fundamental recognition that there will be a huge resistance to change. Logic, argument, ROI, features vs benefits are all wonderful arrows to be firing at your enhanced cavemen clients, but unless you understand this element of the human psyche and build it into your BPM, as sure as dinosaurs became extinct, so will your implementation policy.

How can we find this understanding? Surely the majority of our clients are educated, articulate and reflective people who will certainly be able to grasp that we have their interest at heart, and that really tiny bit of effort we are asking of them will be repaid in spades, starting tomorrow?

Yes and no. I firmly believe that the underlying element to any successful new change is the recognition that humans will always outwit the machine – so we need to side with the eventual victor.

We need to understand what is actually motivating and driving them, not what the process says should be driving them. We need to gain their confidence that we can deliver this 'to be resisted at all cost' change into their world, and we need to have them or a trusted colleague on board as a champion or advocate of the cause.

We may, for example, have the best transcription process in the world, with shiny security and dazzling delivery times, and an array of legal expertise – but for the last 15 years Mavis in the adjacent office has been happily typing for Fiona, our prospective client, and she's been happy enough with that process.

Voice recognition may well deliver astonishing results with its clever software, but try telling Royston, our 52 year old Yorkshire fee earner to speak more delicately, and the

response will not have the grace you were hoping for.

That does not in any way invalidate the benefits of either process or technology, and nor does it invalidate the views or feelings of Fiona or Royston. All it means is that unless we recognise that Fiona and Royston will not be rushing into our arms to change their comfortable way of life, that they prefer the warmth of their current cave, then those glistening set of wheels, despite the promise of speed, efficiency and savings, will merely gather dust. So, take a deep breath - and enter their cave.

We should have already proven that our new process or service will work – after all, what are RFPs, ITTs and RFIs for, if not to show to Fiona and Royston we are capable, wonderful suppliers and they should wholeheartedly follow their procurement advice.

Business process management (BPM) in this context is the thoughtful and pre-planned technical understanding that helps overcome this resistance to change. It's the recognition of human behaviour and it helps streamline activities and tasks so that repeatable actions can be guaranteed.

BPM should be designed to recognise and enhance the strengths of human nature and to reflect that people follow the path of least resistance. Its purpose is to give the end user the simplest possible life.

We can supplement the brave new world with some tactics such as:

• Go and talk to Fiona and Royston, and in the gentlest, most professional possible way, befriend them

• Gain an insight into their world, and find out what drives them personally

• Find out what they like and tolerate about the current process

• Find out what they dislike, but what they endure due to resigned familiarity

• Speak with Mavis and gain her trust

• Find out from her what are the same issues in the current delivery of any outcomes

• Find out what Mavis would like to change

• Outline planned changes, emphasising the vision and the clear and hopefully incremental benefits

• Highlight the outcome and the full range of benefits which will result

• Don't focus on the machines – focus on the people

A useful mantra is to use is: "And that's a good thing because ...?", with or without the question mark.

For example, the current system may provide for return of information within four working days, and this may be a good thing because the fee earner has time to plan other activities. That's fine, but it indicates a less than optimum process – whereas the new service might deliver within hours, but the fee earner may be overwhelmed by such rapid information. The trick will therefore be to put something in place as a buffer – provide the information or document quicker but have it accessible on demand, rather than by default.

The benefit you are highlighting here is not the quicker access to information, but that the good thing is the freedom and flexibility this will give the individual.

The greatest source of insight into what is needed for any successful implementation of a process rests with the current users. An understanding of this is essential.

In the ongoing battle of human vs machines, of BPM vs HPM (happy people management), make sure you have enough humans on your side.

Find out more about
Document Direct
www.documentdirect.co.uk



INDUSTRY OPINION



Client experience should drive all firms' efforts around BPM

Osman Ismail, managing director of DPS Software, says the secret of good business process management is client focus

With this trend of competitiveness showing no signs of abating, there is a big question legal management should ask: to what extent have our business processes been built around the client experience?

For many years, while the concept of business process management (BPM) was applied to back office functions, front office departments and staff who ultimately deliver this service to an organisation's clients were left almost to their own devices. Thankfully, and probably linked to BPM's emphasis on continuous improvement, this 'back office bias' has begun to change in most large professional services organisations, and the modern law firm should be no different. Management of client relationships is a vital business process customer experience should now be considered equally alongside the nuts and bolts of how work is processed.

The platform for efficiency improvements will almost always be automation through technology. So, how can workflows and the systems that drive them help bring service delivery to the centre of your business processes? The answer is simple, and it's all about communication.

Traditionally, law firms have stuck to established communication channels with clients – letters, phone calls and emails – with some more forward-thinking firms extending this to web-based progress tracking tools. The common theme is that they are reactive; they rely on the client to come to them.

As clients get used to proactive and inclusive

communication in other aspects of their lives, they now expect the same from their law firms. The answer to this demand can be found in client internet self-service portals, such as our mylegalspace system, that deliver updates, secure document transfer and a platform for collaborative working.

Through real-time updates and automatic email, SMS and Twitter, private messaging clients are brought to the fore and have the 24/7 contact clients want. Document transfer over an HTTPS-secured platform means reviews, approvals and e-signing can happen as soon as a fee earner completes and uploads work.

When it comes to incorporating this kind of system into existing processes, there is a natural place for this to sit and be automated from – case or matter management. If these underlying systems integrate seamlessly with client portals and make fee earners' use of the communication platform as the matter progresses effortless, it's possible for processes to quickly become a modern customer-centric structure.

These web-based technologies enable rapid business improvements in client experience. The challenge is implementing them in a client service environment that doesn't lose the human touch.

Find out more about **DPS Software** www.dpssoftware.co.uk



INDUSTRY OPINION



Workflows should work for you, not the other way around

Pauline Freegard, director of BD and sales at Ochresoft, presents another view of workflow – one that lies outside your firm

When you think of misselling, mortgages and payment protection insurance immediately come to mind. It's sometimes tempting to add case management systems to that list, for those in legal.

I've been in legal IT most of my professional life, flirting with case management systems (CMSs) for a lot of it. As head of BD for a company offering a very distinct CMS, I've visited every size and type of firm. I've heard moans, but I've also heard serious grounds for complaint borne of a frustration growing in proportion to the disillusionment felt by fee earners and support staff.

How has a technology that can offer so much – a framework for efficiency, quality and compliance – become so derided in some quarters? There are many CMS deployments delivering real benefits to firms, so the sentiment isn't universal. But even in those successes you'll find examples of why so many struggle with making case management work.

The main problem is that case management has not traditionally been out-of-the-box. Instead, you're given what can be best described as a 'toolkit'. Toolkits come in varying degrees of sophistication, but they will always require time, energy and resource. It's like buying a car to get you on a critical journey – but instead of a box of parts, a spanner and some instructions land on your doorstep. The onus is on you to build the workflows, as well as to tweak and maintain them.

Once reached, that's not even half the journey – what about the content of said workflows? The precedents, documents and forms need to keep pace with regulatory, practice or client-led change, and be compliant with the code of conduct and minutiae of the likes of Lexcel, CQS, STEP – and, soon, WIQs.

But not everyone can have an expert team in the 'garage'. It's costly and time-consuming to manage and you can't always guarantee quality or consistency of personnel. There are no shortcuts, and the biggest mistake people can make is to think it's just building workflows.

For some time, people have talked about content-enabled workflow, hinting at the primacy of process. I prefer to think about workflow-enabled content, because that's where I see the true value of case management – taking the pressure off where the burden is heaviest. That's why Ochresoft's Intelliworks solution was designed the way it was - workflows and legal content delivered together out of the cloud, built and maintained by our team of lawyers and technologists, that fee earners simply run with from day one. Workflow tweaks and content updates happen overnight, weekly, on demand, whatever compliance takes – but these are our responsibility, not yours.

The only other option is to do it yourself. But be warned – the DIY approach often breeds only more stress, disillusionment and wasted effort – and a CMS should really be a driving pleasure, not a chore.

Learn more about Ochresoft www.ochresoft.com



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RETURN TO THE INDEX

