white paper | By Shannon Hampton
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The Importance of Workflow Process Reengineering in Case Management Implementation

Charting the flow of information through a law firm is rarely a pretty picture. Typically, a flowchart of a law firm's workflow process resembles a tangled web of time consuming and often duplicative tasks, some of which provide little value to the firm or to clients.

When done correctly, the process of implementing legal case management software can help a firm identify and fix these workflow trouble spots. However, firms that try to implement case management systems without re-engineering their workflow process rarely realize the full potential return on their investment.

A great illustration of this disconnect is the data from the 2004-2005 American Bar Association Legal Technology Survey. It found that while 41 percent of respondents reported having case management software available, only 18 percent personally use it.

The fact that legal case management software implementation can run into difficulties should not serve as an indictment of the technology. Instead, the way a firm goes about implementing the solution deserves attention.

A Helpful Technology Tool

With applications such as centralized calendaring, contact management, task management, document assembly, and electronic access to case data normally held in paper files, a successful implementation of a case management system will potentially increase the profitability of a law firm, improve client reporting and decrease the level of stress an attorney endures during the process of managing a case. It enables staff and attorneys to share information thereby helping prevent duplicate data entry.

Additionally, many programs link with personal digital assistants (PDAs) so that calendars and schedules are always handy and up to date. Some case management packages are Web-based, with more on the way, allowing anytime access to all features.

How can your firm get the most out of its case management system? The key is to capitalize on the implementation as an opportunity to reengineer the firm's work flow processes. Reviewing how information and work products flow through the firm is an opportunity to improve operations.

It is an essential step in case management implementation because the last thing you'll want to do is automate your firm's dysfunctional *manual* case management system. Doing so will simply lead to more problems.

> **Steps for Reviewing Workflow Process**
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> 1. Identify the specific steps are followed administratively through the life of a matter to document the "flow" of the practice.
> 2. Decide how to streamline the practice's procedures and seize the opportunity to eliminate unnecessary or duplicative processes.
> 3. Test the new procedures using the firm's existing applications or software before implementing the newly streamlined procedures.

Workflow Process Review

Modifying a business practice will benefit the law firm whether or not they ever implement a case management system. Specific steps include:

- Documenting the "flow" of the practice. Identify what steps are followed administratively through the life of a matter.
- Deciding how to streamline the practice's procedures. This step provides the opportunity to eliminate unnecessary or duplicative processes.
- Implement the newly streamlined procedures. The new procedures should be tested using the firm's existing applications or software before carrying that process over to a new system.

Validation of Existing Processes

Workflow is concerned with the flow of information and control within a business process. It describes everything it takes to get a law firm's work product out.

To begin with, everyone in key positions with the firm needs to be interviewed, including the docketing clerk, paralegals, secretaries and attorneys. Interviewing select clients can also be extremely enlightening.

Questionnaires should be tailored for the specific positions and designed to focus the discussions on what tasks are done by firm personnel, how these tasks are done, by whom and why. For instance, when speaking with an attorney or partner, our focus is on client wants and needs. "What are your clients asking for?" Better yet, "What information could you potentially provide to your client that could give them a business advantage or help to mitigate risk?" In the past, many firms have not found it necessary to focus specifically on the client, but the competitive marketplace is pressuring them to work differently. Clients want more and are demanding more.

An example of a question for a paralegal or a secretary is, "What is your attorney asking you to do to get your work done?" The responses to this question frequently shine the light on a significant amount of duplicative work and lack of standardization throughout the firm. But the focus of the interview is on daily tasks, such as:

- What are the procedures for opening a new matter?
- How is information on involved parties in a matter tracked and maintained?
- Where is the "expert" witness list maintained?
- What method is used to maintain a docket on a matter?
- How are incoming paper documents, such as discovery, handled?
- How are lawyers informed of critical dates on a matter?

Based on what is learned in these interviews, the key deliverable is a flowchart of the firm's existing work process. When the flowchart is presented, jaws often drop.

Roadmap to Improve Processes

Once you have a reality check of what is going on in the firm today, carefully examine the firm's workflow to identify any or all of the following:

- Tasks that can be automated by the case management system;
- Tasks that are being done repeatedly by different people or in multiple applications; and
- Tasks that can be eliminated entirely.

The new workflow process that emerges depends largely on the goals the firm established for its case management system. Is it to improve the productivity of the team and manage more cases without more hiring? Is it to improve the firm's profitability? Is it to automate processes and reduce overhead expenditures?

The new workflow process results from balancing the benefits the firm seeks to achieve with the degree of change the firm is willing to accept.

Frequently, we run into certain cultural realities that prevent the best solutions from being adopted. For instance, if a person who is central to the firm refuses to relinquish control of their data and the firm's leadership doesn't believe the end result is worth the battle, the best solution is to work around that person.

A compromise like that can diminish the positive impact of a case management system, but the objective is to get as close to perfection as the firm is willing to go. In any contest between culture and workflow process, culture will always win. Therefore, if the new process is to be embraced, it needs to be molded to fit the unique idiosyncrasies of the firm.

Implementation of New Processes

With the new process defined and documented, it isn't practical to simply distribute the firm's new guide of procedures and expect it to be enthusiastically adopted. The next essential step is training.

While integrating the case management system into the firm's day-to-day routine is an important aspect of this training, a new workflow process may also necessitate training on how to use existing applications. Frequently, this involves breaking down the numerous individual silos in which attorneys typically operate and establishing standards and practices that encourage a more comprehensive firm-wide perspective.

Common obstacles that can delay or derail this step include:

- Failure to have a realistic expectation of the time it will take for the new workflow processes to be integrated firm wide. It is best to gradually change how people work, taking small steps rather than leaping.
- Failure to establish a process to validate that the information flowing through the case management system is accurate and complete. Data quality needs to be a priority and these checks and balances can prevent bad data from haunting the firm.
- Failure to follow-up to assess if the new workflow processes are universally adopted throughout the firm. It is human nature to return to bad habits, but if users don't follow the new workflow process, the firm will not realize the potential return on its investment. Periodic follow-up can identify and quickly deal with trouble spots throughout the firm.

Case Management will become more popular as the products become more robust. More law firms will use some type of case management software even if it is for basic tasks in their practice. In fact, the future of case management lies in continued integration with other critical applications – legal or otherwise.

As case management software continues to develop, expect more demand for integration with third party applications such as legal accounting software, document management systems and Microsoft Exchange. Tighter integration with these types of applications will make case management even more appealing.

There will also be increased interest in sharing case management databases either with co-counsel on a case or with the client. This type of collaboration will cut down on many client-related expenses, such as reproduction of documents.

Of course, changing the way attorneys work is always a touchy subject. But the long-term effect of reviewing and modifying the workflow process of a practice area can be significant. With or without case management, this step can improve the firm's efficiency and profitability.

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