

On the map

Process mapping, and especially value stream mapping, can help law firms to understand how they do things, and how they can meet client needs more productively and profitably. Antony Smith explains how to make it work for you



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At one time, suggesting that legal services could be viewed and operated as ‘a process’ was met with scepticism by the majority of solicitors. How times have changed. Process mapping is now a standard feature of the legal services market. It is no longer unusual for law firms of varying sizes to let it be known that they are engaged in process-mapping exercises as part of their continuous improvement activities.

Process mapping is also no longer seen as something confined to ‘high-volume, low-value’ practice areas. The Clifford Chance white paper, ‘Applying Continuous Improvement to High End Legal Services’, published in January 2014, stated: “Even at the high end, where legal work is characterised by complexity, it will become more project managed and process-driven with procedures in place to measure and control the performance of each step in the process.” The authors made this statement based on their experience of applying continuous improvement techniques, including process mapping, at Clifford Chance for the past five years.

In this article, I will explain what, exactly, process maps are, how process mapping is done, and how law firms use their process maps to help them deliver more productive, and more profitable, legal services.

WHAT IS A PROCESS MAP?

I draw a distinction between value stream maps and workflow process maps. Workflow process maps will probably have been encountered by anyone who has had legal workflow software installed. These maps are usually much more detailed than value stream maps. By contrast, value stream maps represent work streams at a relatively high level of abstraction. Their primary purpose is to allow everyone working in the process to understand what actually goes on in the work stream. Once this is achieved, then, ideally, everyone involved in the process should be able to offer suggestions for improvement.

In this article, I concentrate on value stream maps, as they have been used in a much more strategic way by law firms. This is the type of mapping many firms have been proudly announcing, alongside their process improvement activity, throughout the last couple of years.

WHAT ARE THE BENEFITS?

Value stream mapping has its origins in process improvement thinking. It is particularly associated with Lean and Six Sigma methodologies, which originally grew out of a desire to improve manufacturing processes.

No longer limited to manufacturing, the concept of a value stream has been defined (by the ‘Lean for Dummies’ cheat sheet!) as including “all of the activities, materials, people and information that must flow and come together to provide clients with the value they want, when they want it and how they want it”.

Value stream maps are visual representations of the value stream.

At the most basic level, the maps are made up of three broad components: a communications flow; a process flow; and a timeline.

The communications flow records communications between those requesting and those providing a product or service. The process flow lists discrete sets of operational activities which have as their output a deliverable of some kind (most commonly in a law firm, a document of some sort). The timeline records the amount of time items spend waiting to be worked on or actually being worked on (referred to as lead time and cycle time, respectively).

Each value stream will end up being represented by at least two maps: a ‘current state’ map and a ‘future state’ map (sometimes a third map is also produced – an ‘ideal state’ map).

As the name suggests, current state maps are snapshots of the current situation ‘as is’, before any deliberate process improvement activity has taken place. As referred to earlier, their most important function is to serve as a communication tool. They are used to help explain value streams in their entirety to all those who work within them.

A current state map need not be a perfect representation of how things work in practice. It seems generally accepted that as long as a map is agreed by all to be about 70% accurate, it can form a reasonable basis from which to seek process improvements.

Current state maps should show:

- what people do;
- how they do it;
- how they interact with other employees and processes; and
- how the entire process flows.

These current state maps help identify activities which are relatively wasteful, and so lessen the overall value being delivered to the law firm’s clients. After less efficient activities have been highlighted, steps can be taken to either amend or eliminate them. These ‘improvement points’ are noted on the ‘future state’ value stream maps.



The aim of this mapping activity is to improve the efficiency of individual processes and the flow of work between processes, and thus the effectiveness of the value stream as a whole.

WHERE DO WE START?

It is easy to imagine following parts around a factory, observing a particular production process and mapping that process. But in legal service environments, processes are rarely visible to the naked eye. Hence, value stream maps for legal service delivery need to be created by something other than pure observation alone.

This is where process mapping workshops come in. These workshops will draw together the ideas of those involved in the value streams in question, to feed into both the current state and future state maps. People working in the value stream are more likely than those outside it to be able to identify where inefficiencies are. They are also more likely to have good ideas about how to improve things. Ideally, everyone who works in the relevant value stream should have the opportunity to participate in a workshop. In small to medium-sized firms, focusing on discrete delivery teams, this aim should be achievable. It may not be possible in larger

firms, in which case, a representative cross section of people working in the value stream should take part in the workshops.

During workshops, the process mapper acts as a facilitator, encouraging the process team to help construct the ‘current state’ map. I’d suggest it helps enormously if the facilitator / process mapper has a background in law and is comfortable with analysis and structured processes. However, the value stream map should not be ‘owned’ by the mapper, but, ultimately, by those who actually work in the stream being mapped.

The workshoping process can appear messy, involving whiteboards, coloured pens and sticky notes. However, I’d advise against turning the maps into a ‘pretty’ format (by using software) too early. The maps will almost certainly change, and be subject to revision, either during or between workshops. This is actually a good thing, as it shows that people are putting thought and effort into the exercise. Process mappers need to be flexible and able to react quickly to updated observations and suggestions from the team. Whiteboards, pens and sticky notes allow for changes to be captured swiftly, and openly, for all to see.

Another issue to focus on at the start of any process-mapping exercise is making sure there are no cultural barriers to process improvement exercises in your firm. Effective value stream-mapping relies on all relevant staff feeling empowered to make constructive suggestions for improvement, because they know their streams best. However, the culture in many law firms seems to militate against such openness and sharing of new ideas. Information silos in law firms are very common, and concerted effort is often required to break these down. Creating cross-functional process improvement teams in connection with process-mapping exercises is usually a good way of helping to break down such silos.

WHAT ARE WE LIKELY TO FIND?

In all probability, it will not be that difficult to identify immediate areas for improvement as a result of a value stream-mapping exercise. In terms of general processes rather than specific activities, areas such as the following are likely to be identified:

- inefficient distribution of case information or materials;
- poor storage and retrieval of files (both hard copy and electronic);
- tasks assigned to inappropriate levels of expertise (such as partners doing tasks which can reasonably be done by more junior staff); and
- infrequent and / or poor communication with clients.

These are just some ideas of what might be identified – there are bound to be others, depending on the specific work stream, and the nature of the firm.

In most law firms, there is already a tacit understanding, at least to some degree, that areas such as the ones above are ripe for improvement. But, if that's the case, what's the point of putting the effort into creating value stream maps? Why not just go ahead and try and improve things? One answer is that mapping helps bring issues out into the open. Steps can then be taken towards making improvements and implementing change. After existing processes have been mapped out and areas of change noted, there is nowhere left to hide: firms need to implement the suggested improvements, or else risk being seen to simply waste staff time and effort.

HOW DO WE USE IT TO MAKE CHANGE?

A future state value stream map can be a daunting document, likely as it is to consist of new flows, amended processes and other suggestions for improved performance. So where should you start making improvements?

One common technique used by experienced process mappers is to divide the future state map into several 'loops'. Loops are drawn around groups of related processes.

Once loops have been identified, the next step is to prioritise them for action. It is therefore necessary to agree prioritisation criteria. Probably the most common criterion for prioritisation is return on investment from improvement activity; you could base this on the number of activities or processes within each loop which seem to take up disproportionate amounts of resource and / or time to complete when compared to others. Or, you may wish to prioritise loops which, for instance, comprise activities which are fast and easy to complete, or have the most direct and immediate impact on clients.

When prioritising actions, you should avoid the temptation to dive deep into minutiae too soon. One of the main benefits of a value stream-mapping exercise is that it allows organisations to take a bird's eye view of value streams, so they can begin to ask – and answer – some fundamental questions about their ability to deliver legal services more effectively. I'd suggest instead that analysis is done a little like peeling an onion – layer by layer. Start with the high-level flows, processes and activities which offer most return on investment in light of the time and resources expended, and then drill down to lower levels of granularity for further examination.

Once loops have been prioritised for action, then specific improvement activities noted within each loop can also be listed and prioritised.

Ideally, as with the creation of the value stream maps, workshop participants should own the prioritisation

criteria and loop selection, with the process mapper(s) facilitating this process, too.

Potentially, prioritisation exercises could last a long time, as there are so many variables to consider, and different ways of looking at things. Excessive deliberation slows down any momentum and enthusiasm for change generated during the mapping process. The whole point of value stream mapping is that it should provide a springboard for action. So, loop, prioritise and action swiftly.

Once the prioritisation exercise is completed, the list of improvement activities (as prioritised) should become an action plan. The next stage is to create improvement projects to achieve specific outcomes. Project goals and key performance indicators should be created during projects of fixed duration. As with projects of any type, project managers should be appointed and tasked with seeking to increase value delivered from activity in the (remodelled) value stream.

Ideally, such project managers should themselves work in the value stream, and they should be expected to spend about 5-10% of their time on managing and monitoring the process improvement activities.

HOW CAN WE INVOLVE CLIENTS?

One potential problem with process mapping of any sort is that it can become very inward-looking. It can be easy to forget that the end beneficiaries of the mapping should be the firm's clients. In fact, many firms have sought to deliberately counteract this mindset by using their process maps as a means of reaching out to clients, especially commercial clients.

Some firms walk their key clients through their value stream maps and ask how they can improve things even further. This can lead to blended, or client-specific maps. Such maps may then reflect client service level requirements; this is most often seen in connection with client reporting, including frequency, content and form of reports to clients.

HOW CAN WE KEEP UP THE MOMENTUM?

As with all projects, a key activity is that of monitoring and reviewing progress towards stated goals. If the looked-for improvements are not materialising fast enough or having the planned effect, the project manager will need to take corrective action.

This may require making further or alternative suggestions for improvement, or escalating issues to senior management. However, escalation should not simply amount to passing problems on and then forgetting about them. Value stream project managers must be given sufficient authority to take the necessary corrective steps, and senior managers and law firm partners should take any concerns raised by the project managers seriously, and action them promptly.

However, pursuing process improvements can't stop at fixed-duration projects. You need to develop a culture of continuous improvement. This is obviously easier said than done; it is all too easy for people to revert to past inefficient practices and behaviours when feeling the pressure of day-to-day work. Space does not allow me to explain further how to develop a continuous improvement culture, but the 'why' is clear: clients, through the mechanism of the

market, are asking law firms to change their ways, and if firms don't do so, they will take their business elsewhere. Value stream mapping, if conducted and used correctly, can be really useful for law firms to help meet this changing market dynamic. It can help firms understand more clearly how they do things at present, and how to meet client need more productively, and profitably, in future.

Effective value stream mapping relies on all relevant staff feeling empowered to make constructive suggestions for improvement, because they know their streams best