

MEMORANDUM

To: William Van Nortwick, Jr., Chair-ATJ Subcommittee on Delivery of Legal Services, Florida Access to Justice Commission

From: Kristen Lentz, Ad Hoc Subcommittee Member (Subgroup Two)

Re: Business Process Analysis and Its Application to Legal Services

Date: May 13, 2015

Introduction

Business process analysis involves the disciplined mapping of how a task or function is performed. The goal is process improvement. The purpose of business process analysis is to identify the process that will best address the needs of the stakeholders based on existing resources and organizational structures. The process typically involves hiring a consultant to identify "problem" processes, map the entire process with stakeholders, improve the process to make it more efficient and identify the outcomes.

The concept was born in manufacturing departments as a quality control mechanism. Many companies started using this process to develop business strategies, improve financial and business reporting as well as drive systemic and cultural changes within the companies. Seyfarth Shaw, LLP is at the forefront of bringing this process into the legal setting through its SeyfarthLEAN program.

SeyfarthLEAN Program

Seyfarth Shaw, LLP developed the SeyfarthLEAN program as a way for its firm to engage in the more efficient delivery of legal services, increase quality work by advocates and provide better value for the fees being paid by clients. The program implements business process analysis and process-driven methodologies to meet these goals.

SeyfarthLEAN engages in a five-part analysis known as the "DMAIC Process."

- (1) Define: Define what the client values.
- (2) Measure: Measure and collect data that will determine the factors that influence how we design our delivery of legal services to meet the client's values.
- (3) Analyze: Analyze information and assess how best to create solutions that meet or exceed the client's value expectations.
- (4) Improve: Implement solutions, evaluate benefits, and make improvement to service delivery.
- (5) Control: Monitor performance, communicate and incorporate conclusions.

The bulk of the work comes in the form of "process mapping" - a process by which each system or repetitive process used in the firm was broken down step-by-step and put back together in a way that created more efficiency. Ultimately, by mapping and improving its systems, the firm improved communication, collaboration, and efficiency among its legal services providers.

Application of SeyfarthLEAN to Illinois Legal Services

SeyfarthLEAN worked with the Illinois legal services system to improve efficiency and effectiveness of the legal services provided to clients.

Over a two-year period, a consultant from SeyfarthLEAN worked with Illinois legal services providers to improve multiple systems including client screening/intake, practice group case handling (e.g. housing, consumer and family law) and maintenance of its statewide website. At the conclusion of process mapping and the implementation of the new systems, the providers compared data for the cases accepted and assigned via the centralized intake system for the six months prior to and the six months following the changes in process. The results included:

- For the intake process - a dramatic increase in the number of cases handled via the centralized intake system as well as a decrease in the time required to get the cases assigned. Illinois legal services increased the number of intakes and case assignments by up to 89%.
- For the case referral and acceptance process - improvement in the transfer of cases to the appropriate level of resources or appropriate legal services provider as the result of a new uniform case acceptance and referral policy.
- For the practice group case handling protocols - a dramatic increase in advocates' use of the case management system, an increase in the ability to do extended representation for clients who needed it and the creation of a standard approach to particular kinds of cases (e.g. bankruptcy or eviction).
- For website maintenance - the creation of a process that facilitated the routine and timely updating of substantive legal materials on the website as well as updated forms for use by clients and advocates.

Illinois paid for the cost of the business process analysis with a mix of receiving a one-time special grant, receiving pro bono hours from the consultant, and working with students from the business school at Northwestern University.

Business Process Analysis and Florida's Access to Justice Concerns

Business process analysis can be used to review current protocols and map standardized statewide procedures for intake, case acceptance, assignment of cases to the appropriate provider and protocols for handling common areas of legal services practice. Creating more efficient and standardized systems could increase the number of clients able to access the system as well as allow legal services providers to be more efficient in their work.

There may be opportunities for Florida to engage one or more large corporations with in-house business process analysis staff to provide pro bono consultation services.

Kristen Lentz is a Research Agreement Specialist at Duke University. Lentz spent 12 years as a Florida Legal Services attorney, prior to joining Disability Rights Florida where she served as Managing Attorney and Director of Investigations. Kristen represented the Public Interest Law Section of The Florida Bar on the Florida Access to Justice Subcommittee on Delivery of Legal Services.

William (Bill) Van Nortwick, a Jacksonville lawyer and retired appellate court judge, passed away in 2019, after serving on the Florida Access to Justice Commission, as President of the Florida Bar Foundation and Jacksonville Area Legal Aid Board of Directors. He was the recipient of the American Bar Association Pro Bono Publico Award, the inaugural Florida Chief Justice's Distinguished Judicial Service Award, The Florida Bar Foundation Medal of Honor and the Robert Beckham Equal Justice Award for helping the poor in Jacksonville.