BEST OF PRACTICE INNOVATIONS

Docs Without Borders: Is a Web-Based Office in Your Future?

Web-based office productivity software is gaining traction. The ability to access work product regardless of location using almost any Web-enabled device, coupled with ease of sharing information and low IT maintenance, makes Web-based applications powerful and cost-effective tools.

October 2009

The Future Landscape of Client Relationship Management

Of the many dynamics driving the current transformation of the legal industry, technology will likely have the most dramatic impact, especially in the area of client relationship management. Several law firm experts share their view of the future landscape of CRM.

January 2010

Legal Process Outsourcing: A Conversation Between William Scarbrough and Candice Hunter Corby

Practice Innovations Co-Editor Bill Scarbrough and Cobra Legal Solutions CEO Candice Corby discuss legal process outsourcing and how to successfully provide economical legal support services while maintaining quality.

March 2010

Give Me Alternative Fees, or Give Me Death (or Another Law Firm ...)

Driven by client demand, alternative fee arrangements are changing the law firm business model. Here is a look at how several well-known law firms and businesses approach AFAs, as well as tips for ensuring that your firm’s AFAs are profitable.

March 2010

The Mobile iPhone Attorney

Apple’s iPhone has become a true traveling assistant for the mobile attorney. Here’s a look at an amazing array of useful apps that can be tailored to each attorney’s mobile needs.

July 2010

Build and Deliver the Brand—Productizing the Firm’s Services

To retain clients and effectively compete for new clients, a law firm today must consistently deliver a uniform quality of service. Building the brand and delivering the brand can help firms compete in a challenging environment.

January 2009
Few recent technological achievements have changed society as much as the development of the World Wide Web. Today, we think nothing of using the Web to send and receive e-mail messages, go shopping, make travel reservations, play games, and research just about any topic that can be imagined. Old computers are finding new lives, not as recycled scrap metal, but as Internet access points that continue to provide significant functionality to users.

Businesses have also been tapping the power of the World Wide Web, as they find that it can be easier, cheaper, and better to use Web-based services for some tasks that have traditionally been managed with local software. Salesforce.com has become a compelling demonstration of how a Web-based application can provide a powerful (and more cost-effective) solution for many business development professionals across many industries—even in companies that traditionally have had strong internal sales channel resources. Within the legal community, litigation support professionals increasingly recommend Web-based discovery document repositories that offer rapid scalability, extensive analytical functionality, and 24/7 technical support—while also outperforming most traditional litigation support software installed inside law firms. Outsourced discovery document hosting isn't just more convenient than managing the project on internal information technology infrastructure; it often provides greater functionality and gives legal teams a substantive edge over opponents who are using less powerful analytical solutions.

One final frontier for Web-based applications, however, has been the core word-processing and office productivity software that is loaded on practically every personal computer in the world. These are applications that must be available to users night and day, regardless of location. Data files created by these mission-critical applications must also be readily accessible and secure against both intentional and accidental intruders. Faced with these and other requirements, it's small wonder that Microsoft® Office remains one of the most popular software programs in the world.

Over the past few years, however, Web-based word-processing, spreadsheet, and PowerPoint-style presentation software has attracted increasing attention and an increasingly large and vocal user community. Though Google Docs dominates news coverage of Web-based office suites at the moment, at least a dozen different Web-based word-processing programs are available, as are an equal number of online spreadsheet programs, many of them with surprisingly rich feature sets.

Why is Web-based office productivity software gaining traction now? Users are initially attracted to Web-based productivity suites for one basic reason: they're free. Google Docs and other competing online suites require nothing more than user registration, and they don't require elaborate and error-prone software installation. However, users quickly discover that these are fully featured applications that read and save documents in several popular formats, including Microsoft Office (.DOC and .XLS), OpenOffice, PDF, and HTML. For many, these programs prove more than powerful enough to serve all their document creation needs, especially those (like Google Docs) that also have an offline access mode for when an Internet connection isn't available.

Perhaps a bit counterintuitively, Web-based applications have also become increasingly attractive because they may meet mission-critical criteria better than traditional locally loaded software. Web-based solutions permit a user to access work product regardless of location and computer, so it's no longer necessary to load proprietary documents and information on a laptop computer that could easily get lost or stolen.
Equally important, online document storage associated with Web-based applications also makes it easy to share documents with colleagues and clients. Unlike internally hosted document management systems—and even corporate and law firm extranets—users can easily share documents with others, all of whom can then access the files online from any location. No elaborate network configuration or security dance is required.

IT departments are also finding that Web-based applications offer some distinct advantages. First, other than standard Web browser plug-ins like Java and Flash, these programs require no installation on a computer—minimizing IT maintenance requirements. Second, far fewer security patches and updates—the bane of so many users and IT professionals—are required when only the computer operating system and browser must be kept current.

It’s also increasingly difficult to find locations that lack Internet access. The growing popularity of affordable cellular modems for laptop computers and growing availability of Internet connectivity even when cruising at 35,000 feet inside a commercial airliner have eroded already weakening fears that materials stored online will be unavailable at critical times. Further, in addition to offline access, most Web-based office suites permit users to access their files from any Web-enabled device, including not only other computers, but also nontraditional devices such as mobile Internet devices and cell phones.

Of course, online applications aren’t perfect. Organizations with sensitive information continue to be concerned about third party data storage that they do not control and for which a physical location is unknown. Large collections of information are the most attractive targets for hackers and corporate espionage, and even the best-managed data centers run some risk of intrusion and compromise. Corporate records managers also have some legitimate concerns that storing work product outside corporate servers may make it more difficult to enforce an organization’s document retention plans, since no single life-cycle management tool can presently be applied to internal and external data repositories.

Conclusion

At least two of the strongest proponents of Web-based applications are certain that this market will continue to grow strongly. In July, only days after Google announced the release of an enterprise-oriented version of its Google Docs suite, Microsoft announced that the next major release of its benchmark productivity suite, Office 10, will include both locally installed software and a free, stripped-down, online version of its software. Web-based Office 10 will be a direct competitor to Google Docs, and this rivalry will increase the pressure on both Google and other providers of competing Web-based software to further increase the functionality and ease of use of their programs. Equally important, the publicity generated by this rivalry is likely to further increase awareness and adoption of Web-based applications.

This article originally appeared in the October 2009 issue of Practice Innovations.
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There is no question the legal industry in 2009–2010 is undergoing a transformation. The law firm of the future will look vastly different from that of today. The changes are being driven by a number of dynamics affecting the industry: (1) legal professionals—the talent of tomorrow has different expectations about their careers and about how they will shape their destiny; (2) buyers—the demand side of the industry is pushing back and having impact on a number of things including the rates, the legal services, and the client-facing aspects of the practice (e.g., case management, billing); (3) technology—technology will have a dramatic impact on the way in which legal services are created and delivered, and firms will continue their investment in technology. Some say the practice of law will never be the same. We agree. In fact, technology is likely to have the most impact on the transformation, and this article discusses one area we believe will be seriously impacted—client relationship management.

Fox Rothschild’s chief knowledge officer, Catherine Monte, puts it quite well when she says, “In order to retain current clients, law firms will always need to exceed expectations of service, and part of that equation is to strive to enhance the client experience.” She follows with three questions the firm considers for current and future planning with respect to the CRM systems her group continues to develop: “1) what information do clients want?; 2) how do they want to access the information?; and 3) how do they want to connect with the firm and its professionals? The client-facing considerations will be key factors in future firms’ ability to differentiate themselves from competitors and align more closely with clients to add value to the relationships.” Reed Smith’s CRM systems manager, Victoria Gregory, believes that all the relationship tools including Facebook, Outlook, LinkedIn, and others will be “encompassed in one firm system working in conjunction with traditional CRM data to deliver very rich intelligence about individuals and the varying relationships they have with others.” Harris Tilevitz, chief technology officer at Skadden, Arps, cautions that “these CRM systems will complement, but still not substitute for, the basic rules in sales and marketing, which are to know the needs of the client and how to service them. Business development comes from building and leveraging business relationships.” We certainly agree that some aspects of that will not change in the future. Robert Davis, applications developer/data specialist at Varnum Riddering, adds, “Paying attention to existing clients will still provide the best bang for the buck. Sharing the information that you have for those current clients within the firm will minimize duplications.”

All these changes to a broader inclusion of data about clients (and therefore a better handle as suggested above on the “client experience” aspects of the firm’s relationships) will clearly involve a significant people and training factor. As Gregory predicts, “Law firms will need to learn ways to expedite behavioral change among their professionals and staff in order to adopt new technologies with greater ease, and thus meet the challenges of keeping up with the rapidly changing, technologically driven environment we find ourselves immersed in, even today.”

The ability to utilize the tools together and with one “dashboard” viewing is already commonplace in some firms. Ayelette Robinson, practice resources attorney for Morrison & Foerster, agrees and adds, “We connect our CRM information with information from our various systems including content management (documents and e-mails), time and billing, personnel. This allows the firm’s practitioners to understand the full picture of each contact, from matters we’ve handled for a client, to areas of law, to who worked on the matters, to who has connections with these individuals. All of this context can be viewed in a dashboard-like format, and users can click in any section to dig deeper and access more detailed information.” Many firms believe that the firm of the future will have all of this information
available at professionals’ fingertips through handheld devices connected to all data dealing with clients and client work.

So, 10 years from now, what will the picture look like? Where are we with database tools and enterprise relationship management systems? Web 2.0 seems to be the most common response when gazing into the crystal ball at the year 2020 law firm. “That, coupled with the cultural shift that will occur when Gen Yers move up into positions of power,” points out Robinson. “Today’s buzzwords will no longer be buzzwords.” Gregory’s instincts are telling her that “It will be encompassed in one system, which will be supplied via SaaS (software as a service), where the firm simply selects which third-party systems and tools they want to include in their bespoke system.” Robinson’s vision of the future includes those technologies that also marry with the client experience—“an organization reaches client service nirvana when it knows what its customers need not only before they need it, but also before they know they need it. And technologies that support this level of client service—aggregators of business, professional, and personal information about your clients and tools that bring your service to your clients within their own environment and in real time—will be the tools supporting the front of the pack.” Adds Tilevitz, Skadden’s chief technology officer, “Provide a good product and good service and you won’t lose business. Has that concept changed in 100 years?” We agree it hasn’t, and add that the technologies supporting the “good product” and “good service” coupled with relationship building will help to ensure that firms retain clients.

How do we get from here to there? We see firms’ business professionals continue to build bridges across their functional areas to support the complex web of technology, data, client feedback, and the human element involved in all these areas. Project teams will be formed to assess what’s working well and where there is drag on the system so it can be improved and operate efficiently. The professional development programming will continue beyond continuing legal education, and will integrate modules on CRM to help facilitate learning (even for those tech-savvy Gen Yers). And, the client experience will be vastly improved due to the efficiencies on the delivery side that continue to add significant value to their relationships. We look forward to the future!

We’d like to thank the following professionals, who contributed their opinions for this article:

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Catherine Monte, Chief Knowledge Officer, Fox Rothschild
Ayelette Robinson, Practice Resources Attorney, Morrison & Foerster LLP
Harris Tilevitz, Chief Technology Officer, Skadden Arps

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Legal Process Outsourcing: A Conversation Between William Scarburgh and Candice Hunter Corby

Practice Innovations Co-Editor Bill Scarburgh and Cobra Legal Solutions CEO Candice Corby discuss legal process outsourcing and how to successfully provide economical legal support services while maintaining quality.

Q: You have been involved with law firm management for a number of years. Please begin by providing some information about your background.

A: As chief executive officer of Cobra Legal Solutions, LLC, I am responsible for setting strategic direction and leading and managing all facets of the business. I have substantial experience with global law firms and have been instrumental in both growth and restructuring environments, particularly in areas with regard to cost-effectiveness. My work has focused on building value that substantially benefits performance. Most recently, I served as a director with Mayer Brown LLP. Prior to that, I was chief operating officer in Baker & McKenzie LLP’s Dallas, Texas, office and chief financial officer of Godwin Gruber LLP (now Godwin Ronquillo, PC) of Dallas. I held various management positions with E.W. Scripps and Neiman Marcus Group before my work in law firms. I am a graduate of the University of Arkansas at Little Rock where I earned a bachelor of science degree in accounting. I am also a certified public accountant. I have been featured in business building articles, served in the Loaned Executive program for the United Way, and have been a frequent speaker for the Association of Legal Administrators to certified legal manager candidates.

Q: Describe Cobra Legal Solutions. How large is the company? What services do you provide? How did the company come about? Who are the principals behind it?

A: Cobra Legal Solutions was founded by John Douglas, a partner in the banking and securities area at Davis Polk. John and his wife had been involved in charitable organizations in Southern India and were familiar with the culture, the emerging wave of highly educated professionals in India, and the possibilities this presented for providing substantive work in the services industries. (This had already been flourishing in the IT and financial services industries.) John had several conversations with colleagues in the legal industry and became convinced that Indian-trained attorneys were very capable of providing a quality, lower-cost offering for more substantive legal support services to the corporate and law firm environment in the United States, the United Kingdom, and Europe. The next step was to get financing in place. John found a high level of interest from a select group of friends and colleagues who were also partners or retired partners in U.S. law firms, and Cobra began operations in the first half of 2007.

Cobra currently employs about 55 Indian attorneys and a staff of IT and operations personnel at our facility in Chennai, India. In addition, we have a U.S. litigation attorney permanently residing in Chennai who supervises our team on all substantive legal projects and who is the point person for direct contact with our clients on project-specific work. In addition, we have a small group in the United States that handles client relationships, business development, and establishing partnerships with other firms providing complementary discovery services, including e-discovery vendors, domestic staffing companies, and consulting firms. Cobra’s core services are in the document review area for litigation, antitrust, arbitration, and related areas. In addition, we have taken on legal research projects and are considering other areas like contract management. On the U.S. side, we provide as an ancillary offering, client advisement (or consulting) services in e-discovery practices, vendor selection, and related areas. Our managing director in the United States,
Jeff Isenberg, a director of litigation technology at three major law firms prior to joining Cobra and his extensive experience in this area allows us to provide clients with a unique offering that dovetails nicely with our review services.

Q: The legal industry has outsourced support services for many years, starting with copy services and now extending to most noncore services. Some law firms have also made use of contract attorneys, particularly for large litigation cases. International firms have staffed cases across offices, making use of their own resources in less expensive labor markets where that makes sense for the firm and for the client. I think, for example, of Baker & McKenzie’s Document Support Center in the firm’s Manila office. Does Cobra take this concept one step further?

A: There are some similarities to the Baker & McKenzie model in that we are leveraging a lower-wage environment for purposes of controlling discovery costs for clients. Where Cobra takes the concept further is that we have built a highly professional and specialized team of permanent employees who focus on many areas of document review (intellectual property, commercial, antitrust) and continue to improve upon our skill sets in providing high-quality services to our clients (all of whom, by the way, have come back to us for repeat business). If our attorneys have downtime, we provide ongoing training in a multitude of areas including e-discovery case law, U.S. constitutional law, the court systems, etc. This is something that not only keeps our attorneys motivated but, in our opinion, ultimately enhances our service offering. We have had clients who are now coming to us and brainstorming about additional ways in which they might be able to tap into our team to provide discovery services beyond just the document review (e.g., generating draft privilege logs).

Q: How does the Cobra process work? How can legal services be performed in India for American clients?

A: The Cobra approach is basically twofold: 1) We have a management team with literally decades of experience in U.S. litigation, document review, and litigation technology/e-discovery. Our team is available around the clock on the Indian side and the U.S. side to address project issues with our U.S. clients, and 2) Cobra understands the critical role technology plays in the discovery process from early case assessment to collection, processing, hosting of documents, and production. Quite frankly, if we didn’t have the type of sophisticated hosting platforms that exist today, the offshore review industry would be seriously marginalized. Cobra places an extremely high priority on maintaining and nurturing our relationships with the leading e-discovery and platform vendors, and we realize that working closely together provides additional value for our common clients.

When a project comes in the door, we try to be involved as early as possible in planning with the client and outside counsel for the review. (In some instances, we have been asked by our clients to help in the vendor selection for processing and hosting in which case we get involved even earlier in the process.) Sometimes clients ask us to provide a boilerplate document review protocol. In other instances, they already have something in mind. The bottom line is that we work through a planning phase that is identical to how a project is put together when done in the United States. As I mentioned, our management team has been through this process for years so it really plays right into the collective experience we have at Cobra.

In the early part of a project, we have daily conference calls. We also have videoconferencing capability from our India facility but most of the time our clients are fine with a teleconference. In addition, our supervising U.S. attorney in India provides daily reports to our clients from the reporting capabilities within the review platform, as well as e-mail reports.

Q: How do you deal with the substantial time difference between the United States and India? Do you make use of any unique technology in providing your services?

A: We have management team members in both India and the United States so we are always available to address our client issues. As to the time difference specifically, during daylight saving time, the time difference is 9 1/2 hours between India and the East Coast (10 1/2 hours during Eastern Standard Time). This actually provides some benefits since we normally have just completed a full day of review work when the daily project call is scheduled. The supervising attorneys from the U.S. law firm are just starting their day and we are able to report any issues encountered or questions from our attorneys. Likewise, if our clients, after reviewing our reports or actually logging into the review database themselves during their workday, come up with issues for us to consider or address, they can provide them to us in an e-mail or a call so that our team members are fully apprised once they begin their next day of reviewing. So there are ways in which we try to leverage the time difference to benefit a project.

As to utilizing unique technology, I would emphasize again that we take very seriously our relationships with the leading hosting vendors of document review platforms. Not only do we make sure we have open channels with them to address any technical issues, we also take pride in having our Indian attorney reviewers trained on many platforms, so that we are able to take advantage of certain efficiencies provided by the software that allow us better rates of review as well as higher degrees of quality control.

Q: How can you ensure work quality? Do language gaps exist? To what extent do Indian lawyers need to know the American legal system?

A: We have developed rigorous quality control and quality assurance methods internally. Kevin Clark, our managing director of litigation in India, has extensive experience as a litigation attorney supervising document reviews and other areas of discovery services prior to joining Cobra. He has developed sophisticated best practices for quality control that have been repeatedly praised by our clients, and allow them, as they have attained a comfort level with our work product, to avoid spending unnecessary (and billable) time reviewing and modifying things prior to a document production.
Among the several tests we require for attorneys applying for employment at Cobra is a complex English language test. We are confident that the attorneys who pass this test will have the requisite English skills for any of the document reviews we take on at Cobra. That said, we also provide ongoing training for our Indian attorneys on various aspects of the American legal system, as well as on current topics in the U.S. and international legal environment. If a specific document review requires knowledge of some area of the U.S. legal system, we would make that part of our training in preparation for the project, but to date, this has not been an issue.

As mentioned earlier, we provide ongoing training for our Indian attorneys on various aspects of the American legal system, as well as on current topics in the U.S. and international legal environment. If a specific document review requires knowledge of some area of the U.S. legal system, we would make that part of our training in preparation for the project, but to date, this has not been an issue.

Q: How do you charge for your services?
A: We offer an hourly billing rate, but also provide alternative modes of pricing including a “per-document” rate and a “per-gigabyte” rate. As part of our alternative method of pricing, Cobra recently introduced a “least-cost” pricing method so that our clients don’t have to choose upfront which of the three pricing modes we offer. Instead, Cobra will provide our review services, tracking each metric during the course of a project, and charge our clients whichever of the three modes ends up being the lowest at the completion of the entire project. This has removed much of the risk for our clients and allows even greater predictability for their review costs.

In addition to our stand-alone review pricing, Cobra has entered into partnering arrangements with two leading e-discovery vendors (CaseCentral and Planet Data Solutions) to offer a “bundled” pricing that includes culling, processing, hosting, document review, and production for one per-gigabyte price. We are getting traction with this approach from some clients who are looking for even greater predictability in their discovery costs as well as a more seamless approach to delivery of discovery services. Cobra sees great value in our partnerships but, of course, we continue to work with many other e-discovery vendors and will provide review services on the platform our client chooses.

Q: Why would an American law firm want to use Cobra Legal Solutions? Would there not be financial and “control” disincentives to sending lawyer work outside the firm?
A: Even before the economic crisis emerged, clients were pushing back on the exorbitant costs of e-discovery and document review services. In the early part of the decade we were seeing clients not willing to pay for junior associates to do first-pass document review. This spawned a greater reliance on contract attorneys in the United States. Some law firms established in-house departments of non-partner-track attorneys who primarily worked as document reviewers but were billed out at about half the cost of junior associates. Once the economic crises hit, clients were increasingly unwilling to pay even these rates for document review, and in response, many law firms laid off in-house staff attorneys or closed down these departments completely.

The larger picture is that discovery costs, fueled by the huge increase in the volume of documents and data because of e-discovery, had reached levels that were unsustainable from a cost perspective to clients. As a consequence, many litigation matters were settled prematurely or complaints were never filed because anticipated discovery costs made the risk to litigate too substantial—even if the merits of a case warranted fully litigating the case. So the trends have been in place for a while to find more cost-effective ways to deliver discovery services. At Cobra, we believe providing high-quality document review services is one slice of the overall pie of discovery services that will allow clients to litigate their cases without having to make compromises based on an inflated cost structure for support services.

Q: The current economic environment has brought about increased scrutiny of legal bills by corporate clients. I can see how the idea of outsourcing some basic legal services to a low-cost jurisdiction such as India would have significant appeal, but who will supervise that work? In-house lawyers? Or will corporate clients rely on their regular outside U.S. counsel to use Cobra services where possible and to verify the quality?
A: Much of what you describe is precisely what we are seeing in practice. Although we have some direct law firm clients, much of our work to date has been through retention by corporate legal departments that then have us work with their outside counsel on cases. Some of our clients are more involved in the process, but some take a less active role and are perfectly happy to turn the day-to-day project work over to Cobra under the supervision of their outside counsel.

There have been several opinions rendered from local bar associations and, in the summer of 2008, the American Bar Association came out with an opinion on offshoring of document review. They have been uniformly favorable to the concept with the one stipulation being that offshore reviewers must be supervised by a U.S. attorney or law firm. At Cobra we state specifically that we are not in the business of “practicing” law but of providing support services to the legal industry. We have not experienced any problems whatsoever with this arrangement and on all of our projects to date we have worked very closely with outside counsel (as described in an earlier response) and likewise share full access to the document review software platform with outside counsel and clients so that all key attorneys on the U.S. side can monitor our full activities on a 24/7 basis, if needed.

As to joint arrangements, in addition to what was described above, we are seeing further possibilities, including working in tandem with domestic review staffing companies for a common client (or clients in a joint-
defense team) where a review project requires, or benefits from, divvying up components of the review between offshore and onshore. We are in the process of developing closer partnering arrangements with a select group of domestic staffing companies and believe that in 2010 we will see much more of this type of joint work.

When Cobra developed its business model, we decided that the best way to meet our ethical obligations, and produce top-notch, quality service, was to have experienced attorneys, admitted to the bar in the United States, on the ground in India, running the operations. As various recent bar ethics opinions have shown, including ABA Formal Opinion 08-451, U.S. lawyers are free to outsource legal work, including to lawyers or nonlawyers outside the country, if they protect confidential information and ensure that the service providers are competent, suitably trained, and properly supervised. This shows that Cobra’s business model is the correct model to have—an attorney admitted to the bar in the United States to handle client business requirements and sophisticated training resources to ensure proper supervision and superb quality work product.

To ensure correct supervision of our team, Cobra has implemented the following policies in order to document all work that takes place during a project:

- Written review protocols and guidance documents
- Daily e-mail status reports throughout the project, along with weekly and monthly summaries
- Cataloged client response to substantive team questions
- Decision log demonstrating U.S. attorney input on all substantive decisions

Q: Is there any other information you would like to provide about Cobra?

Thank you so much for the information you have provided about this unique legal service concept.

A: Cobra was founded on the concept of providing cost-effective and high-quality legal support services to the corporate and law firm community. This approach began with our investor group and is evident in the people hired to manage the company as well as in the Indian attorneys we select to be part of the Cobra team in Chennai. We are not the largest legal process outsourcing firm, but we believe we provide a unique offering that is entirely consistent with the type of high-level work that clients in the United States, the United Kingdom, Europe, and Asia demand and expect from more traditional sources of support services.

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Driven by client demand, alternative fee arrangements are changing the law firm business model. Here is a look at how several well-known law firms and businesses approach AFAs, as well as tips for ensuring that your firm’s AFAs are profitable.

If you haven’t heard of alternative fee arrangements by now, you are certain to soon. They are being heralded as the wave of the future, promising to drastically change the law firm business model. Alternative fee arrangements, or AFAs, are a series of alternative billing models that depart from the normal hourly billing arrangement. There are many different types but the most popular are fixed or flat fee, contingent fee, and discounted hourly rates. AFAs may not be new but the increase in client demand for them is. Much of that demand is a result of the economic downturn. According to one legal blog, “The global recession is causing all commercial enterprises to scrutinize their cost structures. As part of this, in-house legal departments are expecting their legal service providers to provide similar efficiencies.”

Clients’ Point of View

Clients want a clearer picture of what their spend will be upfront, and want to hold firms accountable to standard business goals like efficiency, which the legal industry has not necessarily been operating under. As stated in a recent Wall Street Journal article, “Companies have long complained that legal fees are inflated by a business model in which law firms have high-priced junior lawyers who must be kept busy billing for work that could be handled more efficiently.” In-house counsel argue that hourly rates put the interests of the attorney in conflict with the interests of the client by emphasizing quantity over quality; the number of hours does not necessarily correlate to the value of the work; and hourly rates reward lawyers who take the most time to complete tasks rather than rewarding efficiency, creativity, or the use of technology to streamline service delivery.

A November 2008 survey of corporate legal departments reported that 81 percent of respondents cited “outside counsel costs” and the “lack of predictability” as their top concerns for legal spending during 2009. Years and years of automatic rate increases are going away and more and more AFAs are being offered, like it or not. Another survey found an increase of more than 50 percent in 2009 in corporate spending on alternatives to the traditional hourly-fee model.

Pfizer Inc. expects to reduce its law firm spending by 15–20 percent largely through flat-fee arrangements; Cisco Systems, Inc., now uses fixed fees or other alternative arrangements for about 80 percent of its legal work; and Citigroup reports that alternative fees account for about 30 percent of its outside legal costs. According to Michael Helfer, Citigroup’s general counsel, “The public commitment for a shift away from traditional hourly billing from one of the most influential global legal clients will be seen as evidence that so-called alternative fee arrangements are becoming widespread as companies move to cut legal costs.”

Walking the Walk

The chairman of K&L Gates LLP says the firm is “quite open to alternative fee arrangements. This year [2009], approximately 30 percent of our revenue will be generated through alternative fees, which is the highest percentage we’ve ever had.”

Orrick, Herrington & Sutcliffe LLP has tripled revenue generated from AFAs in the past year, but maintained profitability through efficiencies (e.g., better financial analysis and real-time reporting). It has also changed the mix of lawyers it uses, focusing less exclusively on hiring graduates.
From elite law schools to hiring college graduates who can perform routine tasks at a lower rate.\textsuperscript{10} Morgan Lewis & Bockius reports that 40 percent of firm revenues are billed through alternative fee arrangements. It handles Cisco’s commercial litigation nationwide for an annual flat fee and has found the arrangement so satisfactory that it has entered into such agreements with other clients.\textsuperscript{11}

Reed Smith’s Michael Pollack, global head of strategy, comments, “We need to be ready to respond to what our clients want. To that end, we have created an AFA resource center on our firm’s intranet. It provides guidance to our attorneys on how to design AFAs, create budgets, and manage matters; examples of AFA proposals, sample budgets, and engagement letters; suggestions on what type of arrangements to use in different situations and how best to engage clients in a discussion regarding alternative fees; and procedures for obtaining AFA approval. We have several courses available through our University program and are building more, including on-demand video courses. We even have an internal AFA blog that appears on the home page of our Intranet.”

Talking the Talk

The difficulty for firms with this new model is multifaceted. First, many firms don’t have a lot of AFAs under their belt and therefore lack the kind of historical financial information that can help them predict and manage budgets with reasonable accuracy. “[Firms] report that they are unable to propose alternative fee approaches because they do not know what it costs them to provide the requested services. Billing that is based simply on rate-times-hours provides no information from which a firm can analyze the cost components of generating particular services, much less the efficiency of lawyers providing those services.”\textsuperscript{12} Many law firms offer alternative fee arrangements for non-litigation matters, but are reluctant to do so for contentious matters. They also say it is doubtful flat fees could ever supplant hourly billing for the most complicated high-stakes matters, such as a particularly tricky corporate merger, where it’s too hard to estimate what the effort will be.\textsuperscript{13} On the reverse side, clients complain that they know what it costs to generate a motion for summary judgment on average, so why don’t firms, when it is the core of their business?\textsuperscript{14}

Even for firms with more than average experience, they may not have their matters well classified, which makes it difficult to find past examples of AFA matters in a particular industry or scenario, again making budgeting harder. On the tool front, many budgeting systems are weak or don’t accommodate such arrangements easily. Many firms wind up building their own custom budgeting systems in order to accommodate their specific needs.

Taking the Right Steps

Perhaps the biggest key to running AFAs profitably is project management. With the billable hour model, there was no major incentive to be efficient. Matters were not managed the way projects are managed in other industries and there is general consensus that applying project management principles to matters is one way firms can ensure that their AFAs are profitable. To make the clients happy, firms need to lower their fees (which AFAs generally do). But to offset the reduction in fees, firms need to lower their cost of production. There are many ways to do this (none easy, of course). Jeff Rovner, managing director for information for O’Melveny Myers, Jeffrey Brandt (formerly chief information and knowledge officer for Crowell & Moring LLP), and Eugene Stein (executive director for Richards Kibbe & Orbe LLP) held a panel presentation, “Using Technology to Manage Costs, Increase Profitability and Support Billable Hour Alternatives,” at the International Legal Technology Association’s annual conference in 2009. They explained that to be successful with AFAs, you will likely need to change people, processes, and technology. For people, you can either have workers complete things in less time (e.g., be more efficient) or lower the costs of the workers themselves. Changing processes and technology is generally geared toward improved efficiency. Below are some ideas to consider:

People:

• Increase investments in training and professional development. Better training brings associates up to speed faster.
• Assign a project manager to each matter.
• Provide attorneys with project management skills and training so they can be transformed into project managers.
• Push lower-value work down the food chain (e.g., from partners to senior associates, junior associates to paralegals).
• Reduce salaries or hire more junior-level people or have associates specialize in a particular area so they become extremely efficient in that area (e.g., become a master of one instead of a jack-of-all-trades). Consider offshoring work where applicable.

Process:

• Make greater investments in procedures to better capture knowledge so it can be reused. For instance, develop checklists for all major matter types or create more or better precedent collections.
• Improve project management capabilities. (One Am Law 100 firm recently required all partners to attend a six-hour project management training class!)
• Improve budgeting procedures to ensure that you come out profitable.

Technology:
• Invest in new systems such as experience location tools/search to get people in touch with others faster and with greater accuracy.
• Consider document automation tools to help get through drafting faster and with greater consistency with firm standards.
• Obtain new or improve existing budgeting/fee estimation tools.
• Obtain new or improve existing project and resource management tools.
• Obtain new or improve existing profitability analysis tools.

Notice the common theme here—all categories touch upon project management and improved budgeting. Many industry experts believe these are the two critical components. Better data analysis (requiring both good data and a good profitability analysis tool) will result in better initial budgeting. And improved project management skills and tools are required to keep that budget on track. Constantly measuring budget against actual costs will help keep the firm profitable. Jeffrey Brandt warns firms not to put the technology cart before the process cart. “I think it’s key to note that the process piece must be done prior to handling it over to the technology folks,” he said.

Pfizer hopes the shift toward AFAs will result in better collaboration. According to General Counsel Amy Schulman, the flat-fee program “should be something fundamentally different that will last beyond whatever people think they have to tolerate because of the economy.”15 Another attorney said, “If you like outside counsel ... to get some skin in the game so as not to have reason just to rack up billable hours.”16 Clients want firms to share the risk with them. According to Mark Chandler, general counsel and secretary of Cisco, “[O]nce a model for delivering legal services is built around efficiency rather than time and hours billed, then law departments and outside legal service providers can truly partner with each other.”17

American Express Co.’s chief litigation counsel, Stuart Alderoty, said, “I haven’t had one firm in 2009 tell us, no, that they flatly wouldn’t entertain something that moves away from the traditional straight hourly model.”18 Bruce MacEwen, a lawyer and consultant to law firms on strategic and economic issues, summarized it well in Welcome to the Future: Billable Hour, RIP? “The billable hour debate is at its heart a debate about trust between firms and clients, and a symptom of its decline. Twenty-four months from now we will surely have more work delivered via alternative fees, and we will surely still have billable hours. Some firms will thrive in one and not the other, some in both, and some in neither. Some will learn from the changes, others will learn nothing.”19

With the current economic slump firms have had to dismiss associates, reduce salaries, and cut back on hiring new graduates. “Just like the tech and housing bubbles, there was a legal-profession bubble, and now we are experiencing a correction,” said David Artis, managing partner at Saul Ewing LLP.20 According to a recent issue of the California Bar Journal, a survey by the Corporate Executive Board found that “while non law firm costs increased by 20 percent over the past 10 years, large law firms’ prices jumped almost 75 percent in the same period.” These numbers confirm the disconnect most if not all of us have been feeling.21 No matter how you look at it, it’s a paradigm shift, which always offers opportunity for those who are willing to accept and embrace change. One general counsel succinctly stated, “If a lawyer can’t offer me alternative fees, I’ll find an ‘alternative lawyer.’”22

Recommended Resources:
• The American Bar Association (http://www.abanet.org) has numerous books on alternative fee arrangements.

Sources
6. Id.


11. Woldow, supra note 3.

12. Id. at 33.


15. Koppel, supra note 2.


17. Woldow, supra note 3.


22. Woldow, supra note 3, at 33.

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Apple's iPhone® gives the mobile attorney a whole new dimension of functionality that not only mixes personal and business use, but also provides a wide array of applications that can be tailored to each attorney's mobile needs.

There is no "typical" mobile attorney—and no one list of apps that defines what all attorneys do. Practices, people, personality, budget, jurisdiction, and more make it a more complex issue. Suffice to say the "basic" core applications used by mobile attorneys can include the following:

- Phone
- E-mail
- Document viewing and editing
- Web browsing
- Contacts
- Personal calendar

The iPhone easily handles these basic needs. Like any smartphone today it has a built-in e-mail application that allows a wide variety of attachments to be viewed while maintaining the attachments' original formatting. It also has a Web browser that is as full featured as a desktop browser and renders most pages with surprising fidelity. The iPhone also has a native app for contacts and another for calendar. It is also capable of securely synchronizing with Microsoft® Exchange to keep e-mail, calendar, and contacts in sync. Out of the box the iPhone provides the same basic functionality that has come to be expected from every smartphone.

So what sets the iPhone apart from its competitors? Why has the iPhone become so popular with everyone from legal professionals to teenagers? While many factors contribute to the success of this device, two reasons stand out: the user interface and Apple's App Store.

User Interface

The iPhone interface is so successful because it is bone simple and it is based on touch. On the surface the iPhone sports a capacitive touch screen that only reacts to your touch. Beneath that touch screen is a well-thought-out and consistent environment that works on finger taps, double taps, swipes, finger pinches, and more. The interface is quick to learn because it is based on natural finger movements. This combination of a touch screen and a tightly controlled environment makes a powerful and flexible user interface. An easy-to-understand interface also means less training will be required to support the iPhone in a business setting.

iPhone Applications

The other big factor for the success of the iPhone has been the Apple App Store. Yes, the iPhone comes with built-in applications that provide additional functionality like taking a photo or movie, using an alarm clock or calculator, watching YouTube, tracking stock prices, using a voice recorder, accessing Google Maps (with GPS), and more, but it is the App Store that truly expands the functionality of the iPhone from just another smartphone to a true traveling assistant or companion for the mobile attorney.

The Apple App Store is a closed system only accessible via Apple’s iTunes® program. Applications must be submitted to Apple for approval before they are available to the public. While this restriction by Apple may seem overly protective, it does mean all apps are checked.
carefully, so it is difficult to introduce a virus or other security problem to an unsuspecting iPhone user.

Apps are also absurdly inexpensive. They are typically either free or less than $10. Currently there are more than 185,000 apps available.

There seem to be apps for every purpose. Apps can use and combine the iPhone hardware (camera, GPS, etc.), user data, and Web content to create highly useful and innovative functionality. For example there are several apps that can listen to a song you are playing (or humming) and tell you what the song is, who wrote it, what the lyrics are, and where to buy it. There is another app that scans the bar code on an item and then gives you locations where you can buy it locally. Apps that provide such combinations or mashups are at the core of why the iPhone apps have been so successful.

The following sampling of iPhone apps is based on conversations with multiple legal professionals describing what they find useful. Every person has a different practice, a different area, and a different way of doing things. This list is not meant to be exhaustive, but merely to provide a perspective on how a few legal professionals work. [Note: Information about several apps has been updated since this article was originally published.]

**E-Mail and Other Communication**

Like most smart phones today the iPhone comes with its own full-featured e-mail application called Mail. Multiple e-mail accounts can be set up, so both work and personal e-mail can be accommodated. The current version of Mail supports all standard e-mail types including Exchange, POP, and IMAP. Most file attachments are natively read including Word, Excel, PowerPoint, PDF, jpg, png, gif, and more. Beyond e-mail, the following list of apps represents other ways legal professionals communicate.

- **LinkedIn** (free): Client application for the LinkedIn business network.
- **Facebook** (free): Client application for the Facebook social network.
- **Twitter** (free): Client application for the Twitter social network.
- **Cisco WebEx Meeting Center** (free): Participate in an online WebEx meeting.
- **UStream Live Broadcaster** (free): Stream live video from your phone to one or more people.

**Document Work**

Natively the iPhone has no word processor or suite of office-like applications, but several third-party apps are available to fill the gap. Two of these apps, Documents to Go and QuickOffice, are old veterans and have been around for years on various smartphones. In terms of document work, it is worth mentioning that the iPhone has an on-screen keyboard that pops up on the touch screen when needed. It is good for short bursts of editing, but is not comfortable for long-term document work. In the next version of the iPhone operating system (available by June 2010), the iPhone will support the use of external keyboards to supplement the internal touch-screen keyboard. The following are apps that are related to document work:

- **Quickoffice Mobile Suite** ($4.99): Edit and create Microsoft Word and Excel files.
- **Zosh** (free): Electronically edit, sign, and e-mail forms and documents.
- **DocScanner** ($0.99): Scan on the go. Take a photo of any document with the iPhone camera and convert it to a PDF document.
- **mDMS** (free): Connect to your document management system (DMS).
- **scanR Business Center** (free): Scan, print, and fax. Available for existing scanR users only.
- **Dragon Dictation** (free): An easy-to-use voice-recognition application. It requires no training and is remarkably accurate at typing what you say.
- **Voice Memos** ($0.99): Uses the iPhone built-in microphone to record anything from a quick reminder to a meeting.
- **JotNot Scanner** ($0.99): Scans anything from receipts to documents to whiteboards. It straightens and adjusts the image and mails it to you.

**Web Browsing**

The iPhone is one of the first smartphones to have a full-featured Web browser (Safari). It lacks support for Adobe Flash (typically used to display video on a Web site or for advertising), but it can render most Web sites as well as any desktop browser. A few alternatives to Safari are listed below.

- **Safari** (free): A standard app that comes with the iPhone. It is Apple’s own Web browser for both Mac® and iPhone.
- **Opera Mini Web browser** (free): A well-regarded Web browser that caches pages through its online servers for a faster browsing experience.
- **Google Search** (free): A voice-recognition application for Google’s Web search engine. State your search terms and it performs a
Contacts

The iPhone comes with a very capable contact management application called Contacts. It can interact with e-mail and text messaging, and can be synced with a user's Microsoft Outlook contacts. The following apps provide additional capabilities.

- **Groups** ($3.99): An application that enhances management of groups of contacts.
- **Bump** (free): Provides a means to share contacts (and more) between two phones by simply bumping them together.
- **Fast Contacts** ($0.99): Enhances the iPhone contact application.

Remote Access

Many law firms provide remote access via a Citrix environment. This gives the user access to a Windows® desktop customized with the firm's applications. While the iPhone screen is typically too small, it does provide a scrollable "window" onto the larger remote desktop screen. While these remote access apps have limited usefulness on the smaller iPhone screen, they will be a "killer" application for the larger brethren of the iPhone, the iPad™, which uses a much larger 9.7-inch screen. The following apps provide either remote access via Citrix or other means.

- **Citrix Receiver** (free): Citrix remote access application allows remote access to virtual user desktops and applications hosted by Citrix servers.
- **Jump Desktop** ($19.99): RDP-based remote access application allows remote access to virtual user desktops hosted by Windows Terminal servers.
- **LogMeIn Ignition** ($29.99): Remote access application allows remote access to virtual user desktops hosted on a static laptop or desktop.

Reference and Research

While legal practices use different resources, the following apps show a good sampling of legal reference and research materials.

- **Nolo's Plain English Law Dictionary** (free): Offline browse and search for definitions and terms.
- **U.S. Code** (free): Search, browse, or use legal citations to find sections of the United States Code.
- **Real Time Congress** (free): Provides updates, schedules, and key policy documents as they are released by Congress and the White House.
- **Experts and Consultants** (free): Search and find experts and consultants worldwide for litigation, business, research, news, and other projects.
- **Merck Manual** ($34.99): An offline copy of the highly regarded reference that provides information on diagnosis and treatment of medical disorders.
- **Wikipanion** (free): A Web browser front end customized for use with the online encyclopedia Wikipedia.
- **ABA Journal for iPhone/iPad** (free): Read breaking legal news, updated throughout every business day, plus in-depth monthly magazine articles.

Enhanced Productivity (Notes/Tasks/Contacts)

- **Things** ($9.99): A task management application that keeps track of your project tasks.
- **Pageonce Pro Money & Bills** ($12.99): Combines several personal applications in one: bill management, frequent flyer miles tracker, travel itineraries, credit card status, bank account status, investment portfolio, cell minute tracker, and more.
- **Evernote** (free): Helps you keep track of research, meeting notes, etc., through notes, ideas, snapshots, and recordings.
- **SpeakWrite** (free): Dictation transcription service. The app is free, but the transcribed document costs.
- **Awesome Note** ($3.99): A note-taking application and to-do manager.
- **Eye Glasses** ($2.99): Magnifies and displays text using the iPhone built-in camera. Good for reading the fine print in contracts!
- **Pastebot** ($3.99): Save multiple bits of text or images as clippings for repetitive copy and paste operations.

Easing the Journey

There are many ways to make a long trip better, from reading, to listening to a book, to finding a movie. The iPhone can natively download podcasts or music on the fly from the Apple iTunes store. The following apps provide other popular ways to help ease the journey.
New York Times (free)/USA Today (free)/Wall Street Journal (free)/Washington Post (free): Stay current with news while on the road. These are just some of the big-name newspapers available on the iPhone. While most of the apps are free, the trend is toward charging for access.

Kindle (free): Kindle is an electronic book reader from Amazon. If you are a Kindle owner, this app allows you to download and read your Kindle books on the iPhone and iPad.

Barnes & Noble NOOK for iPhone (free): An iPhone reader for electronic books purchased from Barnes & Noble.

TomTom U.S. & Canada ($59.99): Leave the GPS at home. This app provides the same turn-by-turn and voice guidance functionality as a dedicated GPS device.

MotionX GPS Drive ($0.99): A very inexpensive alternative to a dedicated GPS.

GateGuru (free): A searchable listing of airport amenities.

Siri Assistant (free): A voice-activated app that will find a restaurant, taxi, movie, and more.

The Weather Channel (free): Location-based weather conditions and forecasts.


Pocket Tunes Radio ($6.99): Stream your favorite radio or Web-based station when you travel, including satellite radio (if you subscribe).

Yelp (free): A mashup app that provides user-only reviews for restaurants, movies, stores, services, and lots more. It also features a unique "monocle" view that allows you to hold the iPhone up in the direction you are walking and display a "heads-up" view of restaurants (or other reviewed stores) ahead (using the iPhone built-in GPS and compass).

Movies (free): Find local movie showtimes, watch trailers, and get reviews.

Skype (free): Skype is an old established Voice over Internet Protocol (VoIP) Internet phone service. This app does VoIP calling over a Wi-Fi connection. Good for overseas travel or as an alternative to reducing your calling plan with a cell carrier.

Line2 (free): A new service that does VoIP Internet phone service. This app does VoIP calling over a Wi-Fi as well as an AT&T 3G connection. Good for overseas travel or as an alternative to reducing your calling plan with a cell carrier.

Bar Exams/Study Aids

BARBRI (free): Watch and listen to courses and do practice questions for bar exams from BARBRI.

CLE Mobile (free): Listen to continuing legal education courses and earn CLE credits from West LegalEdcenter®.

Bar Exam (free): LawTV's listing of bar exam requirements for every jurisdiction.

Marketing

This is not a large category, but the following app is a creative example of using apps for law firm marketing.

MoFo2Go (free): Provides information about the law firm of Morrison & Foerster including news and client alerts, attorney bios, office addresses (as well as nearby transportation, restaurants, and hotels), and a maze game.

Near-Term Future

New iPhone/New Operating System: Apple has announced OS 4.0, the upgrade to the existing iPhone operating system. It provides more features such as the ability to run more than one app at a time (multitasking), a new e-book reader app and store called iBook®, the ability to use an external keyboard, and more. A new iPhone is now available with a higher resolution screen and more memory.

iPad: This device uses the iPhone operating system but with a much larger 9.7-inch touch screen. It is meant to fill the gap between the smartphone and the laptop.

Where Is This All Going?

The basic computer interface has not changed since the advent of the mouse more than 20 years ago. While several attempts at tablet computers have been made over the years, none has been overwhelmingly successful in changing how we interact with a computer.

With the advent of the iPad, the easy-to-use interface of the iPhone is expanding to find an even broader audience. Apple calls the iPad "revolutionary." The true transformation caused by the iPhone and iPad is because of the success of the touch interface. It is conceivable that the momentum gained by this touch interface will surpass smartphones and will represent a long-lasting and fundamental change in how we work with our desktop computers as well.

This article originally appeared in the July 2010 issue of Practice Innovations.
There is nothing quite like helping a prospective client see how your firm's services will help their company reach its business goals and having your firm hired as a result of your strong presentation and your ability to tie your services to their needs. Contributing to your firm's revenue builds confidence, wins accolades, and emphasizes that you are part of the team. But today, differentiating one firm's services from another is becoming increasingly difficult and a real challenge. To retain clients you've fought so hard to sell requires consistent delivery of the services and the brand that your firm promised with the sale.

This article will discuss two areas that will help today's law firm effectively compete for and retain clients in the evermore competitive legal environment: building the brand and delivering the brand.

Build the Brand

Let's examine brand within the product world of cars as an example. One could argue that, like legal services, one good car is the same as another. But effectively branding a product like a Mercedes ML350 or C-Class sedan and distinguishing it from others, by ensuring delivery of the same quality and consistency that you as a consumer expect, takes effort and careful planning and execution. What if the ML350 product was what you have come to expect from the brand and the C-Class your friend or spouse purchased was no better than a lower value brand? The brand would be compromised and you as a buyer would not be receiving what you expected.

Now switch your thoughts to legal services. Think of a firm with 16 offices across the globe. If a corporate partner in San Francisco is creating a mergers and acquisitions (M&A) document from his set of documents and a corporate partner in Chicago is creating an M&A document from her set of documents, where is the service consistency across the department and the firm's offices? Take another example—a Florida firm with three offices within the state. If the practitioners in the private client department are each delivering their respective versions of an estate plan for their various clients, there is no service consistency.

A competitive firm can beat your firm on service reliability and pricing every time. Creating a consistent brand (in this case a consistent service product) and, therefore, an expectation on the part of your firm's clients that is not only met but exceeded every time, gives your firm an advantage over the competition. So, if your firm is selling "high quality legal services," that's not enough. The high quality proof is seen in the eyes of the recipients—the clients. Making sure your high quality is experienced across the client base means making sure you align the partners' expectations with the clients' expectations and build exceptional quality and service into every part of the service delivery.

Let's look at a few ways a firm can achieve this. Start with the substantive legal product itself. Work with a small group within the firm to create a pilot project. Creating a consistent brand (in this case a consistent service product) and, therefore, an expectation on the part of your firm's clients that is not only met but exceeded every time, gives your firm an advantage over the competition. So, if your firm is selling "high quality legal services," that's not enough. The high quality proof is seen in the eyes of the recipients—the clients. Making sure your high quality is experienced across the client base means making sure you align the partners' expectations with the clients' expectations and build exceptional quality and service into every part of the service delivery.

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For a closer look at what is meant by productizing a service, see Figure 1, which breaks down the intellectual property (IP) litigation process. By
defining each step and the documents that coincide, the firm has a consistent approach to helping an IP client. Further, by using this approach to involve a client in the process, the firm has an opportunity to make its service somewhat tangible to the client. Another use for this process is creating consistent pricing models. Review a financial history of the various stages of the IP process, say from matter inception to motion for summary judgment, and determine the cost. This provides an opportunity to determine a strong approach to pricing the services and offering clients a budget for their planning purposes. Granted, this is a somewhat granular approach to demonstrate the point. Once the services are defined within the various practices of the firm, it’s time to take a look at the bigger picture—the overall firm product or brand.

Deliver the Brand

To make your firm the Ritz Carlton of law firms means delivering on the brand (i.e., high quality) that clients have come to expect of the firm. Figure 2 depicts a broader view of the various points of intersection the firm may have with its clients. There is value in studying how the firm delivers service through these various channels and, therefore, how the product or the brand is engrained in the culture of the firm. Granted, these various client intersections are not what we come to think of generally as the legal product. However, if the core of the service is the lawyer and his or her specific substantive legal services, then the wrapper around the core is the rest of the firm and the various ways in which the client experiences the firm. Tightening the broader range of services and ensuring there is quality and consistency across practices, and in many firms across offices, provide clients with an inherent guarantee of quality.

Think of Disney World or other famous brands on whose services you have come to rely. Your expectations are always met and often exceeded regardless of which corner of the Magic Kingdom you are experiencing. The same holds true for private clubs, high-end hotels, etc. A law firm is the same. The brand must hold true no matter which partner, associate, support team member, or area of the firm the client is experiencing.

Review the firm from the clients’ eyes and work to align the firm’s strong legal services with the other various ways in which the clients experience the firm.

In summary, we hear a lot about productizing a law firm’s services. Review the various practice areas and seek ways to standardize the substantive legal work. Then view the rest of the firm and its service areas from conference rooms and reception areas to telephones, e-mails, and voice
mails to make sure the product the firm is delivering is consistent across the firm, its practices, and its offices.

Exceed client expectations and clients will continue to be loyal to the firm.

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