



MANUFACTURING LEGAL SERVICES

By Anthony Pereira

Any customer can have a car painted any color that he wants, so long as it is black.” While the Industrial Revolution brought many new techniques and tools to allow for mass production, it took innovators like Henry Ford to embrace it. Ford’s quote about his Model T popularized the concept behind mass production: sacrifice customization, but make a better, stronger, faster product and do so efficiently. The mass production of the automobile allowed Ford to offer his product for less. However, he was not working harder for less money; Ford was crucial in Americans achieving a 40-hour workweek.

Even if the legal field adopted mass production techniques, providing legal services is not the same as manufacturing a car. Every customer and each case are unique. When buying a car today, you would scream if the salesperson said the car only came in black. You’d expect to be able to choose the color of your car. Customers expect more, and we as a profession can provide more today. When adopting practices from the production industry, one might look to a more recent case study: computers.

If you purchased a computer during the 1990s, you’ve probably heard of Dell computers. A feature of buying a Dell was that you could customize the specs that you wanted. You could choose your microprocessor, storage capacity, RAM, graphics card, and more. Dell produced a massive quantity of these made-to-order computers by having a framework into which they plugged in the personalized components.

Mass customization proved successful for Dell because it produced an individualized product resembling the services lawyers provide their clients. Compare mass customization to using a template to draft a motion that you have drafted 100 times before, instead of drafting it anew each time. Sure, Dell could utilize economies of scale that solo and small firms cannot hope to achieve, but mass customization principles are achievable in a legal practice.

The manufacturing industry was not satisfied with just producing mass quantities and was not satisfied with just producing customized goods. They continue to evolve and adapt to become more efficient. 3M (known for products like Scotch tape, Post-Its, and sandpaper) used “Lean Six Sigma” to increase production, reduce waste, and increase sustainability. 3M provided quality products at a lower cost while going green by being efficient with production methods.

In the early 2000s, Lean Six Sigma was conceptualized by Barbara Wheat, Chuck Mills, Mike Carnell in their book *Leaning into Six Sigma: The Path to Integration of Lean Enterprise and Six Sigma*. While I do not know what happened to the other five sigmas, achieving the sixth one is essential. This production technique aims to achieve a constant flow between steps without wasted processes (“Lean”) and improve the output quality by reducing variations in the steps (“Six Sigma”). Why not look inward at your practice and your business model to determine critical resources, what profitable clients look like, and what value-added services you provide?

As lawyers, we are skeptical and trained to differentiate one case from the next. One might think that Six Sigma applies to

manufacturing, but not service-based industries: not so fast. In 2012, Ayon Chakraborty and Kay Chuan Tan published “Case study analysis of Six Sigma implementation in service organisations” in the *Business Process Management Journal*. They looked at service companies in the UK (hence the spelling of organisations). They discovered that many service organizations introduced a Six Sigma program to map critical processes essential to customer satisfaction. The key benefits of introducing Six Sigma programming into a service industry come from reducing the number of non-value-added steps in providing service and transforming “from fire-fighting mode to fire-prevention mode.”

An example of these principles working to make clients happy is that a “large insurance firm” was experiencing all-time low customer satisfaction. So they implemented Six Sigma principles and in less than five months they were saving money and increased customer satisfaction. It may be as simple as happy client, happy life.

While the production industry has and continues to evolve, the legal profession has remained relatively stagnant. Now the law office business model evolved some, going from states capping legal fees to a billable hour model in the 1960s. While the billable hour seems fair, it too is 60+ years old and might be outdated. A lawyer from the 60s would have many of the skills needed to practice law today. Of course, that attorney would benefit significantly from using a Dell, but the basic principles of a law practice are the same.

I am not trying to be Jerry Maguire with a heartfelt memo to the legal profession that there is a better way, nor am I Billy Beane (*Moneyball*) saying it is all about the sabermetrics. However, I work with Metro Volunteer Lawyers, and I see many low-income families that cannot afford an attorney. People not being able to afford an attorney might result from their circumstance, the economy, or it might be caused by the legal profession not adapting to meet needs. However, until pricing for legal services is within the public’s means, we cannot achieve access to justice.

I am fortunate that 100% of the legal services I provide are pro bono and most of my work is finding volunteer attorneys to assist low-income clients with part of their case. While thankful for this opportunity, pro bono work is only one part of the solution. I am fully aware that all other attorneys have a business to manage, but we can improve law practice to provide higher quality, more affordable legal services by being efficient. Perhaps by analyzing and innovating the law practice, we can provide a car, a computer, a post-it, and legal services affordably. 🍷

ANTHONY PEREIRA works for Metro Volunteer Lawyers, the pro bono arm of the DBA. He operates and improves MVL’s Family Law Unbundled program helping low-income families with their family law cases. He understands that many of his peers are not fortunate enough to have 100% of their work be pro bono, but encourages all attorneys to volunteer, at least a little. He would be happy to talk with anyone interested in volunteering about the best way for them to get involved.