

Best Practice Clinic: LAW 9000 - Mapping processes

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December 2004 page 46

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LAST MONTH I IDENTIFIED A POTENTIAL problem in taking a literal clause-by-clause approach to LAW 9000, rather than focusing on the needs of the business. This risks non-compliance by staff as they seek ways to ignore any processes they consider peripheral to their day-to-day business requirements.

What we want is a model that provides a set of documents (containing policy and procedure as required) that:

- map the actual processes within the practice – that is, what the practice does;
- are easily available to and understood by all staff that need to get them; and
- focus on the needs of the users, rather than LAW 9000, the quality manager or external auditors.

This approach is designed, first and foremost, to identify and reflect the practice activities and be a usable basis for practice improvement and future growth. There are three main steps in identifying the 'what' of a practice-focused LAW 9000 system:

1. Map existing processes

This is often not as straightforward as it may appear. Practitioners can be so close to their work that it is hard to identify the core steps in a procedure. The following techniques may help.

- Assign staff to identify or list the processes undertaken in a practice area or on matters where or on which they do not usually work.
- Ask staff to list for a specified time period all of the processes they undertake.
- Use available source materials such as review checklists, old files, job descriptions, engagement letters, practice plans.
- Use a technique such as customer-supplier mapping to tease out the working relationships within the practice.

2. Identify new processes that may benefit the practice

This step is a hard one to implement objectively. Usually the question is not 'can I do

more or extra things that will benefit the practice?', but rather 'can I do more or better things that will provide *value* to the practice?'

It is just about always possible to introduce new steps or work methods that could arguably benefit the practice in some way. The question of cost-effectiveness and ultimate value is one that requires deeper analysis.

The following hypotheses should be viewed with suspicion.

- A complex process is the same as a thorough and efficient process.
- An additional process step will automatically improve an existing process.
- Overlapping processes do not impede efficiency.
- Additional layers of management and record-keeping provide greater control and accountability.

To assess whether new processes should be introduced to benefit the practice, ask the following questions about your existing processes.

- Do existing processes reflect a measured and systematic way of performing our functions in all practice areas?
- Have we omitted or neglected specific practice areas, functions, matters or elements such as record-keeping, file management, matter-review, client relations, planning for work or for the business?
- Are the existing processes as simple to follow as possible while still providing meaningful controls and transparency?
- Would it give management or staff greater control, transparency or accountability, or provide clearer expectations if we augmented this process or added a defined method of performing additional functions?

3. Map interaction and sequence of processes

This is often given low priority, but is a key step in forming a true understanding of process and workflow between practice areas. To start, identify how your own practice area interacts with other areas in the practice. Consider what types of interaction take place – human, records, process and matter reviews, clients, resource allocation, infrastructure and so on.

Reviewing for compliance

Finally, the practice needs to conduct a 'gap-analysis' to check compliance with the LAW 9000 requirements.

Remember, a single process or system set up within your practice is capable of satisfying multiple compliance elements in LAW 9000. In fact, the most efficient QA systems are those which seek to integrate processes.

Note: this article is based on the LAW 9000 course materials prepared for the Centre for Best Practice by Realisation.

< [Prev Next](#) > | [Back to Contents](#)

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