QUALITY ASSURANCE AND TECHNOLOGY IN LAW PRACTICE

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OUTLINE

- Introduction
- Quality Assurance and Control
- Impediments to Quality Control - Reality check
- Change Factors
- Responding to Change Factors
- Efforts at Quality Control and Assurance
- Link between Technology, Productivity and Quality Assurance
- Imperatives for Technology in Law Practice
OUTLINE (Contd)

- Which Technology?
- Concrete Gains of Linking Technology with Human Knowledge in Law Practice
- Is Technology a magic wand?
- Conclusion and Recommendations
INTRODUCTION

- The increasing ease of movement of good and services portends challenge for every enterprise including law practice
- Clients are increasingly more demanding and meeting those demands pose challenge to law firms
- Delivering consistent quality to the clients is fraught with vagaries which can render quality deficient
- Developments in knowledge and technology offer not just even more challenges but also solutions to the law firm trying to compete and meet demands of varied clientele
QUALITY CONTROL AND ASSURANCE

The price of doing the same old thing is far higher than the price of change
- Bill Clinton
WHAT IS QUALITY CONTROL

Quality control is a process by which entities review the quality of all factors involved in production. This approach places emphasis on three aspects:

- Elements such as controls, job management, defined and well-managed processes, performance and integrity criteria, and identification of records
- Competence, such as knowledge, skills, experience, and qualifications
- Soft elements, such as personnel integrity, confidence, organizational culture, motivation, team spirit, and quality relationships.

The quality of the outputs is at risk if any of these three aspects is deficient in any way.

- Wikipedia
WHAT IS QUALITY ASSURANCE

Quality assurance, or QA for short, refers to a program for the systematic monitoring and evaluation of the various aspects of a project, service, or facility to ensure that standards of quality are being met.

- It is important to realize also that quality is determined by the program sponsor. QA cannot absolutely guarantee the production of quality products, unfortunately, but makes this more likely.
- Two key principles characterise QA: "fit for purpose" (the product should be suitable for the intended purpose) and "right first time" (mistakes should be eliminated). QA includes regulation of the quality of raw materials, assemblies, products and components; services related to production; and management, production and inspection processes.
- It is important to realize also that quality is determined by the intended users, clients or customers, not by society in general: it is not the same as 'expensive' or 'high quality'. Even goods with low prices can be considered quality items if they meet a market need. QA is more than just testing the quality of aspects of a product, service or facility, it analyzes the quality to make sure it conforms to specific requirements and comply with established plans.
  - Wikipedia
QUALITY CONTROL AND ASSURANCE

- Quality Control and Quality Assurance used interchangeably but not same. One is the process of doing things whilst the other is the planned review of the process.
- Both ensure and assure that we can do the same old thing consistently.
- Entail policies, procedures, competences, culture and systematic actions established by an enterprise for the purpose of providing and maintaining a specified degree of confidence in service delivery or data integrity and accuracy throughout the life cycle of the service or data which includes, input, update, manipulation and output of the service or data.
QUALITY CONTROL AND ASSURANCE (Contd)

• It encompasses all actions taken to ensure that standards and procedures are adhered to and that delivered services and products meet performance requirement consistently

• It is the process of ensuring that the degree of excellence specified is achieved
THE REALITY

Dog eat Dog

It is not the strongest of the species that survive nor the most intelligent, but the ones who are most responsive to change

- Charles Darwin
WHY IS CONSISTENCY IN QUALITY ELUSIVE OR QUALITY DEFICIENT?

- **Change**
  - The only thing permanent in life is change
  - Key staff may leave or become old

- **Knowledge**
  - We learn everyday
  - New knowledge and information may render all we knew or did before obsolete

- **Competition and Relativity**
  - Globalisation
  - Concentration e.g. English Law
  - Networking
  - Commoditisation

The above and other change factors skew quality in any old way of doing things leading to deficiency in quality. You may not be able to do it as well any more or others just do it better now!
A LITTLE MORE ON COMPETITION AND GLOBALISATION AS IT AFFECTS LAW PRACTICE

- Open world economy with freer movement of goods and services through removal of trade barriers—means foreign companies are coming and local ones are going global
- Concentration – They have been coming i.e. English Lawyers. English law is choice for international contracts. London attracts about 60% of associated legal work for international contracts
- They will stay now- WTO Protocol on Free Movement of Legal Services
- Your client and competition is changing. What are you doing?
TRENDS IN GLOBALISATION AND COMPETITION

- Internationalisation
  - Compete
  - Merge
  - Remain Local – if you remain local when WTO Protocol is fully implemented in Nigeria, unless there is some statutory protection or soft landing, how do you keep your staff and compete? Are you going to rely only on protection to survive.

- Network
  - Standardisation- may require your upgrading your processes, technology and people to standard set by the network
  - Remain Local

- Commoditisation
  - Skill, Cost, Infrastructure and Facilities
  - This is no longer legal practice as such because you become the backroom for international law firms and do simple large volume low end work. It’s a volume business here. But it pays
IMPERATIVES FOR EFFECTIVE RESPONSE TO CHANGE

- Speed
  - Speed ensures efficiency
  - Depends on clients need. No one fits all strategy on speed but clients appreciate speed in response to their needs

- Cost
  - Important because it’s an issue for many clients
  - But may not be the issue for many others
  - Cost includes all resources a firm deploys to render the service
  - It should always be about trying to meet the clients expectation on cost

- Reliability
  - The client must not feel change
  - Not because change is not occurring but because you always deliver

- Dependability
  - Even where client feels the change client feels you are up to it

- Quality
  - May have no relationship to cost
  - Cost may be a major determinant of ability to deliver quality
  - Sunk cost may over time deliver quality at relatively lower cost and faster speed

- Balance
  - The challenge for a law practice is how to maintain the balance amongst these imperatives to deliver consistent quality service to varied clientele base
TOOLS FOR QUALITY CONTROL

Technology

- It is the methods, systems and devices the result of scientific knowledge used for practical purposes

- It is also the capability given to an enterprise through the practical application of knowledge - *Collins English Dictionary*

- Any human innovation involving the generation of knowledge and processes to develop systems that solve problems and extend human capabilities - *Massachusetts Department of Education*

- Technology therefore is not just human knowledge but such that has been applied to solve a problem through practical application
TOOLS FOR QUALITY CONTROL (Contd) - KNOWLEDGE

- Knowledge
  - Perhaps the most important resource for quality control and assurance
    A good lawyer is not just one who knows the law but one who knows how to find the law — Lord Denning
  - Consist of two aspects
    - Competence
    - Culture

- Professional Certification of Competence
  - Nigeria Law School
  - Council of Legal Education
  - University Education
  - Absence of post qualification certification but see UK CIArb PAC programme
External Inspection

- From time of construction of great pyramids through industrial revolution and world wars, supervision and inspection has been used and is now established as a method of ensuring quality in construction and production. Enables plan to be followed and defects identified and removed. Now driven internationally by International Standard Organisation ISO e.g. Total Failure Test and Statistical Control Test
- In Nigeria now statutorily established through Standard Organisation of Nigeria SON
- Inspection now extended from products and construction to company quality which focus on management and people of an enterprise rather than its product. ISO has certificates for company quality inspection e.g. ISO 9001
- An adjusted company quality inspection is suitable for law firms
WHERE AND HOW WILL TECHNOLOGY PRACTICALLY HELP LAW PRACTICE

<table>
<thead>
<tr>
<th>Document Management</th>
<th>Practice Management</th>
<th>Budgeting Accounting and Billing</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Standard Templates</td>
<td>• Time Ticket- manual and auto record</td>
<td>• Auto billing from time tickets</td>
</tr>
<tr>
<td>• Central Database</td>
<td>• Calendaring – central, conflict resolution</td>
<td>• Financial Reports</td>
</tr>
<tr>
<td>• All documents and emails linked to matter</td>
<td>• Conflict of Interest checks</td>
<td>• Budgeting and estimate preparation</td>
</tr>
<tr>
<td>• All matters linked to client</td>
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<td>• Resource utilisation justification</td>
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WHERE IS TECHNOLOGY NOW AND WHERE IS IT GOING

- **Hardware**
  - Expensive and big horse power processors now out of fashion
  - Cheap memory chips and processors means smaller devices like desktops, laptops and hand held

- **Software**
  - Complete solution practice management software like Abacuslaw
  - Searchable database like Westlaw, DTSearch, EasyLaw and Pavillon

- **Convergence**
  - Confluence of internet, broadband, intranet, small devices, telephone, etc., has thrown up more opportunity for innovation
  - Video/Teleconferencing
  - Legal Blogging
  - Digital Formatting
  - Electronic payments – recent CBN directive
  - e-platform for court filing may come sooner than later
GAINS FOR QUALITY THROUGH TECHNOLOGY

Client Retention

- Calendaring
- Easy updates
- Better client management
- Can access new clients in far and wide location so physical and geographical boundaries are overcome

Accountability

- Timely and accurate billing
- Give client budget estimate within hours, personnel and rates and as the job goes on give monthly actual time ticket which can be compared with budget

Reliability

- Standard Templates
- Process Manual
- Capture of all firm experience in central data
- Ability of any authorised staff whether experienced or not to access central data and work with entire experience of firm thereby reducing risk of quality deficient output

Speed and Efficiency

- The right mix of hardware, software and access would make for easier and quicker generation, transfer and transmission of work between offices far apart and clients distantly located
- Can match service with speed of transaction and with convergence of internet broadband telephony and devices this may be as little as a few seconds

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We have learned that productivity is a social if not a moral principle, and not just a business principle; that increased productivity must contribute to a greater income for the masses, to greater job security of the workers, to greater satisfaction for the customer...and that it is not enough for it to contribute to profits.

Peter F. Drucker
WHAT DOES MORE PRODUCTIVITY MEAN?
MORE LEISURE AND INNOVATION
IS THIRD PARTY CERTIFICATION ADVISABLE NECESSARY OR INEVITABLE

People

Management

Inspection
CERTIFICATION FOR LAW PRACTICE ABROAD

- Lexcel Practice Management—Accredited by UK Law Society
  - Is a best practice standard designed specifically for solicitors' law firms
  - Focuses on all aspects of practice management
  - Helps to ensure that legal practices deliver excellent client care and consistently high quality of service
  - Awardee authorised to use the Lexcel logo on their letterhead and promotional literature

- LAW9000 - mirrors ISO9001
  - Popular in Australia
  - Focuses on improving day-to-day management of legal practices
  - Quality focused business management system.
  - Specific legal processes including: matter control, client engagement, conflict of interest and termination.

- Perhaps NBA should work with SON to develop an inspection standard for law firms in Nigeria with appropriate certification
QUALITY CONTROL WITH TECHNOLOGY BOOST STAFF CONFIDENCE
IS TECHNOLOGY A MAGIC WAND

- No - Technology is important but not sufficient
- Leadership must vision direction of change and respond to it
- Nobody likes to be monitored
- People will resist change
- Technology or software alone cannot drive change
- There must be change agents
- Leadership and vision does not rest in IT but the business
- The business is you the leaders of the practice
- Your vision must be clear and you must develop implementation strategies which must be followed through

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FOOD FOR THOUGHT

Can you avoid knowledge? You cannot! Can you avoid technology? You cannot! Things are going to go ahead in spite of ethics, in spite of your personal beliefs, in spite of everything.

Jose M.R. Delgado, Scientific American, October 2005
CONCLUSION AND RECOMMENDATIONS

Quality

People

Process

Technology

Review
Quality assurance will be one of the most important factors in law firm business strategy in the decade of the 2010s. It will have profound effects on law firm profitability by reducing the causes of poor productivity. Law firms that do quality assurance well will also have a powerful competitive advantage over those for whom “quality assurance” is little more than crisis-to-crisis improvisation in response to client complaints.

 Norman Clark

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QUESTIONS?

THANK YOU