

Global Legal Profession

Quality

Value

Metrics




A Roadmap

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BA MA JD LLM

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Abstract

The legal profession has operated under ethical standards defined by more than 100 institutions. The scope of ethics rules vary from country to country.² Though recent versions are more aspirational, their common denominator is they are “Thou shalt nots.” While not uniform worldwide, they are generally based upon the principle of protecting the unsophisticated client. They generally do not address the expectations of the business or the institutional client that assumes their attorney complies with ethics rules.

What do not exist are qualitative measurable standards related to business law. Measurable quality standards are very different in that they presume fundamental adherence to ethical principles. Until recently, measurable standards were particularly difficult to quantify. Today, it is both practical and possible to objectively quantify them. Effectiveness and efficiency can be measured based upon standards. As the ethical standards are being harmonized, the measurable quality standards also deserve to be harmonized or at least unified globally.

Today, the lack of any established measureable standards means that the four interested constituencies – bar associations, lawyers and law firms, new ALSP models, and business/institutional clients – have a truly unique opportunity to establish them almost on a *tabula rasa*.

This paper serves as a guide to accomplishing this objective globally by setting out the constituencies, specific questions on resources, and an example of legal practice quality developed by the Law Society of England and Wales, which is called Lexcel. Appendix 1 will identify key individuals to invite to participate in the process.

² The trend is to harmonize ethical rules. Andrew Boon, *The Globalization of Professional Ethics? The Significance of Lawyers’ International Codes of Conduct*, ACADEMIA, http://www.academia.edu/179509/The_Globalization_of_Professional_Ethics_The_Significance_of_Lawyers_International_Codes_of_Conduct; see also USPTO, HARMONIZED ETHICAL STANDARDS, THE NEW USPTO RULES OF ETHICAL STANDARDS, https://www.uspto.gov/ip/boards/oed/TM_OED_Slides_9July2013.pdf; see also Laurence Etherington & Robert Lee, *Ethical Codes and Cultural Context: Ensuring Legal Ethics in the Global Law Firm*, IND. J. OF GLOBAL LEGAL STUDIES (2007), <http://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=1346&context=iigls>; see also Susan Saab Fortney, *Challenges and Guidance for Lawyering in a Global Society*, 38 ST. MARY’S L. J. 849, 850 (2007); see also Laurel Terry, *Putting the Legal Profession’s Monopoly on the Practice of Law in a Global Context*, 82 FORDHAM L. REV. 6, http://fordhamlawreview.org/wp-content/uploads/assets/pdfs/Vol_82/No_6/Terry_May.pdf.

I. Introduction to Quality Value Metrics (QVM) Legal

Professional services providers include legal, medical, and accounting professions. There is considerable agreement about defining the characteristic features of a profession. Each has professional associations, a knowledge base, established training, licensing, work autonomy, colleague control, a code of ethics, and high standards of professional and intellectual excellence. Members of a profession are individuals whose qualities of detachment, autonomy, and group allegiance are more extensive than those found among other groups. Their clients are assured they are making a responsible choice.

However, professions vary considerably on the definition and enforcement of quality principles and standards. A comparison between the legal and accounting professions illustrates the objective and subjective differences in approaches. In the accounting profession, results are repeatable and costs can be evaluated. Accounting associations have institutionalized the standards and principles that are uniformly accepted worldwide. Of course, the challenge is greater in the legal profession, which relies principally on subjective standards. While the subject of measurable standards has been discussed in the literature³, there are no global measurable standards or principles that are consistently applied to define the quality of corporate and business-related legal services.

Before any system or program can be implemented, the quality standards in legal services must be clearly defined and understood. In addition to taking into account the differences in the services, this requires evaluating quality standards and principles from three different perspectives in professional services: institutional, the individual professional or firm, and the business client. Ideally, their standards should intersect.

³ Rees Morrison, *Improve RFPs With Data Analytics* Metropolitan Corporate Counsel, May 2017 http://www.altmanweil.com/index.cfm/fa/r.resource_detail/oid/0174586D-23D3-4B2A-96F5-DBDB62C76EB3/resource/Improve_RFPs_With_Data_Analytics.cfm. Paul Lippe, *What if Someone Could Measure What Lawyers Do?*, ABA JOURNAL (Feb. 8, 2012); http://www.abajournal.com/legalrebels/article/what_if_someone_could_measure_what_lawyers_do/, Reed Smith, *Measuring Firm Quality with Client Value Initiatives* (Oct. 28, 2014), Corporate Counsel, <http://www.corpcounsel.com/id=1202674776843/Measuring-Firm-Quality-With-Client-Value-Initiatives?slreturn=20170528123211>, Mark A. Cohen, *A New Metric to Evaluate Law Firm Quality*, BIG LAW BUSINESS (Jan. 6, 2016), <https://bol.bna.com/a-new-metric-to-evaluate-law-firm-quality/>, Susan Tahernia, *Leading Practices in Law Department Metrics – Company Best Practices*, ASSOCIATION OF CORPORATE COUNSEL (Oct. 2013); <https://www.acc.com/chapters/wpenn/upload/ACC-Leading-Practices-in-Law-Department-Metrics-Company-Best-Practices.pdf>, Michelle Graham, *Using Metrics to Measure Law Department Performance Checklist*, ABOVE THE LAW (May 3, 2016), http://abovethelaw.com/?sponsored_content=using-metrics-to-measure-law-department-performance-checklist, H. He, *The Strategic Entry Behavior Choices of Firms under Minimum Quality Standard*, THEORETICAL ECONOMICS LETTERS (April 12, 2015), http://file.scirp.org/Html/6-1500626_52003.htm, Ram Phuyal & Niranjana Devkota, *Strategic Entry Deterrence with New Technology under Quality Regulation in a Vertically Differentiated Duopoly*; http://www.academia.edu/3540929/Strategic_Entry_Deterrence_with_New_Technology_under_Quality_Regulation_in_a_Vertically_Differentiated_Duopoly, Ron Dolin, *Getting to New Law: Standardized Quality Metrics*, RADICAL CONCEPTS (March 25, 2017), <http://radicalconcepts.com/239/getting-to-new-law-standardized-quality-metrics/>, ACC EUROPE ROUNDTABLE SESSION, *Metrics and Concrete Measures to Demonstrate Increasing Tangible Legal Value* (May 4, 2012), <http://www.acc.com/chapters/wpenn/upload/Metrics-and-Concrete-Measures-to-Demonstrate-Increasing-Tangible-Legal-Value.pdf>, David J. Kappos & Stuart Graham, *The Case for Standard Measures of Patent Quality*, SLOAN MIT REVIEW (Spring 2012), <http://sloanreview.mit.edu/article/the-case-for-standard-measures-of-patent-quality/>, Kenneth Grady, *Debunking the Legal Service Quality Myth*, SEYTLINES (March 25, 2015) <http://www.seytlines.com/2015/04/debunking-the-legal-service-quality-myth>, Kenneth Grady, *The 4 Most Important Ways to Measure Law Department Effectiveness*, SEYTLINES (August 1, 2014), <http://www.seytlines.com/2014/08/if-you-could-have-only-4-what-4-would-they-be/>, Tyler Chapman & Amy Kosey, *The Secret Law Firm Metric Clients Will Pay Their Attorneys to Improve*, LEXISNEXIS (2017) <http://www.lexisnexis.com/business-of-law/insights/practice-management/white-papers/the-secret-law-firm-metric-clients-will-pay-their-attorneys-to-improve>, Tim Corcoran, *The Changing Definition of Value: What Matters Most to In-House Counsel*, CORCORAN BIZ BLOG (Feb. 26, 2016), <http://www.corcoranlawbizblog.com/2014/02/changingdefinition-of-value/>, *Which Law Firm Metrics Are More Useful to Clients?* LATITUDE LEGAL (Feb. 24, 2016) <http://latitudelegal.com/resources/which-law-firm-metrics-are-more-useful-to-clients/>, Ron Dolin, *A Call for Measuring Quality in Legal Services*, BIG LAW BUSINESS (Mar. 30, 2015), <https://bol.bna.com/a-call-for-measuring-quality-in-legal-services/>, Mary Juetten, *Key Performance Metrics in the Innovation Department*, FORBES (June 15, 2016), <https://www.forbes.com/sites/marijuetten/2016/06/15/key-performance-metrics-in-the-innovation-department/#27b353014694>, Robert Ming, *Meaningful Metrics for Transactional Legal Groups*, INSIDE COUNSEL (Oct. 20, 2016), <http://www.insidecounsel.com/2016/10/20/meaningful-metrics-for-transactional-legal-groups>.

The first perspective is that of institutions that have an interest in defining standards for their members. For example, the International Standards Organization has issued eight management principles (e.g. ISO 9000) to control quality management. Adherence to these principles is supported by third parties. Bar associations have created "Practice Management Programs," or PMPs, as a way to help attorneys bridge the gap between what was not covered during their legal education and the business side of practicing law. The American Bar Association offers the largest of such programs, though each state bar has some form of PMP designed to assist lawyers in this critical area. The Law Society of England offers the Lexcel program and certification. Accounting associations have established quality control standards that are independent of other professions: the International Standard on Quality Control and the International Standard on Auditing.

The second perspective on quality standards and principles is found in the day-to-day interaction between lawyers and clients. These perspectives may be found in individual interactions or in the firm's policies. They would be explanatory meetings with clients to outline their rights and their chosen professional's responsibilities; continuous monitoring of outcomes to certify that results remain consistent; and some form of regular certification. Internal procedures are often defined with the business client.

The third perspective is that of the corporate or institutional client. The client may choose in-house corporate counsel, or increasingly the purchasing department might dictate specific standards for the services and the pricing of those services. These standards have not been particularly well articulated in the market.

So, what is the status? While each of these states clearly what the organization hopes to achieve, they go about it in vastly different ways. Professionalism in the legal industry means far more than meeting the base requirements to practice law. At present, quality standards and principles implemented by legal services are far more subjective than in other professions. Accounting standards are firmly entrenched in the industry, and their auditors follow a standardized series of guidelines, no matter where their office happens to be located. Those businesses following the ISO 9000 series similarly have a straightforward method of measuring professionalism. Having bar associations implementing practice management series is a good start, though they are not uniform on a state, national, or international level. The principles offered are vague, un-duplicable, and unenforceable. Additionally, investing in a practice management operation is a voluntary exercise. Many firms try to handle these issues on an internal basis, which leads to fundamental inconsistency.

All law business firms have some form of internal consistency and a plan for safeguarding quality principles since what is at stake is their practice. There are currently very few measurable alternatives in existence to defend legal clients' interests. The issue with this is that utilizing this method is entirely subjective. It creates an industry with varying client outcomes that short of malpractice cannot be measured.

Auditors and the ISO 9000 series are based on neutral standards that are measurable and quantifiable. Reports are written, data is collected, and information is analyzed so the same mistakes are not made again. Practice management programs provide a stepping stone to actual quality control programs, and legal networks have already implemented their own methods. However, on a micro level, there is no cohesive quality control structure in place upon which business law firms can rely.

Apart from enhancing professionalism inherent in standards, quality standards and principles contribute to professional services in two ways. First, they assist in the acquisition and development of clients. Second, the standards also permit the firm to allocate its resources.

Measurable standards will only help a law firm's bottom line. Firms can assist other law offices in acquiring new clients and developing long-term professional relationships. This ensures peak utilization and allocation of a firm's resources because a client will get exactly what he or she needs, and the firm knows whom to contact for assistance without arduous research or the fear that the resulting work will be sub-par. By illustrating that the law firm is invested in the client, word will spread that this firm is attentive and accommodating. If there were a name to these theoretical client standards such as the ISO 9000, which immediately says "compliance and consistency" even to lay businesses, clients would be even more likely to pursue a given firm.

Instituting these standards will require a reallocation of firm resources and an initial investment of both time and money. Conversely, the attention to client needs speaks to a firm's value of customer loyalty, a virtue that can only help a law office succeed in this economic climate. As an added level of comfort, clients will be able to reach out to a dedicated team that is devoted to their questions and concerns. In terms of financial resources, qualified individuals would be hired in order to focus on these new ventures. Surveys could be sent to clients following their engagement with an attorney, which would be returned to analysts with the ability to distill the raw data. This would allow a firm to operate at peak capacity. These newly-created teams could generate a baseline reading by utilizing social media, cold calls to previous clients, and reviews online before any client standards are implemented in order to see the true benefit of focusing on these principles.

II. A Road Map – The Four Perspectives

The legal profession is governed by ethics rules.⁴ These rules have been adopted to protect clients and define professionalism. In general, there are two types: "Thou shalt nots"⁵ and the aspirational.⁶ However, unlike other professions, the legal profession has not adopted any objective measureable standards of quality.

This paper discusses the benefits for business clients, law firms, and the legal profession as a whole from the establishment of measureable objective quality standards. It is a call to action to the institutions that represent the various constituencies to come together to establish these standards for the benefit of business clients and the legal profession.

Overview

Professional service providers include the legal, medical, and accounting professions.⁷ Each has the same characteristic features such as professional associations, centralized knowledge bases, established training, licensing boards, work autonomy, colleague control, and codes of ethics. Each aspires to high standards of professional and intellectual excellence. Members of a profession are individuals whose qualities of autonomy and allegiance are more extensive than those found among other groups. Their clients are assured they are making responsible decisions.

⁴ ABA MODEL CODE OF PROFESSIONAL RESPONSIBILITY, <http://www.americanbar.org/content/dam/aba/migrated/cpr/mrpc/mcpr.authcheckdam.pdf>; see also the IBA INTERNATIONAL CODE OF ETHICS (1988); <https://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=BC99FD2C-D253-4BFE-A389-C13F196D9E60>.

⁵ IBA INTERNATIONAL CODE OF ETHICS (1988); <https://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=BC99FD2C-D253-4BFE-A389-C13F196D9E60> (the Code of Ethics contains has more than 30 prohibitive references).

⁶ In 2011, the IBA adopted the International Principles on Conduct for the Legal Profession (2011) to replace the IBA International Code of Ethics (1988); each is an aspirational principle, but neither represents objective or measureable standards.

⁷ See *Professional*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/professional>.

However, professions vary considerably on the definition and enforcement of quality principles and standards. A comparison between the legal and accounting professions illustrates vast objective and subjective differences in their respective approaches. In the accounting profession, results are repeatable and costs can be evaluated. Accounting associations have institutionalized the standards and principles that are uniformly accepted worldwide. Of course, the challenge is greater in the legal profession, which relies mainly on subjective standards.⁸ There are no global standards that are consistently applied to define the quality of corporate- and business-related legal services. I would assert this is a deficiency.

Before any system or program can be implemented, the quality standards in legal services must be clearly defined and understood. In addition to taking into account the differences in the services, this requires evaluating quality standards from four different perspectives in professional services: institutional, the individual professional or firm, new models, and the business or institutional client. Ideally, their standards should intersect.

- The first perspective is of institutions that have an interest in defining standards for their members. For example, the International Standards Organization has issued eight management principles (i.e., the ISO 9000) to foster quality management.⁹ Accounting associations have established quality control standards that are independent of other professions. They are the International Standard on Quality Control¹⁰ and the International Standard on Auditing.¹¹ Adherence to these standards is supported by clients. Conversely, bar associations have created “practice management programs,” or PMPs, as a way to assist attorneys in bridging the gap between what was not covered during their legal education and the business side of practicing law.¹² The Law Society of England and Wales offers the Lexcel¹³ program for a level of quality certification.
- The second perspective on quality standards and principles is found in day-to-day interactions among lawyers and clients. Before the engagement letter in which the firm is hired, the firm will meet with clients and outline the process that will transpire during their representation. Internal procedures may also be defined with the business client to avoid misunderstandings. There is a continuous monitoring of outcomes.
- The third is the perspective of those creating new models for legal services. This perspective has been acknowledged by the ABA Commission on the Future of the Legal Services as presenting new challenges. The recommended approach is the traditional one: regulations.¹⁴ A number of

⁸ Mark A. Cohen, *Law Should Have Baseball's Metrics*, FORBES, Sept. 26, 2016,

<http://www.forbes.com/sites/markcohen1/2016/09/26/law-should-have-baseballs-metrics/#1878d7306fe7>.

⁹ ISO QUALITY MANAGEMENT PRINCIPLES, <http://www.iso.org/iso/pub100080.pdf>.

¹⁰ INTERNATIONAL STANDARD ON QUALITY CONTROL, <http://www.ifac.org/system/files/downloads/a007-2010-iaasb-handbook-isqc-1.pdf>.

¹¹ THE CLARIFIED STANDARDS, <https://www.iaasb.org/clarity-center/clarified-standards>.

¹² WIKIPEDIA, LEGAL MATTER MANAGEMENT, https://en.wikipedia.org/wiki/Legal_matter_management.

¹³ See LAW SOCIETY OF ENGLAND AND WALES, CODE OF PROFESSIONAL CONDUCT FOR BC,

<https://www.lawsociety.bc.ca/page.cfm?cid=2637&t=Chapter-2-%E2%80%93Standards-of-the-Legal-Profession>;

see also ABA MODEL RULES OF PROFESSIONAL CONDUCT, PREAMBLE AND SCOPE,

http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_preamble_scope.html.

¹⁴ ABA COMMISSION ON THE FUTURE OF LEGAL SERVICES, *Recommendation 11*: “Outcomes derived from any established or new models for the delivery of legal services must be measured to evaluate effectiveness in fulfilling regulatory objectives.”

<http://abafuturesreport.com/2016-fls-report-recommendations.pdf>; see also ABA COMMISSION ON THE FUTURE OF LEGAL SERVICES,

authors have questioned whether in fact these new services can be practically regulated as a result of their size and global scope.¹⁵ A positive approach based on measurable quality would be preferential.

- The fourth perspective, and ultimately the most important, is that of the corporate or institutional clients who receive services. The client may have in-house corporate counsel or increasingly a purchasing department that dictates specific standards for the pricing of services. These standards have not been well articulated in the market. The result is a lack of objective expectations that can translate into miscommunications, which increases the cost of legal services. When articulated, they can also result in new business.

What is the status of quality standards in the professions? While each of these concepts clearly defines what the organization hopes to achieve, their approach is vastly different. Professionalism in the legal industry means far more than meeting the base requirements to practice law. At present, quality standards and principles implemented by legal services are far more subjective than in other professions. Accounting standards are firmly entrenched in their industry, and their auditors follow a standardized series of guidelines, no matter where their office happens to be located. Those businesses following the ISO 9000 series similarly have a straightforward method of measuring professionalism. Having bar associations implementing practice management programs is a good start, though they are not uniform on a state, national, or international level. The principles themselves are vague, and because they cannot be measured, they are generally unable to be replicated and thus unenforceable. Additionally, investing in a practice management program is a voluntary exercise. Many firms try to handle these issues on an internal basis, which leads to fundamental inconsistency within the legal profession.

All law firms have a plan for safeguarding quality standards since their practice is at stake. There are currently very few measurable alternatives in existence to defend business clients' interests. The issue with this is that utilizing this method is entirely subjective. It creates a profession with varying client outcomes that, short of malpractice, cannot be measured.

Standards for auditors and businesses following ISO 9000 are based on neutral standards that are measurable and quantifiable. Reports are written, data is collected, and information is analyzed so the same efficiencies can be duplicated and the same mistakes avoided. Practice management programs provide a stepping stone to actual quality control programs. Some legal networks have already implemented their own methods.¹⁶ However, on a micro level, there is no cohesive quality control structure in place upon which business law firms can rely.

Measurable quality standards can alleviate these issues. Apart from enhancing professionalism inherent in standards, quality standards contribute to professional services in two ways. First, they assist in the

https://www.americanbar.org/content/dam/aba/images/office_president/final_unregulated_lsp_entities_issues_paper.pdf (March 2016) (several as of yet unapproved positions are also discussed in the Final Unregulated LSP Entities Issues Paper).

¹⁵ Laurel Terry, *Putting the Legal Profession's Monopoly on the Practice of Law in a Global Context*, 82 FORDHAM L. REV. 6, http://fordhamlawreview.org/wp-content/uploads/assets/pdfs/Vol_82/No_6/Terry_May.pdf, also citing Benjamin H. Barton, *The Lawyer's Monopoly – What Goes and What Stays*, 82 FORDHAM L. REV. 3067 (2014); see also John S. Dzienkowski, *The Future of Big Law: Alternative Legal Service Providers to Corporate Clients*, 82 FORDHAM L. REV. 2995 (2014); see also Leslie C. Levin, *The Monopoly Myth and Other Tales About the Superiority of Lawyers*, 82 FORDHAM L. REV. 2611 (2014); see also John O. McGinnis & Russell G. Pearce, *The Great Disruption: How Machine Intelligence Will Transform the Role of Lawyers in the Delivery of Legal Services*, 82 FORDHAM L. REV. 3041 (2014); see also Laurel A. Rigertas, *The Legal Profession's Monopoly: Failing to Protect Consumers*, 82 FORDHAM L. REV. 2683 (2014).

¹⁶ For the best-known example, see MERITAS, <http://www.meritas.org/main.aspx?link=29>.

acquisition, development, and retention of clients.¹⁷ Second, standards also would permit the firm to allocate its resources to tailored services for each of its clients.

Consistent standards will only help a law firm's bottom line if the client can measure the outcome. Using recognized standards can assist law firms in acquiring new clients and developing long-term professional relationships. Peak utilization and allocation of a firm's resources ensures a business client will get exactly what he or she needs, and the firm knows whom to contact for assistance without arduous research or the fear that the resulting work will be sub-par. By illustrating the law firm is invested in the business client, word will spread that this firm is attentive and accommodating. If there were a name applied to these theoretical client standards such as the ISO 9000, which immediately says "compliance and consistency" even to laypeople, clients would be even more likely to pursue a given firm. This is lacking in the legal profession.

Instituting these standards will require a small reallocation of firm resources and an initial investment of both time and money to more fully understand the internal and external processes. Conversely, the attention to client needs speaks to a firm's value of customer loyalty, a virtue that can only help a law office succeed in this economic climate. As an added level of comfort, clients will be able to reach out to a dedicated team devoted to their questions and concerns.

Relative to increased financial returns, qualified individuals would be hired in order to focus on these new ventures. Intake surveys could be sent to clients following their engagement with an attorney, which would be returned to analysts for review. These newly-created teams could generate a baseline reading by utilizing social media, cold calls to previous clients, and reviews online before any client standards are implemented in order to see the true benefit of focusing on these standards. The process itself would allow a firm to operate at peak capacity, resulting in an increase in profitability.

Purpose of establishing global o'bmeasurable quality standards³³

The purpose of the analysis is to establish uniform measurable quality standards that will:

- Identify and describe indicators of quality in legal services;
- Assist in quality analyses in self-evaluation activities of law firms and corporate counsel; and
- Provide a guide for the development of policies and procedures that will facilitate the measurable provision of legal services.

The principles underlying this analysis reflect accepted best practices and include many of the components covered by existing policies of the ABA and the Law Society of England and Wales. Some standards were developed for use in the accreditation of professional service programs and provided necessary and minimum requirements in a variety of areas. Establishment of uniform global standards would contribute to increasing the status of the legal profession. The initial outcome would be to specify components that are typically present in quality legal services. Unlike ethics, the guidelines would not constitute requirements.

The analysis would have to be self-explanatory. Its basis would be to create a framework for programs in the development stages as well as to assist documentation of progress toward improving

¹⁷ Sophie Harnay & Camille Chaserant, *Self-Regulation of the Legal Profession and Quality in the Market for Legal Services: an Economic Analysis of Lawyers' Reputation*, 39 EUR. J. OF L. AND ECON. 431, 431-449 (April 2015).

³³ Adapted from: ASHA, QUALITY INDICATORS FOR PROFESSIONAL SERVICE PROGRAMS IN AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY <http://www.asha.org/policy/ST2005-00186/>.

measurable quality of service provisions by attorneys providing legal services to business clients. Some of the functions of the quality indicators are to:

- Assist all professionals in the legal profession seeking to improve quality of legal services delivery;
- Inform other professions, accrediting bodies, funding sources, and regulatory agencies of the essential elements of measurable quality in legal services;
- Guide the development of new programs to increase the quality of legal services at all levels;
- Provide a basic framework for self-evaluation, program modification, and future planning in existing programs to document and improve quality;
- Demonstrate the support services in law firms and corporate legal departments, as well as the goals to be achieved in developing and providing measurable quality legal services;
- Enable business organizations and lawyers to generate a detailed written report of quality service provisions that might be used to fulfill requirements of accrediting and regulatory agencies;
- Assist students and practicing professionals in understanding the components involved in providing quality legal services; and
- Educate business owners and corporate counsel about the indicators of quality legal services and how they can be measured.

Summary

The legal profession has operated under ethical standards defined by more than 100 institutions. The scope of the ethics rules vary from country to country.³⁴ Though recent versions are more aspirational, their common denominator is they are “Thou shalt nots.” While not uniform worldwide, they are generally based upon the principle of protecting the unsophisticated client. They generally do not address the expectations of the business or the institutional client that assumes their attorney complies with ethics rules.

What do not exist are qualitative measurable standards related to businesses law. Measurable quality standards are very different in that they presume fundamental adherence to ethical principles. Until recently, measurable standard were particularly hard to quantify. Today, it is both practical and possible to objectively quantify them. Effectiveness and efficiency can be measured based upon standards. As the ethical standards are being harmonized, the measurable quality standards also deserve to be harmonized or at least unified globally.

Today, the lack of any established measureable standards means that the four interested constituencies – bar associations, lawyers and law firms, new LPS models and business/institutional clients – have a truly unique opportunity to establish them almost on a *tabula rasa*.

³⁴ The trend is to harmonize ethical rules. Andrew Boon, *The Globalization of Professional Ethics? The Significance of Lawyers’ International Codes of Conduct*, ACADEMIA, http://www.academia.edu/179509/The_Globalization_of_Professional_Ethics_The_Significance_of_Lawyers_International_Codes_of_Conduct; see also USPTO, HARMONIZED ETHICAL STANDARDS, THE NEW USPTO RULES OF ETHICAL STANDARDS, https://www.uspto.gov/ip/boards/oed/TM_OED_Slides_9July2013.pdf; see also Laurence Etherington & Robert Lee, *Ethical Codes and Cultural Context: Ensuring Legal Ethics in the Global Law Firm*, IND. J. OF GLOBAL LEGAL STUDIES (2007), <http://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=1346&context=ijgls>; see also Susan Saab Fortney, *Challenges and Guidance for Lawyering in a Global Society*, 38 ST. MARY’S L. J. 849, 850 (2007); see also Laurel Terry, *Putting the Legal Profession’s Monopoly on the Practice of Law in a Global Context*, 82 FORDHAM L. REV. 6, http://fordhamlawreview.org/wp-content/uploads/assets/pdfs/Vol_82/No_6/Terry_May.pdf.

III Videos on Legal Operations

Opening Presentation - Connie Brenton: CLOC President & CEO - NetApp



Big Thinkers Session

Moderator: Jeff Franke - Yahoo



Closing Presentation: Mary O'Carroll - Google



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[How GlaxoSmithKline Changed The Way It Buys Legal Services](#)



[In-House Counsel Panel: Law Firms Gamble with High Fees Bloomberg Law](#)



[Law and technology: impedance mismatch Linux.conf.au 2016 -- Geelong, Australia](#)



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[Legal operations thought leaders on what clients want and how firms must respond](#)



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III. Establishing Measureable Quality Standards

Adapted to legal terminology from: *QUALITY INDICATORS FOR PROFESSIONAL SERVICE PROGRAMS IN AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY*³⁷

The purpose of the analysis is to establish universal measurable quality standards that will:

- Identify and describe indicators of quality in legal services;
- Assist in quality analyses in self-evaluation activities of law firms and corporate counsel; and
- Provide a guide for the development of policies and procedures that will facilitate the measurable provision of legal services.

The principles underlying this analysis reflect accepted best practices and include many of the components covered by existing policies of the ABA and the Law Society of England and Wales. Some standards were developed for use in the accreditation of professional service programs and provided necessary and minimum requirements in a variety of areas. Establishment of uniform global standards would contribute to increasing the status of the legal profession. The initial outcome would be to specify components that are typically present in quality legal services. Unlike ethics, the guidelines would not constitute requirements.

The analysis would have to be self-explanatory. Its basis would be to create a framework for programs in the development stages as well as to assist documentation of progress toward improving measurable quality of service provisions by attorneys providing legal services to business clients. Some of the functions of the quality indicators are to:

- Assist all professionals in the legal profession seeking to improve quality of legal service delivery;
- Inform other professions, accrediting bodies, funding sources, and other regulatory agencies of the essential elements of measurable quality in legal services;
- Guide the development of new programs to increase the quality of legal services at all levels;
- Provide a basic framework for self-evaluation, program modification, and future planning in existing programs to document and improve quality;
- Demonstrate to facility administrators and governing bodies the goals to be achieved in developing and providing quality legal services;
- Enable programs to generate a detailed written report of quality service provisions that might be used to fulfill requirements of accrediting and regulatory agencies;
- Help students and practicing professionals understand the components involved in providing quality legal services; and
- Educate business owners and corporate counsel on the indicators of quality legal services.

³⁷ QUALITY INDICATORS FOR PROFESSIONAL SERVICE PROGRAMS IN AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY, <http://www.asha.org/policy/ST2005-00186/>.

Quality standards and principles emphasize the currency, appropriateness, and effectiveness of service delivery in the practice of business law. Concepts of individualization of services to the needs of the businesses served, consideration of various service delivery models, interdisciplinary team participation, age- and area-specific competencies, and data-driven decision making are featured. Indicators reflect the need to consider all aspects of communication by attorneys to business clients and business clients to their attorneys. Intrinsic to these indicators is the assumption that every aspect of a program is driven by its individual stated purpose and scope of services.

The quality indicators cover five topic areas, each of which applies to professional services:

- Purpose and scope of legal services;
- Legal service delivery;
- Quality program operations;
- Program evaluation and performance improvement; and
- Ethics.

For each of these, there is a statement of the underlying principle followed by key components of the application of the principle. A question-and-answer format has been used to assist programs in thinking about the application of the components to their specific needs and the needs of the businesses they serve. The topic areas are discussed sequentially, in that they build upon one another, similar to a pyramid. For example, since all aspects of a program are based upon the definition of its clients and the services to be provided, the first task for a program is to define the purpose and scope of services. Similarly, for program evaluation and performance improvement to be meaningful, the components of service delivery and program operations must first be specified. Finally, ethical practices of the program and its team apply to all areas of program operations.

When used as a tool for program self-assessment, these indicators provide a framework for generating a quality report. A written narrative summary of the self-assessment findings, according to this framework, might be used to document the quality program's voluntary adherence to these quality indicators to administrators, lawyers, clients, executives, and other stakeholders.

A. Purpose and Scope of Services

The program articulates its purpose and identifies the populations it serves.

- **The program has a written statement that describes its purpose.**

What is the written purpose of the program?

Some programs define their purposes through the use of a mission statement, vision statements, and/or organization values. The purpose typically is developed by gathering input from staff at all levels of the program.

- **The scope of program services is clearly defined with clients and types of services provided.**

What is the quality program's scope of services?

A quality program's scope of services is part of the broader scope of practice. It is defined by taking into account the characteristics of businesses served, communication variations, and types of services.

- **The program demonstrates how its purpose and scope are integrated within the purpose of the overall institution.**

How does the quality program's written purpose relate to the purpose of the law firm or corporate legal department?

A program may be part of a larger institution, in which case its statement of purpose and scope reflects the overall purpose of that larger institution. This particular guideline does not apply to programs that are not a part of a larger institution.

- **Information concerning a program's purpose and scope of services is made available to the public.**

How does the program disseminate information about its purpose and scope of services?

The public has access to information about the purpose and scope of services of the program. Information about a quality program's purpose and scope of services is made available to the public and may be disseminated through means such as brochures, public service announcements, websites, conferences, workshops, and direct mail.

- **The program has attainable goals and measurable objectives that are consistent with its purpose and scope of services and that are directed toward the provision of quality services.**

What are the quality program's goals and objectives?

Goals and objectives typically are formulated by gathering and analyzing information from a variety of sources. Goals are broad in scope; for example, "the program will better serve a designated business population that is currently underserved." Objectives are more focused and are measurable. Attainable goals are relevant, realistic, and achievable based on current or expected market conditions and resources (e.g., human, financial, physical facility). Goals and objectives may be set within a long-term strategic plan or may be short-term, focused issues. In addition, programs may set annual business goals as well as service provision goals. A quality program's goals and objectives relate to its purpose and scope of services.

What impact do the quality program's goals and objectives have on its delivery of quality services?

It is evident that there is an improvement in the quality of services if the goals and objectives are appropriately formulated, measured, and achieved.

B. Service Delivery

Within its defined scope of services, the program delivers services appropriate to the needs of the businesses served and consistent with the current knowledge and skills related to the practice of law.

- **The program follows established practices for initiation, termination of service, and follow-up.**

What criteria are used to determine initiation and termination of service?

Programs develop initiation and termination criteria based on factors such as preferred practices, empirical evidence, staff knowledge and skills, predictions, acuity, services, participation of businesses served, organization policies, finances, and legal mandates and regulations.

What follow-up processes are in place?

Programs develop follow-up processes to assess factors such as maintenance of outcomes, satisfaction of the businesses served and other relevant stakeholders, and follow through on recommendations made at the time of termination of service.

- **The program has developed guidelines for matter and case evaluation that are based on sound management assessments consistent with its scope of services and appropriate to the needs of the businesses served.**

What are the quality program's guidelines and how were they developed?

Programs develop guidelines by considering factors such as empirical evidence, preferred practices, staff knowledge and skills, cultural and linguistic variables, as well as the quality program's scope of services. In addition, the guidelines relate to the needs of the businesses served.

- **Evaluation and management practices are individualized to meet specific needs of businesses, including**
 - **Type of business**
 - **Requirements of client**
 - **Domestic issues**
 - **International issues**
 - **Financial issues**
 - **Governance**
 - **Regulatory constraints**
 - **Management**
 - **Environmental**
 - **International, federal, state, and local regulations and/or policies.**

How are evaluations individualized to meet the needs of businesses served?

- **The quality program's professional staff considers a variety of service delivery models and selects an appropriate model for businesses served.**

How does the quality program's professional staff determine what service delivery model is best for businesses served?

A variety of service delivery models are available. Professional staff considers the needs and preferences of businesses.

- **The program uses established policies for referring businesses served to other sites or programs when the needs of businesses served exceed the quality program's scope or availability of services.**

What are the quality program's policies when the needs of businesses served exceed the scope or availability of services?

The program has written policies for managing businesses served when it cannot meet their needs. Policies include criteria for referrals to other providers and a process for decision making.

- **Within their respective scopes of practice, lawyers address legal issues and accountants the financial issues.**

How do lawyers address legal services issues?

There is documentation that the legal assessment consider the status of the businesses.

- **For each business served, the program maintains accurate, legible, and complete records that are protected with respect to confidentiality and that comply with legal mandates and regulations.**

How does the program assure that records are accurate and complete?

Written policies exist that define “accurate and complete” records. These include items such as identification data and case history; pertinent correspondence; applicable legal forms; signed and dated reports; and documentation of follow-up activities. Records are legible and systematically organized.

How is confidentiality of the records guaranteed?

Written policies exist that describe procedures used to ensure protection of records. Those policies are consistent with applicable legal mandates and regulations. All staff members within the program are trained regarding confidentiality of records. Businesses served are also informed about the policies regarding protection of their records.

- **Businesses served participate in determining their plans.**

In what way do the businesses served participate in determining the plan for their legal services?

Professionals within the program solicit and consider input from businesses served as part of the process in establishing a plan. Documentation of the plans reflects this process.

C. Quality Program Operations

1. Administration

The structure and function of program administration assure effective and efficient program operation.

- **The program has established policies and procedures that reflect the quality program’s purpose and scope of services.**

How are these policies and procedures established?

Policies and procedures are written by administrators and/or a committee of knowledgeable individuals. Ideally, professional members are included in the development process. All policies and procedures are reviewed and updated on a regular basis.

How are policies and procedures communicated to the quality program’s business and how does the program determine if the policies and procedures are applied consistently?

The quality program's policies and procedures are published in a resource manual and disseminated to all business or, at the least, located in an area that is accessible to all. Businesses are informed of revisions to the manual, and methods exist to determine if the policies and procedures are followed.

- **Administrative structures indicate clear lines of authority and responsibility.**

What are the quality program's lines of authority and responsibility?

Organizational charts clearly represent the lines of authority in a program. Job descriptions outline the levels of authority and responsibility and are available to staff.

- **The knowledge and skills of program administrators are consistent with job responsibilities and level of decision-making authority.**

How does the program determine that the knowledge and skills of the program administrator(s) are consistent with the responsibilities of the job and the level of authority to make decisions?

Qualifications, responsibilities, and authority of the designated professional are shown in a written job description. If the program director is not a lawyer, it is recommended that a credentialed professional is designated to represent the professionals when decisions regarding legal services are being made.

- **Administrators lead staff in formulating attainable program goals and measurable objectives.**

How does the leadership of the program work with the professionals to formulate attainable program goals and measurable objectives?

Program goals and objectives are developed in collaboration with qualified and credentialed professionals representing the legal services offered. Professionals and/or leadership typically review goals and objectives regularly, modifying and updating as needed.

- **Program operations are in compliance with applicable ethics and regulations.**

What are the ethics and regulations the program is required to follow, and where are the reference materials located?

Administrators and professionals are knowledgeable about all applicable legal mandates and regulations at the federal, state, corporate, and facility levels. Copies of these mandates/regulations are easily accessible for review. Written policies and procedures describe how the program will comply with the applicable legal mandates and regulations.

2. Human Resources

The program has the human resources necessary to fulfill its purpose and scope of services, and to achieve its goals.

- **Professional staff providing legal services has appropriate qualifications and valid credentials to provide those services.**

What qualifications and credentials are required for lawyers and/or lawyers working within the program?

Minimal criteria for lawyers and lawyers are specified by a number of groups, including professional organizations, departments of education, and licensing boards. Program policies indicate the education, experience, skills, and other credentials needed for staff that independently provides legal services, taking into account the current requirements of all appropriate groups. Programs can refer to the ABA policy documents for information regarding legal certification requirements and to government regulatory agencies for guidance.

How does the program monitor the currency of the credentials of professional staff members once they are employed by the program?

Programs typically maintain a business file for each employee, which includes copies of credentials such as bar admissions, state licenses, registration, specialty certifications, and continuing education records. Professional members submit documentation of the currency of their credentials on an annual basis.

How does the program make certain that non-licensed and noncertified professionals providing legal services (including students) are appropriately supervised?

The amount and type of supervision needed for non-licensed and non-certified professionals are designated by program policies and are consistent with legal mandates, accreditation and certification standards, and other pertinent directives. Typically, programs maintain logs that document the amount and type of supervision. In addition, programs provide periodic performance assessments of professional and students.

- **All program businesses are in compliance with applicable legal mandates and regulations pertinent to the performance of their job responsibilities.**

What are the quality program's policies and procedures for making certain that professionals meet legal mandates and regulations?

Usually, programs monitor staff compliance through training and assessment programs and by documenting credentials.

- **Assignments are made in accord with staff members' professional qualifications and specific competencies.**

How does the assignment of caseloads take into account each professional's qualifications and specific competencies?

The knowledge and skills required of legal staff are considered foremost when making assignments; these may include, but are not limited to, specialized skills in working with businesses across the age span, expertise with specific communication disorders and differences, and procedural competencies. The lawyer's qualifications and areas of expertise are consistent with legal assignments.

- **For each of the areas of legal practice represented in the quality program's scope of services, someone on the staff maintains competence. There is a mechanism in place to make certain that these competencies are established and maintained.**

How are the skills and competencies needed by legal staff established?

Programs have processes for determining the skills and competencies needed across staff to provide their scope of services. Legal practice statements and ABA guidelines are good resources for identifying needed skills and competencies. This information is reviewed periodically and is available to all staff.

How are the skills and competencies needed by legal staff maintained?

Maintenance of skills and competencies can be addressed in a number of ways, such as continuing education, mentoring, in-services, and providing a minimum number of services or procedures. It is important that programs provide ways for professionals to maintain skills and competencies as well as to develop new ones when needed.

- **The program assumes responsibility for providing opportunities for continued professional growth and development for staff at all levels of the organization.**

How does the program provide for continued professional growth and development of staff?

Providing high-quality legal services requires continued professional learning. Programs can support continued learning by providing financial support, release time, on-site training, mentoring or sharing of legal expertise, journal clubs, client staffing, in-services, and other activities and materials that result in the acquisition or refinement of knowledge and skills. A variety of educational resources and learning opportunities are available for staff, taking into account individual learning styles and needs. Programs usually maintain annual records of staff continuing education activities.

- **Written business policies and records are maintained and updated on a periodic basis.**

How are the quality program's business policies established?

Programs that are part of a larger organization typically have business policies and procedures that have been developed by the institution, while independent programs develop policies and procedures appropriate to their setting and needs. In both cases, business policies address issues including, but not limited to, position descriptions, vacation and sick time, benefits, business records, grievances, and leaves of absence. Business records include evidence of current licensure, continuing education, certification, or other requirements. Policies provide for periodic staff performance appraisals.

What procedures are in place for maintaining and updating business records?

The content of business records and the individual's access to the records are specified by business policies. Each employee's business file may include items such as hiring documents (e.g., curriculum vitae, contract, and position description), copies of credentials (e.g., ABA certification, state license, and continuing education records), salary information, individual staff member goals, and documentation and results of periodic reviews. The business file includes records of changes or updates for these items.

- **Individual staff workloads are adjusted to achieve a balance between program needs and available professionals without compromising the quality of service delivery.**

What are the procedures to make certain that each professional has adequate time for fulfilling all job responsibilities noted in the position description?

Professional schedules reflect that each member has sufficient time for planning, record keeping, supervision, follow up, equipment maintenance, and other job-related activities.

How does the program manage client caseloads and other program activities relative to available professionals?

Programs have policies and procedures for managing fluctuations in caseload and other work activities. These policies may include staffing needs.

- **Program support services are adequate for the volume and scope of program activities.**

How does the program address the need for adequate support services?

Inadequate support services may impact the quality and viability of legal services. Programs assess their needs for support services, including clerical and administrative assistance, technical support, access to office machines and technology, business staff, and professional assistants. Support services must be adequate for the volume and scope of program services. Resources allocated for support services (e.g., salaries, space, and equipment) are consistent with the need.

3. Financial Resources and Management

The quality program's financial resources and their management are appropriate for program operations.

- **The program has financial resources that are sufficient to provide appropriate services with a reasonable expectation of continuity.**

How does the program determine if the financial resources are sufficient to support the operations of the program?

Resources provide adequate financial support for business, space, equipment, materials, and supplies to provide services continually across the designated scope of service. Staff member requests are considered when developing the budget.

- **The quality program's financial management is conducted in accordance with established policies and procedures, including those related to determining fees, using acceptable accounting procedures, budgeting, and maintaining accountability to relevant groups.**

How does the program manage its finances in accordance with the policies and procedures established?

The program has an identifiable process for budget development that shows expenses and revenues consistent with the quality program's goals and scope of services. There are written procedures for monitoring the quality program's expenditures, billing, and the collection of fees for services and/or products.

- **The quality program's financial management complies with legal mandates and regulations.**

How does the program document that its financial management complies with legal mandates and regulations?

The program maintains written documents that specify policies and procedures addressing the applicable laws and regulations regarding all financial matters of operation. These mandates and regulations may include the state and federal governments.

D. Program Evaluation and Performance Improvement

The quality of services provided is evaluated and documented on a systematic and continuing basis, and results are used to make program modifications or improvements. These quality evaluations address both program and client outcomes.

- **The program has a written plan and process for evaluating the effectiveness and efficiency of its performance.**

What is the quality program's process for evaluating the effectiveness and efficiency of its performance?

A written plan describing the process for evaluating a quality program's effectiveness and efficiency is developed and implemented. On a periodic and systematic basis, program outcomes are reviewed to determine the effectiveness of the services provided and the efficiency of the quality program's operations in terms of resources used.

- **The plan provides for data collection from relevant stakeholders, the quality program's operations, and legal outcomes.**

How are data collected from relevant stakeholders?

The quality program's plan for evaluating effectiveness and efficiency includes a mechanism for obtaining data from relevant stakeholders. Client satisfaction surveys, surveys that elicit satisfaction information from referral sources and payers, and data obtained from focus groups are some ways in which programs might collect data from relevant stakeholders. These data are periodically reviewed and compared with relevant or previously established benchmarks.

How are data from the quality program's operations collected?

Relevant information from a quality program's operations is included in the assessment of the quality program's effectiveness and efficiency. Budgetary reports, expense reports, revenue reports, variance reports, capital expenditures, and other reports that summarize resource utilization are some examples of data that might be used from the quality program's operations. These data are periodically reviewed and compared to relevant or previously established benchmarks.

How are data from legal outcomes collected?

A program may collect data from legal outcomes in a number of ways. These might include the use of nationally recognized outcome measures, the percentage of goals achieved by businesses served, and the volume of businesses served. These data are periodically reviewed and compared to relevant or previously established benchmarks.

- **The quality program's performance improvement process includes periodic and systematic reviews of legal service delivery, including:**

- **Outcomes of businesses served;**
- **Legal guidelines;**
- **Staffing, staff competence, and staff development; and**
- **Legal records.**

How does the quality program's performance improvement process address pertinent aspects of legal service delivery?

The program periodically and systematically reviews information about its legal service delivery. Specifically, the program may review data from

- Outcomes of businesses served that relate to goals achieved and/or satisfaction with services delivered;
- Legal guidelines for the delivery of services that might include initiation and termination of service criteria, legal protocols, and legal pathways; and
- The level of professionals needed to accomplish the quality program's legal service delivery goals, professional competencies in delivering the legal services, and areas of professional development necessary for delivering the legal services.

As a result of these periodic reviews, the program makes modifications in its legal service delivery as necessary in an effort to improve program performance.

- **The quality program's performance improvement process reflects evidence-based practice and includes periodic and systematic reviews of program operations, including:**
 - **Purpose**
 - **Scope of services**
 - **Attainable program goals and measurable objectives**
 - **Administration/leadership**
 - **Financial operations**
 - **Physical facilities and environment**
 - **Equipment and materials**
 - **Ethical conduct**
 - **Compliance with legal mandates and regulations**

How does the quality program's performance improvement process address pertinent aspects of program operations?

The program periodically and systematically reviews information about its operations. The quality program's purpose and scope of services are reviewed on an ongoing basis to ascertain that they continue to be relevant to the legal services delivered. The quality program's measurable objectives are reviewed to determine the extent to which program goals have been achieved. The budget is reviewed periodically throughout the year and compared with actual income and expenses as a means of measuring ongoing stability of financial operations. Ethical

conduct policies and practices are reviewed to make certain that they meet the needs of the program and the businesses it serves. Program compliance with legal mandates and regulations is also periodically reviewed. As a result of each of these periodic reviews, the program makes modifications in its operations as necessary in an effort to improve performance.

- **Data from the program performance reviews are documented, analyzed, and used to modify legal service delivery and program operations.**

How are data from the program performance reviews documented and analyzed?

Programs prepare a written report of performance reviews that documents and analyzes data from legal service delivery and program operations. These reports or a synopsis of them are typically made available to staff members at all levels of an organization.

How are data used to modify legal service delivery and program operations?

Programs demonstrate the changes in service delivery or operations that have resulted from performance improvement reviews. For instance, programs might demonstrate specific legal service delivery options that have been created, eliminated, or modified as a result of data identified in performance improvement reviews. Similarly, changes in program operations that have resulted from factors identified in the quality program's performance improvement activities also would be identified.

E. Ethics

Programs have policies that promote the adherence to ethical principles and rules of conduct. Ethical policies are infused into all aspects of service delivery and program operations and upheld by staff at all levels of the organization.

- **Policies relating to legal decisions in firms are made by appropriately credentialed lawyers.**

How do legal decisions made within the program relate to staff members' credentials?

The quality program's written guidelines specify that all legal services are made by lawyers and legal decisions regarding the provision of services in law are made by lawyers.

- **Appropriately credentialed lawyers must supervise businesses engaging in any aspect of legal service delivery that do not have appropriate credentials. The nature, amount, and accessibility of supervision are commensurate with the knowledge and skills of the supervisee and other legal mandates and regulations.**

Does the program use non-credentialed businesses in the delivery of legal services?

In many programs, support businesses are used in some aspect of the provision of legal services. When that happens, the program has written guidelines regarding the specific nature of the tasks that are within the purview of non-credentialed staff as well as clearly defined supervision requirements. Furthermore, the quality program's written guidelines specify the educational and experiential qualifications of each type of support business employed in the program.

What are the quality programs written policies regarding the supervision of non-credentialed staff in legal service delivery?

Written policies exist regarding the amount and type of supervision provided to non-credentialed staff as well as the relationship between qualifications, competence, job task, and

degree and type of supervision provided. Program businesses are encouraged to refer to existing ABA policy documents when drafting their own guidelines for supervision. In addition, program guidelines for supervision conform to legal mandates, as well as agency and school district regulations.

How does the program assess whether supervision is appropriate for non-credentialed business?

Evaluation of the appropriateness of supervision could include things such as comparing logs of supervision against established guidelines for supervision, obtaining feedback from businesses supervised as well as from supervisors and evaluating legal outcomes of businesses served. Modifications of supervision guidelines are data driven and are assessed on a periodic and systematic basis.

- **The quality program has a written code of conduct for the ethical behavior of its staff.**

What is the quality program's code of conduct, and how was it developed?

A program might be part of a larger organization that has established institutional codes of conduct, in which case the program might adapt the more general code to reflect criteria that are specific to its purpose and scope of services. Lawyers are bound by the code of ethics of the professional organizations to which they belong, in addition to any ethical codes established by other applicable regulatory bodies (e.g., state or national bar associations). Non-credentialed staff might also be bound by ethical codes of other parent organizations. The code of conduct for individual programs typically reflects standards for behavior that are in concert with other ethical codes and those are generally enough to apply to all staff within the program.

How is staff informed of the code of conduct?

Program staff members are typically informed of the code of conduct at the time of hire. In addition, staff members might participate in periodic review of the code.

- **The program has a written process for managing complaints.**

What is the quality program's complaint process?

A quality program may be part of a larger association, in which case it has a complaint process that uses established guidelines of the larger institution. For programs that are not part of a larger institution, program businesses develop a procedure for addressing complaints from program staff and from clients of the program. The procedure may include how a complaint can be made, how it will be investigated, how a resolution will be decided, and how the complainant will be notified of the outcome.

IV. Lexcel – Law Society of England and Wales



Lexcel International v5 Scheme rules

Excellence in legal practice management and client care

About Lexcel

- Lexcel is the Law Society's practice management standard designed for the legal sector. It provides a flexible, supportive management framework to help practices develop consistent operational efficiencies and client services, manage risk effectively, reduce cost and promote profitability.
- Lexcel sets the required [standards](#) in eight different areas: structures and policies, strategic plans, financial management, information management, people management, risk management, client care, file and case management. Practices have the flexibility to implement procedures that are appropriate to their circumstances.
- The Lexcel International v5 scheme rules define the eligibility requirements that need to be met in order for an [application](#).

Who is Lexcel for?

- Lexcel is designed for any practice, regardless of the size or type of work undertaken. From private practices in England and Wales and also international markets, to not-for-profit organisations, in-house teams in organisations and local authorities.
- Lexcel England and Wales v6 mandatory assessments come into effect from 1 May 2015. All new applications being assessed before this date will be assessed against Lexcel v5 (now Lexcel International).
- From 1 May 2015 Lexcel International v5 will continue to apply to practices located in foreign jurisdictions or based in England and Wales with independent offices overseas.
- Lexcel can be combined with other quality standards including ISO 9001, Investors in People and the Specialist Quality Mark (SQM) and could reduce the time and cost of your assessment. A joint assessment may also be possible.
- Lexcel is also accepted as a quality standard by the Legal Aid Agency, instead of obtaining the SQM.

Questions?

- If you have any questions regarding the Lexcel Standard or Scheme rules, please do not hesitate to contact us:

Email: lexcel@lawsociety.org.uk

Tel: +44 (0)20 7320 5933.

1. The scheme

I. Overview
<p>The Lexcel Standard is the only legally focused practice management standard available to any size or type of legal practice in the world. Reviews and revisions of the Standard and scheme rules are made on a regular basis to ensure Lexcel remains relevant for the legal profession.</p>
II. Management
<p>Lexcel is managed by the Accreditation office of the Law Society of England and Wales. The Accreditation office administers and reviews all applications, oversees and manages the assessment process, promotes and develops the standard, scheme and all associated products.</p> <p>The Law Society of England and Wales is the only body with authority to award Lexcel accreditation.</p>
III. Lexcel Panel
<p>The Lexcel Panel has overarching responsibility for the Lexcel Standard and provides guidance to the Accreditation office. The Panel comprises legal professionals from every size and type of practice.</p>
IV. Lexcel assessment bodies and assessors
<p>The Accreditation office maintains licenses with specific assessment bodies. Only licensed assessment bodies and their assessors can conduct Lexcel assessments. For more information see section 5.1.</p>
V. Lexcel consultants
<p>Only the Law Society experts and independent consultants trained by the Accreditation office, with Lexcel consultant agreements in place, can hold Lexcel Consultant status. For more information see section 4.2.</p>

2. Applicants

I. Legal practices

Lexcel can be applied for by any legal practice in any jurisdiction in the world. Practices whose head office is in England and Wales must be authorised and regulated by the Solicitors Regulation Authority.

The definition of a legal practice for the purposes of Lexcel is either:

- A law practice in the form of partnerships, limited liability partnerships, sole practitioners incorporated law firms and not for profit organisations. An in-house legal department, including practices within corporate, public sector and government organisations.

II. Multi-site practices

Practices with multiple offices can apply by jurisdiction. For example, a law firm with five offices across England and Wales must submit one application and be assessed across all five offices.

3. Cost of accreditation

Initial assessment and re-accreditation against Lexcel International v5 includes an application and assessment fee.

I. Application fee

The Practice shall pay the Law Society an application fee as set out in the fee schedule. Pricing can be found on our website at: www.lawsociety.org.uk/Lexcel-Fees.

We do not require you to pay when submitting your application. We will contact you to confirm the amount payable once we have checked and start processing your application. Payment can be made by credit or debit card or by bank transfer (BACS).

II. Assessment fee

The duration of assessments are based on the size and complexity of each practice. This tailored approach supports practices in a proportionate way, resulting in consistent timescales across the range of practices seeking accreditation.

Practices should plan assessment dates no earlier than six weeks from submitting an application form. As assessment bodies serve multiple clients, the Accreditation office recommends contacting the chosen body at least three months prior to an application.

Assessment contracts and fees are managed between the practice and relevant assessment body. Terms and charges can vary so practices are advised to contact at least two assessment bodies. This could help to identify the best assessment body for the practice and obtain a competitive price. Market rates per assessment day are estimated at between £600 to £800.

The following are included in the quotes from all assessment bodies:

- Preparation and planning of the assessment
- The on-site assessment
- Assessment feedback and written report.

Additional charges are likely to be made in relation to travel expenses and additional assessor time required to complete rectification of non-compliances that may arise at the assessment.

III. Practice costs

The third cost is associated with any investment in financial or human resources each practice needs to work towards, gain and retain accreditation. This will vary between practices but should be considered as it could have an effect on resources. For example, the time required to develop a new policy, or a fee earner's involvement in the onsite assessment.

IV. Consultancy costs

It is not mandatory for a practice to use a consultant to gain or retain accreditation. If the practice decides to use a consultant, the practice should include this cost when assessing the cost of Lexcel to

their business. For more information about consultants, please see section 4.2.

4. Preparing for an application

I. Support materials

There are a wide range of supportive materials available for practices interested in gaining Lexcel accreditation. These include:

- Free phone and e-mail advice on application and assessment queries
- The standard (FREE)
- Self-assessment checklist (FREE)
- Application form (FREE)
- Details of licensed assessment bodies and consultants (FREE)
- Duration of assessment and samples guide (FREE)
- Guide for sole practitioners (FREE)
- Guide for in-house legal departments (FREE)
- Subscription to Lexcel update e-newsletter (FREE)
- Lexcel published toolkits on topics including Client Care, Risk Management, Financial Management and Personnel Management.

The Accreditation office recommends each practice completes the self-assessment checklist before any application. This will help identify any areas of compliance, non-compliance and areas for improvement or development. For practices applying for the first time, the checklist will give a good gauge as to how near to compliance the practice is. Practices must bear in mind all Lexcel requirements must be embedded when an assessment takes place. For initial applicants, the requirements must be in place at least 3 months prior to the assessment date.

II. Lexcel consultants

It is not mandatory for a practice wanting to gain or retain Lexcel accreditation to use a consultant. A practice should consider various factors, including extent of compliance (using self-assessment checklist) and the resources available to work towards and gain accreditation within their timescales.

Individuals or organisations holding Lexcel consultant status have undertaken training and have an agreement in place with the Accreditation office. Consultancy services can vary but can include the following:

- Diagnostics
- Drafting documents for the practice
- Providing the practice with templates
- Advising the practice on how to comply with any aspects of Lexcel.

If a practice uses a consultant to advise on any aspect of the implementation of the standard, that person or the assessment body they are contracted with, cannot provide the Lexcel assessment for the practice. By using the same consultant or assessment body for both services, there will automatically be a conflict of interest. Where this occurs, the assessment will not be allowed to proceed unless another assessor from a different assessment body is assigned to provide the assessment. Assessments where this has occurred will be deemed invalid.

This conflict also applies to consultancy provided for the complimentary requirements within the following accreditation schemes:

- The Law Society's Conveyancing Quality Scheme (CQS)
- The Law Society's Wills and Inheritance Quality Scheme
- Investors in People (IiP)
- ISO standards
- The Legal Aid Agency's Specialist Quality Mark (SQM). Find out more about [Law Society Consulting](#).

5. The application process

I. Timescales for adoption

Feedback from Lexcel accredited practices indicates that on average it takes approximately 6 months from deciding to apply for Lexcel to actually submitting their application form.

II. Key steps to gaining accreditation

There are key steps in the Lexcel process which must be adhered to when submitting an application and undertaking assessment. Check that the following steps have been completed:

There are key steps in the Lexcel process which must be adhered to when submitting an application and undertaking assessment. Check that the following steps have been completed:

- | | | |
|-------------------------------------|--|---|
| <input checked="" type="checkbox"/> | Ensure the requirements are embedded | All requirements must be in place at least 3 months before the date of assessment |
| <input checked="" type="checkbox"/> | Arrange an assessment date | Between eight and 12 weeks prior to an assessment |
| <input checked="" type="checkbox"/> | Submit a Lexcel application form with all information required | Six to ten weeks prior to assessment date |
| <input checked="" type="checkbox"/> | Wait for approval | Practices must not have an assessment without receiving approval to proceed to assessment from the Accreditation office |
| <input checked="" type="checkbox"/> | If approval given, undertake an assessment | Duration depends on size of practice |
| <input checked="" type="checkbox"/> | Assessor submits assessment report | Within two weeks of last on-site day to Accreditation office |

- | | | |
|-------------------------------------|---|--|
| <input checked="" type="checkbox"/> | Complete any corrective action | Three weeks for minor non-compliances, three months for major non-compliance |
| <input checked="" type="checkbox"/> | Assessor submits corrective action report | Within two weeks of non-compliance deadline |
| <input checked="" type="checkbox"/> | Assessment bodies verify the report and make a recommendation to the Accreditation office | Four week turn around |
| <input checked="" type="checkbox"/> | Accreditation office makes a decision as to whether or not to grant Lexcel accreditation | Four week turn around. |

III. The application form

Practices must complete a Lexcel application form and send to the Accreditation office. All sections of the form must be completed. The information will be used to administer the application and accreditation process, as well as conduct any required checks.

Application forms should be sent in to the Accreditation office no later than six to twelve weeks prior to an assessment. This allows sufficient time for all checks to be completed by the Accreditation office.

Any practices submitting an application after this time, will be asked to rearrange their assessment date and confirm the new date to the Accreditation office at least six weeks prior to the assessment date.

Each application form must be signed off by the most senior person in the practice:

- For in-house practice = Head of the Legal Department
- For private practice = Senior or Managing Partner / Director / Member.

IV. Supporting documentation

A key objective of the application process is to ensure the integrity of the Lexcel Standard and Scheme rules are maintained. We do, therefore, require practices to disclose any information which may impact on the Lexcel Scheme's reputation. Any non-disclosure or mis-representation may result in an automatic suspension of an application, renewal or award of accreditation.

Practices applying for Lexcel must submit:

- Details of any complaint or conduct matter that has arisen at the practice. This must include information such as regulator investigations or visits, complaints from a client that were dealt with internally or referred to the relevant complaint body.
- Professional indemnity insurance details, including claims and notifications, from the practice's broker or insurer. This must be up-to-date information and cover all claims and/or notifications arising up to the date of a practice submitting their application.
- Adverse publicity information which may bring Lexcel or the Law Society's brands into disrepute.
- Staff list including names, job titles, department, location and date of joining.

The Accreditation office reviews all applications thoroughly. Practices must wait to receive written confirmation from the Accreditation office that we have approved the application so that the assessment

can proceed. If the Accreditation office has additional questions or issues with an application, these must be resolved prior to an assessment taking place. By failing to wait for receipt of the proceed letter, practices put at risk the valuable time and money invested in the assessment and may result in the practice not being awarded with the Lexcel Standard.

Each conduct or disciplinary matters disclosed by the practice will be reviewed and checked. Where precedents exist in terms of conduct or disciplinary matters, the Accreditation office must support these, but having one claim for example, does not automatically mean an application will be declined.

Please note: Checks are completed on all initial applicants irrespective of whether disclosure has been made. A random sample of 20% of re-accreditation applications who state there are no matters will also be checked. This is to help quality assurance and the accuracy of the data being provided.

V. Data protection notice

The Accreditation office will scan all hard copy application forms and supporting documentation into PDF format. All scanned application forms will be saved into the practice's electronic folder for use and reference. Hard copy documentation will be destroyed via the Law Society's secure confidential document destruction provider. This complies with our legal obligation under the Data Protection Act 1998 not to keep records containing personal data for any longer than is necessary to conduct our business.

VI. Approval to proceed to assessment

The Accreditation office will issue one of three decisions following the review of each application form:

- **Approval to proceed** – this means a practice can undertake their assessment
- **Refuse Lexcel** – The practice will not be authorised to proceed to assessment. The practice may appeal against this decision to the Accreditation Appeal Panel.

6. Lexcel assessment bodies and assessors**I. Assessment bodies and assessors**

Assessments are conducted by independent licensed assessment bodies. Lexcel assessors are employed by one of three licensed assessment bodies. Assessors are trained on the Lexcel Standard and Scheme rules by the Accreditation office.

Assessment bodies are not allowed to provide consultancy and assessment services to the same practice. They can provide consultancy or an assessment only.

For details of the Lexcel assessment bodies, please visit:

Centre for Assessment at <http://www.centreforassessment.co.uk/>

Inspiring Business Performance at <http://www.inspiringbusinessperformance.co.uk/>

Recognising Excellence at <http://www.recognisingexcellence.co.uk/>

II. Confidentiality

It is a priority for the Law Society to ensure that each assessment is conducted in a confidential manner. We have, therefore, robust confidentiality criteria in all assessment body licence agreements to protect both confidentiality of the practice and clients of the practice. Each assessment body in turn has contracts with each of its assessors and clients. Assessors are all bound to ensure that the assessment is conducted in a confidential manner as set out in the Lexcel assessment body licence agreement.

Assessors may be asked to sign a confidentiality agreement with the client directly. This is for the assessor and client to arrange and agree on.

Assessors are responsible for adequately preparing for an assessment. The assessor must check in advance of the on-site assessment whether or not they have permission to access client files directly or via the fee earner. In some circumstances practices may not be able to allow inspection of some or all matter files. This may be because the client has not provided consent or the practice may exercise their professional judgement. For example, in cases involving highly sensitive material.

If the practice cannot allow access to case files, the fee earner with conduct of the matter will have to answer specific questions on file management so the assessor can obtain satisfactory evidence that the Lexcel requirements are being met. It is likely that alternative methods will take longer to assess, and will increase the cost of any assessment.

The practice may not be able to show the assessor a client's letter of refusal to allow disclosure as the letter will contain the client's name and it would breach client confidentiality to reveal it.

The practice may decline to show the assessor sensitive data, in particular, financial information. In this situation, the practice must produce a signed letter from an accountant that confirms all the specific requirements are being met by the practice.

Any practice concerned about the confidentiality of information provided to or viewed by the Accreditation office or an assessment body should contact the relevant organisation to discuss the issue.

III. The role of the assessor

Assessors are all bound to ensure that the assessment is conducted in a confidential and independent manner as described in the assessment body licence agreement. Each assessor must be contracted with a licensed assessment body, have relevant experience and undertaken all preparatory requirements as laid out by the Accreditation office to maintain assessor status. Assessors that have been employed by the practice as consultants are not eligible to conduct assessments for the practice.

Assessors must confine themselves to the requirements of the Standard when conducting a Lexcel assessment. Assessors must not assess procedures which fall outside of the Lexcel Standard. For example, compliance with the Code of Conduct 2007 or Money Laundering Regulations 2007.

The Lexcel Standard is applicable to all types and sizes of legal practices in all jurisdictions. Assessors should be able to appreciate how the standard applies to and is complied with by different types of practices. The Accreditation office provides guides for assessors conducting assessments for in-house practices and sole practitioners to help identify areas of difference. Assessors must not impose requirements or non-compliances based on the type of practice.

We acknowledge that assessors need flexibility to exercise their professional judgement in the context of each assessment. Consistency in approach and quality of Lexcel assessments is extremely important. The Accreditation office undertakes various quality assurance activities to review performance and compliance across all assessors. Any issues or anomalies arising from the assessment process, by any assessor, will be investigated by the Accreditation office.

Assessors must support compliance with the Lexcel assessment body licence agreement. In particular, this requires assessors to support compliance with:

- Complaint information
- Client feedback
- Application timescales
- 30 day assessment notice
- Approval to proceed requirement
- Duration guidelines
- Assessment and corrective action report deadlines.

IV. Assessor observation

All Lexcel assessors must comply with requirements and follow guidance provided by the Accreditation office. The Accreditation office shadows all new assessors before they can be a lead assessor for Lexcel. In addition, the Accreditation office shadows assessors on a targeted and random basis. This will include shadowing assessors with minimal notice. For example, informing the practice and assessor no later than two days before an assessment. These shadowing activities are intended to ensure we are actively looking at the quality and consistency of assessments. They are not a reflection on the practice in any way.

7. Assessment timescales

I. Factors affecting durations
<p>The duration and sample guidelines apply to the practice as a whole. The total number of fee earners and support staff must be added across all branch offices.</p> <p>The main factors affecting the length of the assessment are the number of:</p> <ul style="list-style-type: none"> • Staff • Practice areas • Other quality standards held (e.g. Investors in People or ISO9001).
II. Duration and sample guidelines
<p>Lexcel assessments must follow the Lexcel duration and sample guidelines. Only the Accreditation office can approve any changes to the duration and/or samples of an assessment. Approval must be sought by the practice and gained from the Accreditation office prior to an assessment. If approval is not obtained, additional assessment time may need to be conducted or refunds made to the client.</p>
<p>The Lexcel duration and sample tables to calculate timings are available via the Lexcel website or by emailing the Accreditation office.</p>
III. Preparation and report writing time
<p>Preparing for an assessment is an important element of the assessment process. Assessors should allow a total of between half and one day preparation and report writing time for initial, annual maintenance visits (AMVs) and full re-assessments.</p> <p>Preparation should include reviewing the office manual, selecting the interview and file samples, and drafting the assessment plan.</p>
IV. Travel Time
<p>The Lexcel guidelines do not reflect travel time to and from the on-site assessment. If the practice has multiple offices the assessment body and practice should agree how much time will be allocated to the assessor for travel and the associated cost. Assessors must not include travel time as part of the onsite assessment duration in the Lexcel assessment report.</p>
V. Office and work areas

All offices and work areas must be included in all initial, AMVs and full re-assessments. It is compulsory for all offices to be visited by the assessor. Interviews and file samples must also cover each office.

In very exceptional circumstances, it may be possible to conduct telephone interviews and view documentation and files remotely, rather than attending an office. This request must be submitted to the Accreditation office for review prior to any agreement with the client. The Accreditation office will approve, decline or amend the request.

8. Type of assessments

I. Annual assessment cycle
Practices must have an initial assessment when they first apply for Lexcel accreditation. After being awarded, practices will then enter the three year assessment cycle – Annual Maintenance Visit 1(AMV1), Annual Maintenance Visit 2 (AMV2) then a full re-assessment.
II. Re-accreditation assessments
<p>Re-accreditation needs to take place in the same month as the initial accreditation or one month either side. E.g. If the practice was awarded in June, then their AMV1 may take place in May, June or July.</p> <p>If the practice needs to move their assessment outside of their 3 month window, the practice must submit a request (via e-mail or letter) to the Accreditation office in advance of the assessment. Assessment bodies, assessors and consultants are not allowed to grant extensions. If assessors conduct the assessment outside of the 3 month window without permission from the Accreditation office, the report may be deemed invalid.</p>
III. Initial assessments
<p>All offices and practice areas must be included in the assessment. It is also mandatory that the assessor checks that all requirements of the Lexcel Standard are being complied with.</p> <p>Practices submitting an initial application must ensure the Lexcel requirements have been embedded for at least 3 months at the time of their assessment. This is to ensure that there is sufficient evidence for the assessor to evaluate if all the requirements are correctly understood and embedded within the practice.</p>
IV. Annual Maintenance Visits (AMV) Year 1 & 2

During AMVs the assessor must include all offices and practice areas in the assessment. All requirements in sections 6, 7 and 8 of the Lexcel Standard must be assessed. In addition, any areas where non-compliances were found at the previous assessment must be reviewed.

For AMV1s, the assessor may tailor how they assess sections 1 to 5 of Standard to help the practice get the most benefit from the assessment. For example: if the practice has a very sound 3 year business plan, the assessor may choose not to assess those sections of the Lexcel Standard and focus on the areas that the practice was less strong on. For AMV2s, the assessor will need to assess any requirements from sections 1 to 5 that were not assessed during the AMV1.

The onsite duration for an AMV1 or AMV2 is approximately half that of an initial assessment.

V. Full re-assessment

On the third anniversary of the practice's initial award, a full re-assessment is required. This needs to take place in the same month as the initial accreditation or one month either side. E.g. if the practice was awarded in June, then their AMV1 may take place in May, June or July.

During the full re-assessment the assessor must include all offices and practice areas in the assessment. All the requirements of the Standard must be assessed.

The duration for a full re-assessment is the same as an initial assessment.

VI. Joint assessments arrangements

There is a degree of synergy between Lexcel and liP, ISO9001 and the SQM. Practices who want multiple accreditation awards should consider undertaking simultaneous assessments. This typically reduces the overall duration of an assessment and, thus, reduces expenditure.

Practices can alternatively passport into Lexcel, particularly if they have undertaken another accreditation assessment within the past 6 months.

See the [Training, publications and support page](#) for overlaps with other quality standards.

9. Planning for an assessment

I. Planning essentials

Practices and assessors must check that a Lexcel application form has been submitted to the Accreditation office six to twelve weeks prior to an assessment. This ensures up-to-date information is reviewed as part of the application process. Assessors must also check that the application has been processed, reviewed and approved (via an Approval to Proceed letter/e-mail) by the Accreditation office prior to an assessment starting.

Please note: without the approval to proceed to assessment from the Accreditation office, any subsequent assessment, report and recommendation may be deemed invalid. Assessment bodies, assessors and consultants cannot approve a Lexcel application.

II. Documentation review

The Lexcel self-assessment checklist must be completed for all initial assessments. Completed checklists must be sent to the assessor prior to an initial assessment, ideally at least 2 weeks before. This will help create awareness of overall compliance, file locations and may be an indicator of the assessment being premature.

Assessors are expected to conduct a thorough review of the office procedure manual (OPM) in advance of arriving on-site to conduct the assessment. By reviewing the documentation the assessor should be in a position to note documentary non-compliances and areas of concern. This will form the start of an audit trail once the assessor arrives on-site. This can help assessors in finding non-compliances while on-site. Practices must send this to their assessor before the assessment, ideally at least 2 weeks in advance.

Please note: in the worst case scenario, the self-assessment checklist and OPM can indicate if an assessment is premature. If an assessor believes an assessment is premature, they must contact the relevant assessment body immediately to organise a postponement.

When seeking clarification or documentation, the onus is on the practice to produce evidence requested by the assessor. The assessor will then consider the evidence to ensure it satisfies Lexcel's requirements.

If the assessment is an AMV or full re-assessment, the previous year's assessment report must be reviewed. This will enable the assessor to check that any non-compliances raised at the previous assessment have received due attention to ensure the corrective action has bedded down appropriately over the last 12 months. It will also give the assessor the opportunity to review whether the practice has taken up any of the suggested areas for improvement that were found at the previous assessment.

III. Assessment plan

The assessor must formulate a clear plan of the assessment and communicate it to the practice. The plan must include the following:

- Confirmation of assessment date(s), time(s) and location(s)
- Assessor(s) and assessment body name
- Time and duration of the opening meeting with suggestions of staff to attend
- Timings for documentary reviews
- Schedule for file reviews
- List of staff to be interviewed and schedule for the interviews

- Time for assessor to summarise assessment outcome/write report
- Time of the closing meeting with suggestions of staff to attend
- Time for breaks to review interview material
- Comfort break requirements.

The assessor should ensure that the duration and sample sizes are correct and in accordance with the Lexcel assessment duration guidelines. Any deviation must be approved by the Accreditation office before the assessor arrives on site.

It is compulsory for every office and practice area to be included in each assessment. The assessor must go onsite at each office. There are circumstances when it may be impractical to physically visit each office. If the practice and assessor believe there may be a good reason for conducting telephone interviews and reviewing documentation remotely, then they must contact the Accreditation office for approval prior to the assessment. It may be possible to agree to vary the standard approach in advance of the assessment.

If there are concerns that the duration guidelines do not allow sufficient time to interview a sample of staff from each practice area, the assessor must contact the Accreditation office prior to the assessment to discuss the issue. The Accreditation office will consider then issue a decision on the request.

IV. File selection

The practice should only be made aware of the files that will be reviewed at the opening meeting. At an initial assessment the assessor should ascertain the date the practice became Lexcel compliant and select files from this date forward.

The assessor should request a matter list for the personnel that they have selected to interview and select the majority of their file sample from these lists. The assessor should take steps to ensure that if the fee earner has a range of work that the sample includes a file from that range. For example, if the person focuses on contentious and non-contentious employment work then the assessor should see a file from both disciplines.

Within the file sample there should also be a selection of files that demonstrate the practices ability to deal with high risk matters, complaints and undertakings. These files should be selected on-site following the review of the risk management, complaints handling and undertaking information.

V. Closed matter

The assessor should check with the practice whether or not closed matters are held at the practice's premises or off-site. If the files are held off site then the assessor should inform the practice of the closed files they wish to audit to ensure that they are available at the assessment. Assessors only need to review the closing elements of the Lexcel requirements when they audit the closed files.

VI. Electronic files

If a practice has electronic matter files then the assessor should be given access to the files, either directly or via the fee earner if confidentiality is an issue. It is not necessary for the practice to have paper files for Lexcel purposes but electronic files must meet all the Lexcel requirements.

10. On-site assessment

I. Opening meeting

The assessor should invite the practice's key management personnel to the opening meeting. It is undesirable to conduct the opening meeting with the Lexcel contact alone as it is important that the practice appreciates that all staff have a responsibility to ensuring compliance with Lexcel and that full compliance can't be left to one person. The opening meeting is an opportunity to explain the methods and intentions of the assessment process.

Staff to request in a private practice could include:

- Managing or senior partner
- Lexcel champions or team leaders
- Partner in charge of risk or compliance
- Complaints partner
- Practice director or manager
- Professional Indemnity Insurance coordinator.

Staff to request for an in-house department opening meeting:

- Head of legal or legal director
- Practice director or manager
- Lexcel champions or team leaders
- Person(s) with responsibility for risk, compliance and complaints.

In addition to the above, assessor should ask if any management level representatives from within the parent organisation (external to legal) wish to attend.

II. Format and expectations

Assessors must ensure that the practice fully understands the assessment plan and all possible outcomes. As the vast majority of practices have non-compliances, this helps to manage the practice's expectations from the outset.

It is the assessor's responsibility to direct the meeting in a timely manner. Assessors should ensure there is a clear understanding of what will happen and be required during the assessment. The meeting should also encourage questions and interaction with the practice's personnel as this is an ideal time to enable any uncertainties to be raised then answered or resolved before the assessment starts.

During the meeting, the assessor should inform the practice which files they have selected to audit. This will enable the practice to obtain the files for the assessment in sufficient time.

III. Documentation

- **Files**

The assessor should assess the files in advance of interviewing the fee earner. This will allow the

assessor to focus their questions during the interview and reduce the interruption and cost to the practice.

For example, if the client care letters are fully compliant when the file reviews are undertaken, there is little value in asking the fee earner about the information they give to clients at the outset of matters.

Assessors should undertake the file reviews without the fee earner whenever possible as one of the tests of a well managed file is that the information is readily available. If the fee earner has to be present to explain where information is to be found, the assessor will need to question whether the file is well managed file and therefore compliant.

Assessors should only review the files with the fee earner if client confidentiality is an issue as set out in section 6.

The assessor should use the Lexcel case management checklist provided by the Accreditation office as this will ensure all the relevant requirements are included in the file assessment. Completion of this form is not mandatory but assessors must produce and keep a clear record of the information assessed.

Assessors can be asked to produce notes from an assessment by the Accreditation office. Failure to produce information relating to file reviews may invalidate the assessment report which can have negative impacts on an assessor, assessment body or their client.

Please note: assessors do not need to submit these notes with each assessment report unless requested by the Accreditation office.

- **Central records, plans and annual reviews**

The assessor should check that there is documentation to verify that the annual reviews have taken place of all policies. Assessors must seek evidence that plans exist and have been reviewed. Central records will also need to be verified.

IV. Interviews

- **Structure**

The main purpose of interviews is to evaluate how the documented procedures, plans, processes and policies are implemented within the practice. Personnel from all levels, practice areas and offices must be included in the interview sample. Assessors should include a supervisor and their supervisee in the interviews (interviewed separately). This will help to check whether their understanding of supervision is similar. Assessors should also interview at least one new member of staff, where possible, as this will help evaluate the induction process and help assess accessibility of key documentation.

Only one person should be interviewed at a time to ensure confidentiality is protected. Individual interviews will promote a more relaxed environment and a free flow of information as the interviewee will be less concerned about a colleague's perception of their answers.

- **Format**

Assessors must inform all interviewees of the purpose of the interview and the fact that it's

confidential. Comments in interviews must not be repeated unless they effect the practice's compliance with a Lexcel requirement. In this case, the assessor will need to inform the Lexcel contact at the practice. E.g. if a question about the appraisal system results in finding out the individual hasn't had any form of review of their performance for the last 2 years, an assessor will need to raise this. On the other hand, if the interviewee remarks that they think the appraisal system is a waste of time, this will be included in the feedback provided by the assessor without attributing the comment to any individual.

The interviewee should also be informed of any non-compliances that the assessor has found which relate to them. E.g. if some of the interviewees files contain non-compliances, the assessor should make the interviewee aware of this. This will educate the interviewee of their responsibility in assisting the practice in complying with Lexcel and make them aware that the Lexcel contact will be following up on corrective action.

The assessor should encourage interviewees to ask questions about the Lexcel process. This can help create a more relaxed environment and support more open discussions. In some cases, it may also help demonstrate a practice's compliance with Lexcel.

- **Interview questions**

It is vital for assessors to ask a consistent set of question across the practice to evaluate compliance against the Standard. This will enable an overall review to be completed against similar, if not identical, questions.

The Accreditation office has devised example interview questions for use by Lexcel assessors. Assessors can be asked to produce notes from an assessment by the Accreditation office. Failure to produce information relating to interviews may invalidate the assessment report which can have negative impacts on an assessor, assessment body or their client.

V. Audit trails

Audit trails may arise as a result of documentary reviews or interviews that the assessor undertakes. Assessors are expected to follow audit trails to their conclusion in order to substantiate that each requirement of the Standard has been met.

11. Outcome of assessment

I. Outcomes

It is the responsibility of the assessor to evaluate the evidence available and reach a conclusion about the recommendation they wish to make. It is good practice to discuss the recommendation with the practice but ultimately it is the assessor's decision.

The assessor must inform the practice of their recommended outcome of the assessment during the closing meeting and before they leave the practice. The assessor must manage the practice's expectations effectively via clear communication of his/her recommendations. Assessors must not make

any guarantees to the practice regarding their accreditation

status. The three outcomes that the assessor can recommend are

as follows:

- **Assessment is premature (initial applications only)** - the practice has little evidence to support that they meet Lexcel's requirements and corrective action will require more than three months work. The practice will need to re-apply ensuring no assessment is booked within 6 months of the last day of their initial assessment.
- **Non-compliance:**
 - **Major** - the practice cannot produce evidence to demonstrate that it meets a requirement of the Lexcel Standard and corrective action will take between 21 days and 3 months to rectify, or it is deemed necessary for the assessor to re-visit the practice as documentary evidence will be inadequate to demonstrate compliance.
 - **Minor non-compliances** - the practice cannot produce evidence to demonstrate that it meets a requirement of the Lexcel Standard and corrective action can be undertaken within 21 days by providing the assessor with documentary evidence.
- **Award or renew accreditation** - the practice has produced evidence to confirm it meets all the requirements in the Lexcel Standard.

Please note: even one instance of a practice not producing evidence of compliance against a requirement of the Lexcel Standard must give rise to a non-compliance. E.g. there is one file where the client was not informed of the status of the fee earner.

12. Corrective action

I. Documentary evidence

The corrective action the practice takes must address the cause of the non-compliance arising. Assessors must agree with the practice the type and level of detail required for the corrective action to be deemed acceptable. E.g. if there was no evidence of an initial risk assessment taking place, the assessor should ascertain whether the fee earner understands what is required or simply omitted to complete the risk evaluation form.

II. Re-visit

If documentary evidence alone is not sufficient to evaluate that a major non-compliance has been rectified, a re-visit may be necessary. This is for the assessor to decide but clear communication between the assessor, assessment body and client is essential. If a re-visit is necessary then the assessor will limit the assessment to the areas of non-compliance found at the original assessment.

13. Reports

I. Assessment reports

The assessor must complete the assessment report for all Lexcel assessments. At initial and full re-assessments the Lexcel assessor must give feedback to the practice in relation to all sections of the standard. At AMV1 & 2 assessments the assessor must provide feedback in relation to sections 6, 7 & 8

as well as the other areas covered out of sections 1 to 5. E.g. If the assessor is conducting an AMV and have addressed the requirements in section 2 and 5, the assessor must complete section 2, 5, 6, 7 and 8 on the assessment report.

Please note: The Accreditation office must receive the assessment report within 10 working days of the last on-site date.

II. Documenting non-compliances

When an assessor raises a non-compliance, they must state the Lexcel requirement and the evidence that is lacking. In addition, if it relates to a file the matter number of the file must be stated. E.g. 7.2 – there is no evidence of a cost estimate being given to the client on matter MWD/007.

III. Corrective action reports

A corrective action report must be completed if minor or major non-compliances have been raised. If the practice addresses the minor non-compliances before the assessor has completed the assessment, the assessor may include this information in the assessment report. Assessors must clearly state the evidence they have witnessed to close the non-compliance on the assessment report, below where the non-compliances have been raised.

Please note: The Accreditation office must receive the corrective action report from an assessor within 10 days of the minor or major non-compliance deadline.

14. Final decision on accreditation application

I. Final decision

One of two final decisions on an application will be given:

- **Award of Lexcel accreditation** – practice is sent confirmation of accreditation and an award pack.
- **Refuse Lexcel** – practice is not awarded Lexcel. The Accreditation office will contact the practice directly to confirm the decision and next actions.

Only the Accreditation office can award/re-award practices. The practice's assessment body will be informed of the award/re-award when the practice is notified.

15. Duration of accreditation

I. Duration

Accreditation will commence on the date notified by the Law Society and will continue for an initial period of one year. Accreditation requires practices to apply for and be assessed on an annual basis.

16. Termination of accreditation

I. Termination or suspension

The Law Society reserves the right to terminate or suspend accreditation at any time for any reasonable reason. The practice shall not be entitled to be reimbursed for any sums paid in respect of the application fee. Reasonable reasons shall include (but are not be limited to):

- any breach of this Agreement by the practice which are not remedied (if capable of remedy) within 14 days of being required by written notice to do so;
- the practice do or omit to do something which, in the reasonable opinion of the Law Society, could be detrimental to the reputation and integrity of the Lexcel scheme and its brand.

The practice shall be entitled to terminate its accreditation at any time by notifying the Law Society of its intention in writing. In such circumstances, the practice shall not be entitled to be reimbursed for any fees paid by the practice to the Law Society in relation to the Scheme.

17. Accreditation and use of Lexcel logo

I. Accreditation

Lexcel accreditation permits accredited practices to use the Lexcel logo solely in connection with its practice on all marketing/promotional material, signage, stationary and website, provided that:

- The logo is used in the form stipulated by the Law Society and in accordance with the Law Society's branding policy;
- All use is in keeping with and maintains the integrity of the Lexcel and Law Society brands.
- The practice shall not use the Lexcel logo in any way that that would bring Lexcel and its brand or the Law Society into disrepute or undermine their reputation.
- The use of the Lexcel logo by the practice is exclusive to its accreditation. They can only be used for the duration of the practice's accreditation.

18. Right to appeal

I. Appeals

Practices have the right to appeal decisions made by the Accreditation office and/or assessors recommendations. Please see the Lexcel website for details.

VI. Requests for Qualifications



Overview

[Locate Law Networks](#) allows users to find members of law firm networks in 150 countries, 50 U.S. states, and 10 Canadian provinces with a single click. The 50 largest global, regional, and specialty networks have 8,500 members who have 10,000 offices with 300,000 attorneys. Their members provide \$120 billion dollars of legal services. The firms have been vetted in person over decades to assure the highest quality of services.

Historically, locating alternative firms for matters could take days or more than a week. Receiving comparative proposals could take weeks. RFQ takes the next logical step in locating counsel, not only geographically or by brand, but also based upon their exact expertise and experience. Size, brand, and cost become only other considerations.

RFQ provides access the **specific** expertise and experience of 300,000 attorneys. This is done in minutes by selecting a jurisdiction and completing a short form.

The legal profession is digitalized.

©

How to Make a Request for Qualifications (RFQ)

[See all networks with members in China](#)

China

Global Networks Denotes Member

Start Requests for Qualifications

Interested in Referrals: ☒ Yes ☐ No ☐ Pending

Network Name	Network Contact
ABL / Alliance of	Emmanuel Moulin
ADVOC	Simon Rous
	<ul style="list-style-type: none"> Fred Kan & Co. Jincheng Tongda & Neal Law Firm Shanghai United Law Firm
ALFA International	<ul style="list-style-type: none"> Grandall Law Firm - Beijing Hampton, Winter and Glynn Solicitors
	Peter Rogers

GENEVA GROUP INTERNATIONAL

Geneva Group International (GGI)

Member(s)

- Global Law Office**
Contact: George Wang
Title: Partner
Email: gwang@glo.com.cn
Phone: 86 10 6584 66 88
Offices: Beijing, Shanghai, Shenzhen
- Shimin Law Offices**
Contact: Shikun Gao
Title: Partner
Email: skgao@shiminlaw.com
Phone: 86 411 3960 8570
Offices: Dalian, Guangzhou, Shanghai

Network Headquarters

Michael Reiss von Filski

Title: CEO
Email: info@ggi.com
Phone: 41 44 256 18 18

Members: 538
Total Professionals: 11,000
Offices: 600
Cumulative Revenues: \$5.046 billion

Global Law Office Responds

Globalaw

- Golden Gate Lawyers
- Yao Liang Law Office

Michael Hatchwell

1. Form to Complete

[Sign In](#)

If you do not have an RFQ account,
one will be created upon submission.



Requests for Qualifications

Jurisdiction: China

Please complete this form. An email will be sent to each of the network member firms located in the specified state or country. Your email address and company/firm name will not be provided to the law firms unless permission is provided.

***Note:** There is no charge or fee of any kind for the RFQ service. No payments are made to AILFN or to any of its members by the firms receiving your RFQ or the firm that is awarded the work.*

Firm, Company, and Contact Information

* required fields

Company or Firm Name *	<input type="text"/>
Company anonymous	<input type="radio"/> Yes <input type="radio"/> No
Name of Contact *	<input type="text"/>
Name anonymous	<input type="radio"/> Yes <input type="radio"/> No
Email *	<input type="text"/>
Email anonymous	<input type="radio"/> Yes <input type="radio"/> No

Business

Headquarters Country *	<input type="text" value="-Select-"/>
Headquarters State/Province *	<input type="text" value="-Select-"/>
Industry or Service Sector *	<input type="text" value="-Select-"/>
Business Structure *	<input type="text" value="-Select-"/>
Business Annual Turnover *	<input type="text" value="-Select-"/>
Total Employees Worldwide	<input type="text" value="-Select-"/>
Number of Offices Worldwide	<input type="text" value="-Select-"/>

Legal Matter or case

Primary need for legal services *

Describe.

Probable areas of practice *

Describe.

Services required, i.e., corporate registration, dispute resolution, etc. *

Are services required in more than one jurisdiction?*

If yes, please list jurisdictions.

☐Yes ☐No

Jurisdictions Background

Does the firm or company have offices in the state(s) or countries involved in the matter? *

☐Yes ☐No

If yes, please describe.

Does the firm or company have employees in the state(s) or countries involved in the matter? *

☐Yes ☐No

If yes, please describe.

Does the firm or company have registered intellectual property in the state(s) or countries involved in the matter? *

☐ Yes ☐ No

Other Notes on Matter

If yes, please describe.

Schedule: Please describe the time schedule for this matter.

Response Date Required*

 31

[dd-mm-yyyy]




Estimated Commencement Date*

 31


[dd-mm-yyyy]



Other Relevant Scheduling *

 31

[dd-mm-yyyy]



Estimated Fees and Costs: Based upon your experience, please estimate budget or approximate purchase order value. *


<input type="radio"/> Less \$5K	<input type="radio"/> Less \$10K	<input type="radio"/> Less \$15K	<input type="radio"/> Less \$25K	<input type="radio"/> Less \$50K	<input type="radio"/> \$50K+
---------------------------------	----------------------------------	----------------------------------	----------------------------------	----------------------------------	------------------------------

Privacy Policy: All information in a Request for Qualification is private. It will not be provided to third parties, including AILFN members and firms included in LLN. Your email will not be transferred to any AILFN member, law firm, or any other third party.

Legal Notice: Information on experience and expertise is provided by the individual firm. It is not provided by AILFN or its members. It is the sole responsibility of those engaging a firm or attorney to fully review their credentials. AILFN, its members, and the networks in LLN have no responsibility for the selection of a firm or an attorney.

Note: RFQ is a service of the Association of International Law Firm Networks (AILFN). There is no charge or fee of any kind for the RFQ service. No payments are made to AILFN or to any of its members by the firms receiving your RFQ or the firm that is awarded the work.

Submit

☐ I have read and agree to the legal notice. * 

You will receive a copy of your submission by email, and it will be found your private dashboard recording all RFQs.

2. Email received by a firm

To: George Wang – Global Law Office – China



Re: Business Referral – \$25,000+ Corporate

Dear George Wang:

Below are details on a potential client for your firm. If there is an interest and the firm has the experience and expertise, please respond. Your referral base is currently set at a minimum of \$15,000.

This email can be forwarded to another attorney or marketing department. They can respond on your behalf. You will receive a copy of their submission.

If you would prefer to receive “All” referrals or increase the minimum value, you can do so by clicking <http://www.locatelawnetworks.com/modify/ERTNM>. You can also unsubscribe at any time and not receive referrals.

Best regards,

Locate Law Networks

[Click to see all information and reply to matter 11111](#)

LLN Directory Firm: Global Law Offices

Password: ABCED Email: gwang@glo.com.cn

RFQ Data Matter: 11111

Potential Client

Company:	Anonymous
Company Location:	United States
Company Structure	Public Corporation
Industry or Service Sector	Natural Resources
Company Annual Turnover	\$100 million
Number offices	10
Number of employees	2,000
Name submitter	Anonymous
Email:	Anonymous

Matter

Estimated Budget:	\$25,000+
Primary matter jurisdiction	China
Other jurisdictions	Hong Kong

Principal Practice areas:	Corporate
Schedule	
Response Required:	June 1, 2017
Commencement Date:	June 15, 2017
Other Scheduling Information:	None



CLICK on Link for Full RFQ details and Submission

This link would go to the details, which is connected their information.

3. COMPLETED RESPONSE FORM

Data in the form comes from your firm's profile in the LLN database. The recipient firm needs only to complete the response section. **Changes:** If there are changes, by submitting the form, these changes will automatically be made in the firm's information.

The responder can be any attorney at the law firm. The responses will be registered in the firm's administrative dashboard with a copy to the principal contact.

January 27, 2017		Date:
		Jurisdiction: China
		RFQ case: 123456
RFQ Response	<p>Dear Potential Client:</p> <p>Thank you for contacting our firm about your legal matter. We would be pleased to handle it on your behalf. Please find below a detailed description of our relevant qualifications.</p> <p>I can be contacted directly by email or telephone, should you have any questions or require clarifications.</p> <p>Best regards,</p>	
Firm	Firm: Global Law Office	
Network	GGI	
	  	
URL	http://www.ggi.com	
Website	URL: http://www.globallawoffice.com.cn/en/	
Firm Contact	 George Wang	

Responder:	gwang@glo.com.cn
Responder Email:	Judy Smith
Number of Lawyers:	jsmith@glo.com.cn
Offices:	70
Address:	Beijing, Shanghai, Shenzhen
	15 & 20/F, Tower 1, China Central Place
	No. 81, Jianguo Road, Chaoyang District
	Beijing, 100025
Telephone:	+83-4345-6756 5
Year Founded:	1984
Firm Description:	Global Law Offices is a leading, fully-integrated, full-service Australian commercial law firm with approximately 70 lawyers spread across offices in Sydney, Melbourne, Brisbane, and Adelaide. Our clients range from major multinationals to SMEs. We act for many foreign based clients with interests in Australia and are well used to cross-border legal work. Many of our senior lawyers and practice groups are recognized leaders in their fields. We pride ourselves on being trusted advisers-responsive, pro-active, and technically excellent.
Our Response	<p>Our firm is a general corporate practice business law firm established in 1984. With 70 attorneys, we are one of the largest firms in China.</p> <p>We have represented more than 1,000 foreign corporations and registered more than 250 companies, including six in the oil sector. We have obtained the required trading licenses.</p> <p>We can provide all the legal services necessary to begin the operation that you described to our corporate department. The department consists of six partners and 10 associates. Visit our website at: http://www.globallawoffice.com.cn/en/ for more information.</p> <p>For the registration of trademarks, we use the following firm: http://www.hunyoung.com They focus exclusively on intellectual property.</p> <p>As to cost, we charge on average \$300 an hour for partners, \$175 an hour for associates, and \$60 an hour for paralegals.</p> <p>When we have more details, we can provide you an estimate of the costs to meet your objectives.</p>
Other Information	
3 References	1. Robert Young – assistant general counsel, Schlumberger - Paris
	2. Dan Hwang – general counsel, Shell - Houston
Publications	3. Matt Reynolds – associate counsel, Smith Drilling - Singapore
Presentations	

on subject

Estimated Cost *

☐ Less than \$5,000☐ Less than \$15,000☐ Less than \$25,000☐ Less than \$50,000☐ More than \$50,000 Please state: -----

When complete, please:

[Submit](#)☒ You will receive a copy of your response by email. A copy will also be placed in the firm's administrative dashboard page.

4. My RFQ Dashboard – Manage Inbound and Outbound Referrals

Administration

Start Date
12/1/2016

Name: Jane Olson
Email: jolson@osi.com
Password: 178945

[Sign-in](#)
[Log-out](#)

Account Number
178945

(created automatically upon first time use RFQ Account #)

[+ New RFQ](#)

Account Status: Active

Visibility: Anonymous
Organization Name: Oil Services International
Industry: Energy
Company Type: Public
Total Worldwide Revenue: \$1 Billion

[Modify My Profile](#)
[Help](#)

RFQs – Responses to Requests

#	Date Sent	Matter	Jurisdiction	Response	Date Rec.	Responding Firm	Locations	Estimated Cost
RFQ 1	11/1/2016	IP Trademark	China	1	11/8/2016	aabaaaaaaa	Beijing	\$25K - \$50K
			China	2	11/9/2016	sadasdasdasdas	Beijing	\$25K - \$50K
			China	3	11/9/2016	Sada434sdasdasdsad	Beijing	\$25K - \$50K

RFQs – My Requests

#	Date Sent	Matter	Jurisdiction	Response	Date Rec.	Locations	Estimated Cost
RFQ 1	11/1/2016	IP Trademark	Italy	1	11/8/2016	Rome	\$25K - \$50K
RFQ 2	11/17/2016	Employment	Italy	1	11/8/2016	Rome	\$25K - \$50K

Appendix 1. Key Institutional QVM Contacts



American Bar Association



ACLA - ACC Australia



International Bar Association



Canadian Bar Association



Canadian Corporate Counsel Association



European Company Lawyers Association



Law Society of England and Wales



UnitedLex









ACC Legal Operations



Association of Corporate Counsel



Association of Law Firm Administrators



CLOC



Law Firm Marketing Association



Integreon



Minority Corporate Counsel Association



Elevate Services







Appendix 2. Glossary of Terms

Activity limitations: *see Activity/participation limitations and restrictions.* Previously, activity limitations were defined as “difficulties an individual may have in executing activities” and replaced terminology of “disability.”

Activity/participation limitations and restrictions: combined terminology to refer to “an associated reduction in the ability of an individual to execute tasks in different settings, both in a firm’s and client’s environment.”

AFAs

Alternative fee arrangements (AFA): In the practice of law, these occur when payments to a law firm are based on a method other than billable hours.

Aesthetics: the subjective dimension indicating the kind of response a user has to a product. It represents the individual’s business preference.

Alternative business structures: an entity that, while providing regulated reserved legal activities, allows non-lawyers to own or invest in law firms for the first time, opening up what has been a closed profession.

Appropriately credentialed: refers to licenses and/or certificates required for practice by various administrative units (e.g., bar associations).

Blockchain: a distributed database that is used to maintain a continuously growing list of records, called blocks. Each block contains a timestamp and a link to a previous block. A blockchain is typically managed by a peer-to-peer network collectively adhering to a protocol for validating new blocks.

Clients: business entities.

Communications: conveying intended meanings from one entity or group to another through the use of mutually understood signs and semiotic rules.

Conformance: the precision with which the product or service meets the specified standards.

Currency: state of the art.

Cross-Functional Alignment: group of people with different functional expertise working toward a common goal.

Data Analytics: refers to qualitative and quantitative techniques and processes used to enhance productivity and business gains.

Durability: measures the length of a product’s life. When the product can be repaired, estimating durability is more complicated. The item will be used until it is no longer economical to operate it. This happens when the repair rate and the associated costs increase significantly.

Electronic Signature Policy

Empirical evidence: the use of experimental data to support a specific strategy or legal method.

Environment: setting.

Facility-based programs: refers to those programs that are typically housed in the site where they are administered.

Features: additional characteristics that enhance the appeal of the product or service to the user.

Financial Management Goals: broad areas identified to be accomplished in a designated time frame.

Global Data Governance: control that ensures the data entry by an operations team member or by automated processes meets precise standards.

Institution: organization within which the program resides (e.g., hospital, university).

Job description: a written document describing specific duties, responsibilities, and job-related tasks. Also known as a position description, functional statements, or qualification standards.

Key Performance Indicators: quantifiable measurements, agreed to beforehand, that reflect the critical success factors of an organization.

Knowledge Management: process of creating, sharing, using and managing the knowledge and information of an organization.

Law Department Metrics: information about what in-house lawyers do in numerical form.

Law Firm Convergence Programs: the objective of a convergence project is to achieve deeper relationships with a smaller number of firms.

Legal mandates: legal directions or instructions from a group in authority.

Legal Project Management (LPM): aims to provide a business case for adopting LMP in legal matters through developing templates and implementation protocols for in-house management of legal matters and outside counsel engagements.

Legal Support Models: methods to build new legal support staff models for maximum profitability and productivity.

Legal regulations: state or federal laws.

Legal process outsourcing (LPO/ALSP): practice of a law firm or corporation obtaining legal support services from an outside law firm or legal support services company.

Litigation Support: range of approaches and technologies used by law firms and courts to leverage knowledge and methodologies for managing the life cycle of a case or matter more effectively.

Maintenance of outcomes: over a prolonged period of time. Also referred to as durability of outcomes.

Metrics: a system or standard of measurement and a system of related measures that facilitates the quantification of some particular characteristic

Mission statement: overarching defining principle.

Objectives: specific steps identified to achieve the broader goal.

Participation restrictions: *see Activity/participation limitations and restrictions.* Previously, participation restrictions were defined as “problems an individual may experience in involvement in life situations” and replaced terminology of “handicap.”

Perceived Quality: the quality attributed to a good or service based on indirect measures.

Performance: a product's primary operating characteristics. This dimension of quality involves measurable attributes; brands can usually be ranked objectively on individual aspects of performance.

Performance improvement process: a systematic and organized approach designed to identify, change, and evaluate areas of functioning within a program or of an individual's contribution to it. Also known as “quality improvement,” “quality assurance,” and “continuous quality improvement.”

Policies and procedures: a guiding principle created by a governing body that is used to influence and determine decisions and actions. Procedures are the ways in which the policies are to be carried out.

Preferred Practices: covers ABA Preferred Practice Patterns, legal practice guidelines, and best practices. Preferred Practice Patterns define universally applicable characteristics of activities directed toward individual patient/clients, and which address structural requisites of the practice, processes to be carried out, and intended outcomes. Legal Practice Guidelines are a recommended set of procedures for a specific area of practice, based on research findings and current practices that detail the knowledge, skills, and/or competencies needed to perform the procedures appropriately.

Professional Development and Team Building: a collective term for various types of activities used to enhance social relations and define roles within teams, often involving collaborative tasks.

Program: the entity that provides legal services.

Protocols: legal practice patterns customized to specific setting and program.

Purpose: specific aims of the program (vision).

- QBR Deck

Records Management: a set of activities required for systematically controlling the creation, distribution, use, maintenance, and disposition of recorded information maintained as evidence of business activities and transactions.

Reliability: the likelihood that a product will not fail within a specific time period. This is a key element for users who need the product to work without fail.

Scope of practice: ABA policies for the practices of legal services. Two separate documents serve to describe services, to provide resource information, and to identify those activities.

Scope of services: those portions of the scope of practice that are included in a program. Scope of services includes definitions of legal profession.

Strategic Planning: an organization's process of defining its strategy, or direction, and making decisions on allocating its resources to pursue this strategy.

Serviceability: the speed with which the product can be put into service when it breaks down, as well as the competence and the behavior of the service business.

Supervisee: any individual who is being supervised; this may include student clinicians, non-credentialed employees in a program, paralegals, and others who may require any amount of supervision.

Technology Support: plethora of services by which enterprises provide assistance to users of technology products

Values: *see Purpose.*

Vendor Management: Internet-enabled, often Web-based application that acts as a mechanism for business to manage and procure staffing services.

Vision: *see Purpose.*

Workload: all activities subsumed under a position (e.g., administrative, teaching, research, mentoring, legal services).

Appendix 3. Additional Resources – Articles and Videos

Measurable Quality Standards in Professional Services

Accounting:

INTERNATIONAL STANDARD ON QUALITY CONTROL 1, *Quality Control for Firms that Perform Audits and Reviews of Financial Statements, and Other Assurance and Related Services Engagements* (December 15, 2009), <http://www.ifac.org/system/files/downloads/a007-2010-iaasb-handbook-isqc-1.pdf>.

QUALITY CONTROL PROJECT, <https://www.iaasb.org/projects/quality-control>.

INTERNATIONAL STANDARDS ON AUDITING,
https://en.wikipedia.org/wiki/International_Standards_on_Auditing.

Legal:

AMERICAN ASSOCIATION OF LAW LIBRARIES, *Principles and Standards for Legal Research Competency* (July 11, 2013),
<https://www.aallnet.org/mm/Advocacy/recommendedguidelines/policy-legalrescompetency.html>.

REES MORRISON, IMPROVE RFPs WITH DATA ANALYTICS METROPOLITAN CORPORATE COUNSEL, MAY 2017 [HTTP://WWW.ALTMANWEIL.COM/INDEX.CFM/FA/R.RESOURCE_DETAIL/OID/0174586D-23D3-4B2A-96F5-DBDB62C76EB3/RESOURCE/IMPROVE_RFPs_WITH_DATA_ANALYTICS.CFM](http://www.altmanweil.com/index.cfm/fa/r.resource_detail/oid/0174586D-23D3-4B2A-96F5-DBDB62C76EB3/resource/improve_rfps_with_data_analytics.cfm) .

THOMSON REUTERS, *Law Firm Library Management and ISO 2000* (July 2013),
<https://info.legalsolutions.thomsonreuters.com/signup/newsletters/practice-innovations/2013-jul/article3.aspx>.

Paul Lippe, *What if Someone Could Measure What Lawyers Do?*, ABA JOURNAL (Feb. 8, 2012),
http://www.abajournal.com/legalrebels/article/what_if_someone_could_measure_what_lawyers_do/.

Reed Smith, *Measuring Firm Quality with Client Value Initiatives* (Oct. 28, 2014), Corporate Counsel, <http://www.corpcounsel.com/id=1202674776843/Measuring-Firm-Quality-With-Client-Value-Initiatives?slreturn=20170528123211>.

Mark A. Cohen, *A New Metric to Evaluate Law Firm Quality*, BIG LAW BUSINESS (Jan. 6, 2016),
<https://bol.bna.com/a-new-metric-to-evaluate-law-firm-quality/>.

Susan Tahernia, *Leading Practices in Law Department Metrics – Company Best Practices*, ASSOCIATION OF CORPORATE COUNSEL (Oct. 2013),
<https://www.acc.com/chapters/wpenn/upload/ACC-Leading-Practices-in-Law-Department-Metrics-Company-Best-Practices.pdf>.

Alan Peterson, *Professionalism and the Legal Services Market*, 3 INT’L J. OF THE LEG. PROFESSION 137 (1996).

Michelle Graham, *Using Metrics to Measure Law Department Performance Checklist*, ABOVE THE LAW (May 3, 2016), http://abovethelaw.com/?sponsored_content=using-metrics-to-measure-law-department-performance-checklist.

Hilary Sommerlad, *Managerialism and the Legal Profession: a New Professional Paradigm*, 2 INT'L J. OF THE LEG. PROFESSION 175 (1995).

H. He, *The Strategic Entry Behavior Choices of Firms under Minimum Quality Standard*, THEORETICAL ECONOMICS LETTERS (April 12, 2015), http://file.scirp.org/Html/6-1500626_52003.htm.

Ram Phuyal & Niranjana Devkota, *Strategic Entry Deterrence with New Technology under Quality Regulation in a Vertically Differentiated Duopoly* ; http://www.academia.edu/3540929/Strategic_Entry_Deterrence_with_New_Technology_under_Quality_Regulation_in_a_Vertically_Differentiated_Duopoly.

Christine Parker, *Lawyer Deregulation via Business Deregulation: Compliance Professionalism and Legal Professionalism*, 6 INT'L J. OF THE LEG. PROFESSION, 175 (1999).

Ron Dolin, *Getting to New Law: Standardized Quality Metrics*, RADICAL CONCEPTS (March 25, 2017), <http://radicalconcepts.com/239/getting-to-new-law-standardized-quality-metrics/>.

ACC EUROPE ROUNDTABLE SESSION, *Metrics and Concrete Measures to Demonstrate Increasing Tangible Legal Value* (May 4, 2012), <http://www.acc.com/chapters/wpenn/upload/Metrics-and-Concrete-Measures-to-Demonstrate-Increasing-Tangible-Legal-Value.pdf>.

ACC, *Guide to Managing Outside Counsel* (2012), <http://www.accvaluechallenge-digital.com/accvaluechallenge/acc-guide-to-managing-outside-counsel?pg=1#pg1>.

David J. Kappos & Stuart Graham, *The Case for Standard Measures of Patent Quality*, SLOAN MIT REVIEW (Spring 2012), <http://sloanreview.mit.edu/article/the-case-for-standard-measures-of-patent-quality/>.

Kenneth Grady, *Debunking the Legal Service Quality Myth*, SEYTLINES (March 25, 2015) <http://www.seytlines.com/2015/04/debunking-the-legal-service-quality-myth>.

Kenneth Grady, *The 4 Most Important Ways to Measure Law Department Effectiveness*, SEYTLINES (August 1, 2014), <http://www.seytlines.com/2014/08/if-you-could-have-only-4-what-4-would-they-be/>.

Tyler Chapman & Amy Kosey, *The Secret Law Firm Metric Clients Will Pay Their Attorneys to Improve*, LEXISNEXIS (2017) <http://www.lexisnexis.com/business-of-law/insights/practice-management/white-papers/the-secret-law-firm-metric-clients-will-pay-their-attorneys-to-improve>.

Tim Corcoran, *The Changing Definition of Value: What Matters Most to In-House Counsel*, CORCORAN BIZ BLOG (Feb. 26, 2016), <http://www.corcoranlawbizblog.com/2014/02/changingdefinition-of-value/>.

Which Law Firm Metrics Are More Useful to Clients? LATITUDE LEGAL (Feb. 24, 2016)
<http://latitudelegal.com/resources/which-law-firm-metrics-are-more-useful-to-clients/>.

Ron Dolin, *A Call for Measuring Quality in Legal Services*, BIG LAW BUSINESS (Mar. 30, 2015),
<https://bol.bna.com/a-call-for-measuring-quality-in-legal-services/>.

Mary Juetten, *Key Performance Metrics in the Innovation Department*, FORBES (June 15, 2016),
<https://www.forbes.com/sites/maryjuetten/2016/06/15/key-performance-metrics-in-the-innovation-department/#27b353014694>.

Robert Ming, *Meaningful Metrics for Transactional Legal Groups*, INSIDE COUNSEL (Oct. 20, 2016),
<http://www.insidecounsel.com/2016/10/20/meaningful-metrics-for-transactional-legal-groups>.

Legal Operations (See comprehensive list of publications at [ACC Legal Operations](#))

Amanda Ciccattell, *How to Create a Strong Legal Operations Team* (May 16, 2017)
<http://www.insidecounsel.com/2017/05/16/how-to-create-a-strong-legal-operations-team>

By Amanda Ciccattelli, *The Power of Legal Project Management* (May 25, 2017)
<http://www.insidecounsel.com/2017/05/25/the-power-of-legal-project-management?&slreturn=1499181450&LikelyCookieIssue=true>

David Ruiz, <http://www.law.com/sites/almstaff/2017/05/08/richard-susskind-on-the-growing-influence-of-the-legal-operations-boss/?kw=Richard%20Susskind%20on%20the%20Growing%20Influence%20of%20the%20Legal%20Operations%20Boss&et=editorial&bu=Corporate%20Counsel&cn=20170> , May 8, 2017

Legal Procurement: See Buying Legal Council Resources **40 articles** <http://www.buyinglegal.com/?p=7209>

Consulting Companies:

VALOREM LAW GROUP, <http://www.valoremlaw.com/metrics>.

QUALMET LEGAL, <http://www.qualmetlegal.com/>.

UNITEDLEX, <http://www.unitedlex.com/>.

QUISLEX, <https://www.quislex.com/>

ELEVATE SERVICES, <http://elevateservices.com/>

INTEGREON, <http://www.integreon.com/DefaultHome>

RIVERVIEW

Medical:

ASHA, QUALITY INDICATORS FOR PROFESSIONAL SERVICE PROGRAMS IN AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY, <http://www.asha.org/policy/ST2005-00186/>.

AMERICAN NURSES ASSOCIATION, *Nursing, Scope and Standards of Practice* (2010)

<http://www.nursingworld.org/scopeandstandardspractice/>.

MANAGEMENT SOCIETY OF AMERICA, *Standards of Practice for Case Management* (Revised 2010),

<http://www.cmsa.org/portals/0/pdf/memberonly/StandardsOfPractice.pdf/>.

Other:

U.S. OFFICE OF BUSINESS MANAGEMENT, *Performance Management Cycle Developing Performance*

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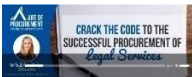
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Appendix 4. QVM and Related Projects and Initiatives



Project/Initiative	Organization	Contact(s)	Ops.	Procure	Law Firms	Tech.	LPO	Bar Assoc.	Acad.
Legal Operations & Chief of Staff Role	CLOC		x						
Internship Playbook	CLOC		x						
Legal Operations Career Skills Toolkit	CLOC		x						
Legal Project Management (LPM)	CLOC		x						
Electronic Signature Policy	CLOC		x						
Legal Billing Guidelines	CLOC		x						
Metrics	CLOC	Sandy Owen	x	x	x	x	x		
Dashboards	CLOC	Jeff Franke	x	x					
Rotation Programs	CLOC	Molly Dodge	x						
Internal Websites	CLOC	Christina Jackson	x						
Knowledge Management	CLOC	Christina Jackson	x	x					
RFP Evaluation	BLC	Jo Ellen Hatfield, Anja Büttgenbach	x	x					
Maturity Level	BLC	Susan O'Brien, Suraj Prashad	x	x					
Diversity	BLC	Felicia Suggs; Vaishali Gadhok	x	x					
Legal Technology	BLC	Andy Krebs, Mike Hakes	x	x		x			



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