EVERYTHING HAS A PROCESS PART 1
HOW TO IDENTIFY YOURS

Whether your firm handles corporate litigation, contracts, criminal defense, or any other type of law, one thing is true: There is a process to everything you do. And any time there is a process, there are ways to improve it. Change simply for the sake of change isn't a good thing. But when you make changes that make your team's job easier, help a function run more smoothly, cut unnecessary steps, and improve your bottom line, that's change for the better.

Every conversation about legal technology right now seems to start with automation or AI. Fair enough, both are worth your attention. But you cannot automate, delegate, or improve a process you have not actually mapped. Before you buy a workflow tool, hire a legal ops person, or ask a vendor's AI feature to "streamline" anything, you need an honest picture of how the work actually happens today. That picture is the process map, and building one is still the necessary first step.

Processes can be large or small. Some involve dozens of activities and handoffs; others are five steps and done. Whether yours is simple or sprawling, every process improvement starts the same way: identifying the current process, as it actually runs, not as you assume it runs.

Process mapping can be tedious and confusing. These tips make it easier.

START WITH THE RIGHT PROCESS

Start where the potential payoff is greatest. Good candidates include processes that:

- happen frequently;
- consume a surprising amount of staff or attorney time;
- require people to enter the same information more than once;
- involve frequent handoffs between people;
- generate errors or missed steps;
- depend heavily on one person knowing what to do;
- regularly cause delays;
- generate client questions or complaints;
- require people to hunt for information; or
- include repetitive work that might eventually be automated or assisted by AI.

New-client intake is often a good place to begin because it touches marketing, conflicts, engagement agreements, data entry, document collection, scheduling, and matter creation. Billing, matter closing, incoming mail, document preparation, and litigation deadline management are other common candidates.

You are not yet deciding how to fix the process. That comes later. Right now, you are deciding which process is worth understanding first.

INCLUDE THE RIGHT PEOPLE

Managers and attorneys often think they know what their staff does day to day. Most of the time, they don't, not in the granular way mapping requires. Talk to the people actually doing the work: the paralegal who handles intake, the associate drafting the first pass at a motion, the assistant chasing signatures.

Focusing on subject matter experts ensures you accurately capture the current state, including the minor details that never make it into a training manual. It also builds buy-in. People are far more willing to follow a new process when they helped document the old one.

This also helps uncover what we might call shadow processes: the unofficial workarounds people develop to get their jobs done.

Perhaps your written procedure says documents go into the document-management system, but someone temporarily saves them to the desktop. Maybe intake data is supposed to flow directly into your practice-management system, but an employee keeps a separate Excel spreadsheet. Perhaps an attorney emails instructions rather than assigning tasks through the firm's designated system.

Do not treat these discoveries as failures. At this stage, they are information. A workaround often tells you that the official process does not adequately address what someone actually needs to accomplish.

MAKE IT FUN

Process mapping can be tedious, so don't make it worse than it has to be. Gathering your team in a room with markers and sticky notes on a whiteboard still works. So does a working lunch where you talk through a process out loud instead of typing silently into a shared doc. The format matters less than making the exercise feel collaborative rather than like an audit.

SELECT THE BEST TOOL FOR YOUR TEAM

DOCUMENTATION TOOLS

Vendors have built dozens of process mapping tools, and the right one for your firm is simply the simplest one that captures the details you need. Others will read and interpret the map later, so consider how easy that handoff will be.

Tools we've seen used effectively include detailed Word outlines, Excel spreadsheets, and visual diagramming products such as Microsoft Visio, Lucidchart, OmniGraffle, and yEd Graph Editor. If your firm is documenting repeatable client-facing workflows (think intake or onboarding) rather than internal process diagrams, a step-recording tool like Scribe or Tango, which captures your screen as you work and auto-generates an illustrated guide, can be faster than drawing anything by hand.

ASK AND WATCH

When using Scribe, Tango, or something similar, you can develop a draft process map with an "ask and watch" technique.

People forget steps they perform automatically. Ask someone how they open a new matter and they may say, "I create it in Clio and set up the folders." Watch them do it, and you may discover 12 additional steps involving email, Word, Outlook, a shared drive, a spreadsheet, and three copy-and-paste operations.

Have people walk you through actual examples. Screen sharing can be particularly helpful when the process involves several applications.

LET AI TAKE THE FIRST PASS, NOT THE LAST WORD

AI hasn't changed why you map a process, but it has changed how fast you can get a rough draft on paper.

If you're already recording client or team meetings with a tool like Fathom or Otter, you have raw material sitting in your transcripts. Feed a transcript of a subject matter expert (*e.g.*, the person who does intake or drafts lifecare documents) interview into an AI assistant and ask it to draft a step-by-step outline of the process described. Several diagramming tools, including Lucid's AI features, will now turn a plain-English description into a flowchart directly, skipping the manual drag-and-drop entirely.

Treat whatever comes out as a first draft, not a finished map. AI tools are good at converting a conversation into a structured sequence of steps. They are not reliable at knowing which steps the person described are the exception rather than the rule, or at catching the workaround someone mentioned in passing and didn't think was worth emphasizing. That verification still requires the subject matter expert from the first tip on this list, sitting down and confirming, line by line, that the draft matches reality.

Used this way, AI can cut the time spent on the tedious first draft substantially. It cannot replace the judgment of the person who does the work.

ETHICS REMINDER

Law firms also need to consider confidentiality before providing AI tools with client or matter information. ABA Formal Opinion 512 emphasizes that lawyers using generative AI remain responsible for protecting client information and understanding how the tools they use handle that information. Use firm-approved tools and data, and do not assume that information is safe to upload simply because an AI tool makes doing so convenient.

Whatever you choose, weigh it against who has to maintain the map after this project ends. A gorgeous flowchart nobody updates is worse than a plain outline someone actually keeps current.

MORE IS BETTER

No detail is too small to document. Map not only the standard process as it happens most of the time, but also the deviations and what path you take when one occurs. The exception cases are usually where the real inefficiency, or risk, is hiding.

CAPTURE THE NORMAL PATH AND THE EXCEPTIONS

Start with the version of the process that happens most often. Then ask a very important question:

What happens when that does not happen?

Suppose your normal intake workflow assumes that a prospective client completes an online form. What happens if the person calls instead? What if the conflicts check identifies a potential conflict? What if the client never signs the engagement agreement? What if the attorney accepts the matter but needs it opened immediately?

Those branches matter.

You do not need to document every bizarre event that has happened once in 20 years, but you should identify reasonably common variations and decision points. Otherwise, you may later automate a beautifully designed workflow that works only when everything goes exactly right.

Pay particular attention to handoffs. Each time information or responsibility moves from one person or application to another, ask what triggers the handoff, how the next person knows it happened, and what happens if it does not.

BE CONSISTENT

Different groups may map different pieces of your process, and the result gets confusing fast without a shared standard. Handle the mapping consistently across teams, including the flowchart technique and how you label tasks.

For visual maps, decide what your shapes and colors mean. Swimlanes can identify the people, roles, or systems responsible for each step. Diamonds can indicate decisions. Arrows should make the direction of the workflow obvious.

Avoid non-standard abbreviations for the sake of brevity. Use consistent verb-noun tasks instead, such as "Draft the Agreement" or "Attend Court Hearing," so anyone reading the map later, human or AI, can follow it without a decoder ring.

And date your process map. Processes change. Software changes. People find new workarounds. What you create is a snapshot, not a monument.

WHAT MAPPING WON'T DO FOR YOU

A process map only tells you what is happening right now. It does not tell you what should change, how to automate a given step, or which parts of the process are worth the cost of fixing. That's a separate project, with its own decisions about tools, budget, and risk tolerance. Don't let the momentum of a good mapping session talk you into changes you haven't actually thought through yet.

RESIST THE URGE TO FIX EVERYTHING YET

While mapping a process, you will almost certainly spot things that make you wince.

- Why are we entering that information twice?
- Why does that document get emailed to three people?
- Why does someone print that?
- Why are we maintaining that spreadsheet?
- Could AI handle this part?

Those are exactly the questions you eventually want to ask. Write them down.

But first finish documenting what happens today.

You cannot intelligently design a better workflow until you understand the one you already have. Once you have that current-state map, you can begin deciding which steps should stay, which should change, which should disappear, and which might be handled by automation or AI.

BOTTOM LINE

Identifying your process is unglamorous work, and it is still the foundation everything else gets built on, including any AI or automation project your firm takes on later. Start with one process. Pick something contained, like intake for a single practice area, and map it end to end before you touch anything larger.