



Boosting Efficiency in Personal Injury Firms:

How interruptions are holding your firm back, and
technology may be the answer.

Summary

- » Personal injury law firms want to increase the number of cases they can handle without decreasing the quality of their services or hiring additional staff, which would create more overhead.
- » While most firms which maintain high-quality client interaction were found to average around 30 cases per person (including attorneys and staff), one firm was found to average 50 cases a month while increasing reported client satisfaction.
- » Key changes made by the more efficient firm were spurred by an evaluation of interruptions and technology used in the firm.

Background

Caseload Limits and the Scourge of Interruptions

A zero-sum game of quantity and quality?

An initial survey of personal injury law firms indicates that the average caseload per person (including attorneys and staff) is around 30. This means that within an average firm, a team of one attorney and two staff members will be able to handle a maximum of 90 cases at any given time. This average held true even with fluctuations in the ratio of attorneys to support staff. Within our data, a firm with a higher attorney-to-staff ratio saw no change in workload versus firms with a lower attorney-to-staff ratio.

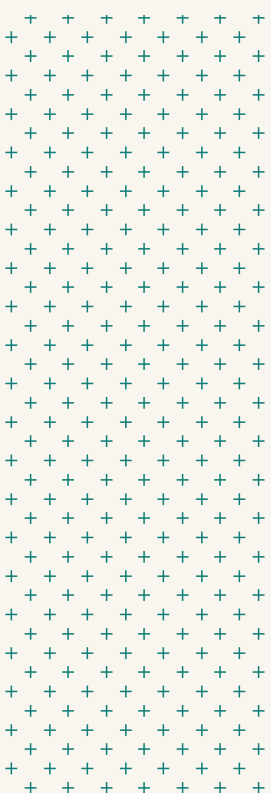
Although most firms would prefer to be able to increase their caseloads, a heavier per-person case burden tends to reduce the quality of legal services. As caseloads grow, both employee and client satisfaction decreases, and the risk for mistakes with serious consequences increases. For the attorney and staff

members, longer hours begin to erode quality of life and/or the cases themselves suffer from a lack of attention to key details. In some practice areas, this decrease in efficiency brings reduced marginal returns from the additional cases. Support staff and attorneys alike complain of the hassle and stress of juggling cases, with many details falling through the cracks. What's more, the strain has been found in some firms to push activities like settlement negotiations into the hands of non- attorney staff members, in violation of ethics rules. (see: Scott Hershovitz, Late-Night Law Firms, JOTWELL (June 10, 2013) (reviewing Nora Freeman Engstrom, Sunlight and Settlement Mills, 86 N.Y.U. L. Rev. 805 (2011)), <http://torts.jotwell.com/late-night-law-firms/>)

Meanwhile, increased case-loads cause clients to feel that their personal injury attorney, though perhaps frequently visible on television commercials and billboards, is unreachable when it comes to their personal case. As one Stanford legal scholar put it, in such a context attorney interaction with the client tends to be "paternalistic rather than participative" (Engstrom 1500). Missed calls, unanswered emails, and the lack of personalized attention frustrate not only clients, but also 'vendors' -- those physicians, therapists, and other third party professionals whose pay may be contingent on the case's progress.

As caseloads grow, attorneys find themselves less able or willing to take any of their cases to trial. One outcome of this challenge is the high-bulk "settlement mills" where masses of cases are settled for nuisance values. Clients who find that a settlement on their case isn't forthcoming are likely to be told that nothing else can be done, since a trial would be considered a waste of time. Other clients with strong cases are forced to settle for a fraction of what their final trial amount might be. (see: Daniel Fisher, "Study of "Settlement Mills" shows insurers like them." <http://www.forbes.com/sites/danielfisher/2010/12/03/study-of-settlement-mills-shows-insurers-like-them/>) This is exacerbated as a firm gains a reputation among insurance adjusters for avoiding trial, decreasing the attorney's leverage and causing the settlements amounts to decrease. Whether through word of mouth or online reviews, growing client dissatisfaction is likely to damage a firm's reputation.

What all of this immediately suggests is that within a personal injury law firm, the quality of legal services is in an 'indirect ratio' with the quantity of cases: one can increase only at the expense of the other. If this 'zero-sum game' always held true, it would mean strict limits on either the size or the quality of a firm's work.



Interruption-exhaustion

Is there any escape from the caseload zero-sum game? The true zero-sum game between quantity and quality would only exist if all of an attorney's or staff member's time were dedicated to crucial work on their cases—in other words, if there were no room for greater efficiency within the system. A closer analysis of what causes workplace inefficiency and client dissatisfaction points to a hopeful solution.

A large amount of 'busyness' within a firm is directly tied to interruptions. 'Interruptions' can be defined here both in resource malfunction and as any activity which is initiated by another person—whether this is a phone call, email, text message, or a drop-in meeting—as opposed to the activities which occur within the attorney's or staff member's own time frame. Recent studies show conclusively and repeatedly that interruptions, including self-inflicted interruptions like so-called "multi-tasking," can reduce productivity by as much as 40% in any given industry. (See: American Psychological Association: "Multitasking: Switching costs." [http:// www.apa.org/research/action/multitask.aspx](http://www.apa.org/research/action/multitask.aspx)) The consequences of each of these interruptions will be briefly analyzed below.

5 Sources of Interruptions in a Personal Injury Law Firm

1. Text and instant messages

Text messages and instant messages appear to be a convenient way to communicate with an attorney, but come with their own problems. Either they are answered immediately, which leads to the same interruption in work-flow caused by phone calls and drop-in meetings; or else they are saved for later, in which case they can easily become forgotten and lost, without a system to record them within the case file. Even when they are answered, it takes time to transfer the text data into the case file in some form. When staff and attorneys lose that information, crises often result. Studies show that switching from a task to an instant message or text message and back costs an average of at least 20 minutes of productivity. (Iqbal, Horvitz 9)

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2. Email

The sheer volume of emails which attorneys and staff members receive can breed its own inefficiencies, as urgent emails are lost among less urgent concerns. Some efficiency experts even suggest that email-checking has become a self-initiated distraction when coping with feelings of discomfort in the workplace. Email to-do lists (such as task lists supported by Outlook) are also tied to inefficiencies, as staff members and attorneys get bogged- down in long lists which don't clearly prioritize some tasks over others. This creates a situation where staff must "work to know what to work on" —dedicating more and more time to preparatory tasks, before being able to complete necessary tasks.

Email is also a potential source of decision fatigue—a state in which a persons' ability to prioritize, or even accomplish basic tasks, is hampered by the mental exhaustion associated with making too many decisions in a day. One possible result of decision fatigue is to simply stop making choices—psychologists frequently credit the complete



cessation of work to this phenomenon (Anderson). Research suggests that by choosing to deal with email first thing in the morning, workers may even be ruining their ability to be productive later in the day. Microsoft conducted its own research on email and instant messaging interruptions and found that the average person, regardless of job title, is interrupted 3.74 times per hour by electronic alerts. Even more alarming, they found that following a workflow disruption, employees required an average of 25 minutes to return to full productivity. Depending on interruption spacing, little to no time is available to work at one's full productivity.

3. Other technological inefficiencies

Although new technologies and software were brought in as a way to increase efficiency within the firm, often they led to their own problems. A breakdown in the email server could spell disaster for some firms. Others use case management software which requires an in-office server, with the result that any server glitch results in complete file inaccessibility until a technician can come on-site and repair the problem. Popular file-sharing services like Dropbox, while allowing for document collaboration, clogged some firms' internet bandwidth as the sheer volume of documents traveling through the network increased.

4. Phone call

A simple phone call to a firm requires a staff member or attorney to first find the right file -- and in larger firms the need to find the right attorney. The caller must then be spoken to and his or her concerns resolved. All of this information then is either in danger of being lost, or else it must be entered into the case file. Phone calls at law firms disrupt work flow for not just one person, but many.

5. Drop-in meetings

When other forms of communication appear to be inadequate to address questions and concerns, clients, vendors, and other staff members are all prone to show up in person with a request for attorneys' time. This typically requires a more immediate and extended interruption of other work.



How much time does one phone call take from a law firm?

CLIENT	OFFICE
Speaks with receptionist	Receptionist speaks with Client
On hold	Case Manager looks for files
Speaks with Case Manager	Case Manager speaks with Client
On hold	Case Manager recovery
Speaks with Attorney	Attorney looks over case file
	Attorney speaks with Client
	Attorney takes notes
	Attorney recovery
TOTAL TIME 14:30	TOTAL TIME 59:30

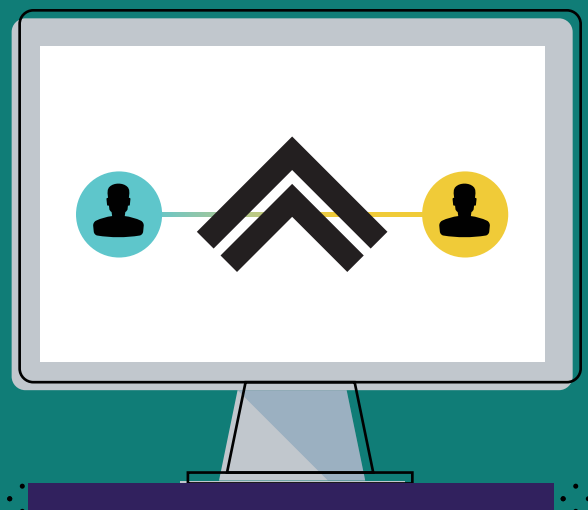
According to Gloria Mark, Professor in the Department of California, it takes an average of 23 minutes and 15 seconds to get back on task following an interruption.

Client Portal.

Imagine sitting down with a client and saying:

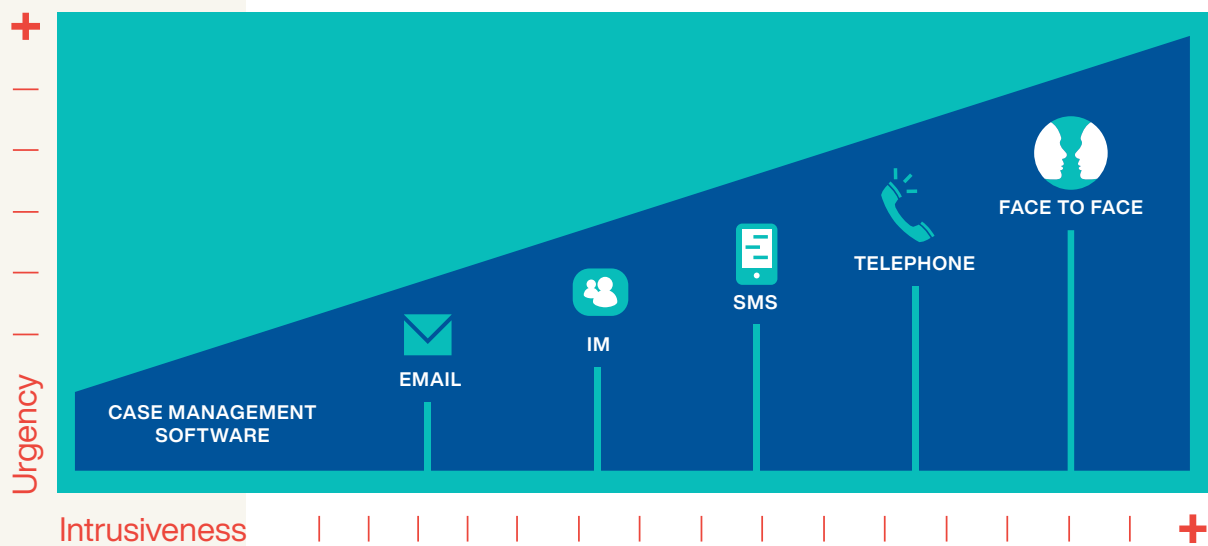
“This is your direct line to me. No receptionist. No insecure email. You can even text.”

Filevine allows you to keep clients satisfied on your terms.



The consequences of interruptions in a law firm

The prevalence of interruptions can wreak havoc in any workplace, even when attorneys and staff are skilled at scheduling their own day for maximum efficiency. Unplanned interruptions force workers to momentarily disregard their own time frames in order to address others. According to Gloria Mark, professor in the Department of Informatics at The University of California it takes an average of 23 minutes and 15 seconds to get back on task following an interruption. Other research has reiterated this time drain, even with minor interruptions (see Lin, Kain, and Fritz). When this amount of unproductive time is multiplied by all staff members, the result is a devastating effect on the firm's bottom-line.



The consequences are massive. Research at Portland State University shows that not only do interruptions increase stress, anxiety, and even aches and pains, but also that unplanned interruptions leave people 9% more exhausted at the end of the workday, which is comparable to the exhaustion experienced by having a significantly heavier workflow.

This means that reducing and managing interruptions could have the same effect as reducing one's caseload. In other words: attorneys and staff members could manage a higher caseload without sacrificing their current quality simply through cutting down on workflow interruptions. But is this possible, or are high levels of interruptions—and their resulting inefficiencies—an inevitability within all firms?

The Solution

Building an anti-interruption culture, supported by technology

The answer comes from a case study of one personal injury firm, which implemented a novel approach to interruption-management that resulted in 67% increase in caseloads. This occurred without a sacrifice in service quality—in fact, self-reported client and worker satisfaction actually improved. Their methodology was to examine every source of interruption and to question whether technology could help reduce the intrusiveness of those interruptions.

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The key feature of this high-efficiency firm was the firm-wide goal of creating a culture of interruption-avoidance within the workplace. Each type of interruption was scrutinized and evaluated. Staff and attorneys became increasingly aware of the damage done to those they interrupt, and the way that informal staff-to-staff interruptions can have large consequences in the productivity of the one whose workflow is being disrupted.

Though interruptions were still necessary for truly time-sensitive matters, other questions, task assignments, and requests for collaboration were directed through the firm's case management software (Filevine), to be dealt with within the individual's own time frame. This even included many interactions with clients and vendors, due to the features available in the firm's case management software. The owners of the firm report asking their staff throughout this transition period: "How can we shift this type of interruption to Filevine?" The results were a vast improvement in firm productivity.

7 Methods to Manage Interruptions

The way they managed standard interruptions is detailed below.

1. Texts and instant messages

By pushing text messaging to the case management system, texts became an asset instead of a liability. Clients were given a phone number which sent text messages directly to their case file, and were strongly encouraged to use it for most communication. They were ensured that this number allowed them to access their attorney directly, at any time. These messages were instantly logged in the case file and placed on the "Feed" of the people involved in the case. Notably, the software did not alert them to the new message, (creating yet another interruption) but instead made it available only after the user finished their current task.

By hosting these types of messages in the main work system, the appropriate team member could respond within his or her own time frame, without stopping other work, worrying about losing the message, or interrupting other team members.

Because of client confidence that texts would be recorded in their file and responded to in a timely manner, they became less dependent on more intrusive interruptions such as phone calls and drop-ins. While initially doubtful that this method would work, the staff and attorneys using this system report



that client interruptions via phone call or personal visit were dramatically decreased, returning hours of time to the firm every day.

The firm in question reports that clients and vendors appeared to be more satisfied with this system as well, as they were informed that, by using Filevine, their messages would

1. go directly to those who needed to see it; and
2. be recorded in the case file by the case management software, leaving no excuse for the attorneys to “drop the ball.”

2. Staff-to-staff communications

Staff-to-staff communication was done through the case management software under the firm’s mantra that “If it didn’t happen in Filevine, it didn’t happen.” This reduced communication previously sent through less reliable, unrecorded channels, and naturally encouraged sharing relevant information and questions through the case management system. Without the ubiquitous pop-ups of instant messages and emails, there were less pauses in work flow.

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3. Email

As messages and documents traveled increasingly through the digital case files, staff and attorneys found themselves suffering less from email related decision fatigue and interruption recovery. An additional benefit was the use of Filevine’s task list, which allows for greater ability to prioritize by urgency and more scheduling options than their email-based to-do lists. The modern task list saved time and reduced stress. Users found they no longer needed

to parse through piles of data simply in order to understand what work needed to be done.

4. Other technological inefficiencies

Using a cloud-based system was found to reduce other technical difficulties dramatically. This law firm had used Dropbox to sync documents in the past, but with over a terabyte’s worth of data stored on Dropbox, it bogged down the network whenever a document needed to be updated, or a new computer synced. By switching document management to Filevine, the firm was able to increase network speed and reduce the time needed to get new computers “synced.” The result is that the internet connection wasn’t overloaded and gave less opportunity for workers to open up Facebook while waiting for a website to load, or document to sync.

Being cloud-based meant the workplace didn’t require its own servers. This cut down on the interruptions of technological malfunctions which only a trained technician, coming on-site, could fix. Their cloud-based case management system could operate wherever the internet was available. Even in the worst-case scenario of internet connection loss, which typically dooms all office activity, cell data signal allowed work to continue in many cases.

5. Paperless efforts

Even regular mail was shifted into the online case management system, creating a one-stop location for all relevant documents. Instead of placing documents on attorneys’ or staff members’ desks, documents were all scanned and assigned to the appropriate cases by the front desk personnel. In this way, mail received appeared in each members’ Feed, to be dealt with in their own time and their own terms, reducing not only the interruption of mail delivery, but also the risk of mail being lost or overlooked.

6. Phone calls

When a phone call was necessary due to a particularly time-sensitive issue, the case management system allowed for a more rapid retrieval of a client’s file. The clear layout of relevant information and thorough

documentation eased the process of responding—meaning that typically only one person had to be interrupted, instead of the interruption spreading to other staff members or attorneys in order to find answers to client or vendor questions.

Vendor calls had been a persistent interruption on any given case, particularly as it reaches its conclusion. With that in mind, the high- efficiency firm found ways to significantly reduce these interruptions by engaging the vendors through their software. At the first contact with vendors, they were added to the team as guest users for the case they were associated with. They were given a platform within the case file where they could leave notes, ask questions, and be asked questions by the staff. When they called the office with questions, the staff would take a message, of course, but also indicate that the quickest way to reach the attorney would be through Filevine. By learning there was a space where information would be recorded and instantly shared, vendors were trained to use Filevine to deal with questions instead of the phone.

7. Drop-in meetings

The firm was surprised to realize how often interruptions came from staff themselves visiting other staff members. However, with the attitude of reducing interruptions, staff, client, and vendor confidence increased in other forms of communication. Although there was an urge to drop-in and interrupt, as staff members shifted their questions onto the system, they appreciated the ability to maintain a record of questions and responses (whereas informal drop-in conversations don't get recorded anywhere).

As staff recognized the utility of this method, they were more likely to encourage clients and vendors to use the Filevine system as well. The result was that face-to-face interactions were more deliberately reserved for scheduled meetings, in which team members could prepare ahead of time to address complex issues.

Results

Increasing quantity and quality through anti-interruption technology

The result of these factors is that the firm was able to carry a per-person caseload that was 67% higher than comparable firms, while improving worker and client satisfaction and the quality of its legal services.

It is important to note that individual use of Filevine had only a moderate correlation with increased productivity ($r^2 = 0.5$). This indicates that a single person using case management software will not improve capacity for the individual or for the firm. Instead a culture of minimizing interruptions must be created across the firm. For each person who fails to fully use the technology solutions available, other staff members are impacted. Logically, if an entire firm is in lockstep on using technology to reduce interruptions, the entire firm will experience greater capacity for work as a unit.

Interestingly, data analysis showed a moderate to strong correlation between the average settlement amount and the amount of use of Filevine tasks by case managers ($r^2 = 0.7$). Meaning those case managers who most fully took advantage of Filevine features seemed to have higher average settlement values. However, the data points are too few to point to any strong conclusions at this time.

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Conclusion

Filevine as a new approach to interruption-management

Filevine Case Management Software is a new cloud-based management application for legal professionals and firms which allows users to store and track text messages, emails, share and upload files, collaborate on documents and case discussions, and assign and track tasks. Used as a technology to support an anti-interruption culture, Filevine presents a promising new avenue for increasing efficiency in personal injury firms, increasing per-person caseload by as much as 67%.

About Us

Filevine (www.filevine.com) is a case-management software which operates “in the cloud.” Our system, from interface to code, is designed around maximizing productivity for our client firms. Our clients love our intuitive interface, and our innovative approach to creating efficiency.



Texting to a case file.

Clients feel connected and their concerns are quickly addressed.

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