



Tech Toolbox: The Importance of Cultivating Group Habits

Law Department Management

Technology, Privacy, and eCommerce



How can law department colleagues better use technology to achieve their goals? Or, to coin a phrase: **Work smarter, not harder**. Much of the way we use technology is driven by the processes departments try to put in place. Critical to the success of those processes is how often individual department members comply with them. Systemic compliance, and ultimately the effectiveness of those processes, depend on making them habitual for the entire department.

So, this particular column is about the importance — the necessity, really — of making certain practices habitual, both at an individual and, preferably, group level.

Let's examine a common problem

Your department realizes that requests for legal services are submitted in a myriad of inconsistent and inefficient ways. Some requests come by email, some from clients catching up with lawyers in a hallway or cafeteria, some by telephone, etc. The result is that lawyers often receive incomplete information regarding the request, or they fall through the cracks. Also, your department has no way to track turnaround times or outcomes.

The potential solution

Accordingly, your department decides it needs to make requests for legal work more efficient and

consistent. You could do this in a variety of ways, but for the sake of discussion, let's assume this is done by creating an interactive form that your clients can find on your intranet site. This form walks them through all the information your department needs to properly allocate and perform the assignment. After soliciting both department and, critically, client feedback, and ironing out the inevitable friction points, you try to roll out this new process.

The roadblocks

The biggest failure point is likely to be in the realm of change management. In this case, it's acclimating your legal staff and their clients to breaking their former interaction habits and adopting the new one. Because, if clients slip into their old habits and begin dropping by or calling or emailing their requests for legal work to be done (and they surely will), and your team doesn't reinforce the new procedure by refusing to accept assignments outside the protocol, it will soon be dead in the water. On the other hand, if your staff consistently reinforces the new process until it becomes habitual on both sides, fewer and fewer people will attempt to sidestep the process. Eventually you will have changed their habits, and all participants will approach the process consistently.

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As habits develop, they tend to become the default ways people behave. Now, obviously, there are both good and bad habits. Without training or guidance, individuals tend to develop their habits "organically," which is to say in an ad hoc manner. They will use a piece of technology in a certain way because of particular circumstances. If it works for them in that context, they will adopt that approach and make it a habit, even if slightly different circumstances might dictate a slightly different approach. That is not to say that people aren't smart enough to tweak their approaches if they see they clearly aren't working, but they often won't focus their attention on the approach they've been using until the need for an adjustment becomes glaring.

Take email alerts

If you join a corporation and email alerts for all emails are turned on by default, it is easy to fall into the habit of clicking the alert every time one pops up, especially if the default alerts don't tell you much about that email. As I've mentioned in previous columns, this is a sand trap well worth avoiding. That's because every time you interrupt your train of thought by responding to an email alert ? even if just to glance at it, delete it, and move on ? you lose 15-30 seconds because of a process cognitive scientists call "fast-switching." If, like many of us, you get 200 or so emails a day, that potentially adds up to 50-100 minutes of wasted time every day.

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And that's if you are super disciplined. If any particular email derails your train of thought and sets you searching through your emails or browser chasing some idea triggered by these time-wasting emails, you could wind up losing much more time.

So, efficient law departments will sometimes develop a more sensible and consistent approach to managing email. They will help their members set defaults so that only emails from certain managers, clients, or counterparties will trigger alerts. They will encourage staff to review other emails only at a set time during the day. They will suggest that staff periodically review subscriptions to eliminate ones that are unworthy, to eliminate junk mail, and so on. Not only will doing this help people avoid the cognitive load of fast switching, it will also help your staff produce better work because they will be able to better focus on the jobs at hand. And, if you can help make these behaviors habitual, your department as a whole will soon become even more productive.

So, how do you begin to move individual habitual behaviors to better support departmental goals?

First, make sure you identify goals in ways that members can clearly relate to behaviors that can be modified. Departments often set goals in lofty but rather ambiguous terms like “achieve legal excellence,” or “provide superb client support.” Goals like those don’t suggest clear behavioral changes. But if you make your goal something like “increase performance and productivity while avoiding burnout and poor morale,” some of the behavioral implications become clearer. Goals like that suggest the need to periodically reevaluate and modify existing processes or adopt certain new ones, which in turn will dictate changing certain specific behaviors.

Second, identify existing processes that substantially impact those goals. For example, you may find that your staff spends a disproportionate amount of time drafting contracts from scratch because you haven’t implemented a precedent library. Or you may find that lawyers, paralegals, and admins collaborating on a document spend unnecessary time on formatting because you haven’t developed a standard template. Try to determine the things your department does a lot that give rise to pain points, and then figure out a way to eliminate them.

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Third, when you set up a new process, make sure your team understands why you are implementing it *and* has had an opportunity to provide feedback. You will encounter enough friction just from the fact that you are trying to change habitual behavior ? you don’t want to create more because of passive or even active resistance.

Fourth, break the new process down into individual steps to the extent possible. You want to encourage uniformity, and the better the breakdown, the less room for personal interpretation.

Finally, when you roll out the new process, you must reinforce it until it becomes habitual. This means checking in on and correcting behaviors for at least several weeks. You can take advantage of this as an opportunity to reevaluate the new process and tweak it. This will not only avoid creating unintended friction points but it will also engage your members in a way that will tend to make them more accepting and more conscious of the habits that need changing.

These new habits will become second nature after a while, which is just what you want. If you can get your department to adopt certain habits around the technology and other processes they use, you will be amazed how much performance and attitude will improve.

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