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Interview with Ross Fishman

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Ross Fishman

(Interviewed on 19 June 1992, Chicago, Illinois)

Video Rolls # 3, 4 & 5

Q: How should your name appear?

FISHMAN: It should say Ross Fishman. R-O-S-S
Fishman. Fish-man. F-I-S-H-M-A-N.

Q: And your title?

FISHMAN: Yes. I'm an attorney so, perhaps, if you put
ESQ after it that would identify me as having some sort of, at
least, education credibility. Although I am not working at
Winston & Strawn in the strict capacity as a practicing
attorney. I am working in the marketing department.

I practiced law for five years as a litigator elsewhere, and
then two -- little over two years ago, I moved to Winston &
Strawn in order to perform a marketing function.

Q: Strawn?

FISHMAN: Like the cigarettes. Strawn, S-T-R-A-W-N.
And there's an ampersand in the middle.

Q: What kind of a firm is Winston & Strawn?

FISflv1AN: Actually -- can't give you a card right now, get one out of my briefcase later.

Winston & Strawn is a national firm with nearly 500 attorneys in three offices: Chicago, Washington, and New York.

Q: Practice ... ?

FISHMAN: It's a general service firm We -- with 500 attorneys. We cater to the larger end clients base. Lot of Fortune 500 companies. Significant companies. You've heard of a vast number of our clients.

(OFF CAMERA REMARKS)

Q: In traditional business, you can see what the motivators are. Japanese are stealing markets, profits are down, turn-over is high, sales are down, loss of share of market. It's not so easy to understand what are the drivers that get a law firm into the pursuit of quality.

FISflv1AN: It's a lot of the same thing. The -., it's certainly hit corporate America first. And as our managing partner, Gary Fairchild, saw that corporate America was moving in this direction.

(OFF CAMERA REMARKS)

FISHMAN: As Gary Fairchild, our managing partner, saw that corporate America was moving in the direction of improving their quality service and their quality products, he recognized that there might be the chance that a law firm could do the same sort of thing.

That corporate America was getting pressured to improve their quality and that they were pressuring their suppliers and we were one of their suppliers. And they would probably be, in the near future, making those similar types of demands on their law firms, and we wanted to get to that position before the other law firms.

Q: When a manufacturer wants to improve things, they're looking at cycle time, how long does it to take them to chug out a widget, how many bad widgets are there in a hundred. But law doesn't lend itself to that sort of measurement.

FISHMAN: It doesn't. There are things that we can do. But, like any other professional service organization -- when you go to your doctor's office, there are things that doctor can improve, in terms of -- not necessarily his technical skills; he might be the world's best doctor. But in terms of the customer service, the client relationship type of thing. That is what your doctor can improve.

And we were going to look at those same types of things. The fundamental -- we were not looking, necessarily, to improve the quality of our technical legal skills. Those are top quality already. We are always looking to improve those as much as we can.

But that was not the foundation for this. Let me start over.

The -- all of this quality service movement is founded on the highest quality technical legal skills. That's the base line. if we can't offer the highest quality technical skills, then we're not going to have clients, and they're not going to continue to use us.

But using that as the foundation, we wanted to improve our service so that, on top of that, it would not only be a good experience legally and professionally to use Winston & Strawn, it would also be a pleasant experience. . . . And that's the sort of thing that we were looking at.

Q: Take me through the steps. Gary made the decision. We don't want to have to wait to have this imposed upon us, we want to move ahead and voluntarily, we want to be there first.

FISHMAN: Yes.

Q: What happened then?

(OFF CAMERA REMARKS)

*Q: If you were there at the time to know what they were, what were the steps from, we want to focus on quality, to actually having people **performing** the tasks required to deliver quality?*

FISHMAN: Well, the first step is after Gary Fairchild made the initial decision to focus on quality. To explore the possibility of taking those quality service concepts that corporate America was using and trying to translate them into a law firm setting.

The first step was to form a task force -- a group of people from a variety of different practice areas, administrative services, professional -- the attorneys at different levels. Get them all together and try to decide what it was that could be done within a law firm setting.

And we formed a quality service steering committee -- that was composed of people from all different levels, all different functions, all different departments, from all three of our offices. And we sat down to try to decide, really, what the idea of quality service meant to lawyers and to law firms and to their clients.

And we discovered that, after trying to conduct the initial research, there really wasn't a lot of information out there. I looked at all the books I could find that had the word quality, or customer, or client, or service in them with the business section of a variety of different book stores. And there wasn't anything that really applied directly to lawyers.

The Bar Associations didn't have anything of significance, and we really realized that we were breaking new ground. And that was very interesting, very exciting, but also a much more difficult task then.

So we just conducted an informal survey of what it was that the clients wanted. We wanted to find out what this meant, so we had to go directly to our -- our customers, our clients, and find out what it is that they wanted out of their lawyers. Whether it was Winston & Strawn or elsewhere.

We did that by discussing among ourselves what clients had said to us, what we could learn from other lawyers at other firms, just talking to our friends. I personally drew from my own personal experience as an attorney.

And also, because I heard my father for many years dealing with his own attorneys -- he's an executive -- and understanding the complaints that he had previous before I went to law school.

And, from that, we started to form a general idea of what it was that quality service meant to law firms and their clients.

Q: Once that survey was complete, what kind of things did you learn? Anything surprising? Eye-opening?

FISHMAN: Well, another thing that we did was when we talked to all of our competitors -- and that was really a very informal thing; I just called every lawyer I knew from all the different law firms around the country, large and small -- to see if they were doing anything in this regard. If they had any quality service initiatives going on in their firm.

And some of them did. Some of them had different -- different levels of attentiveness to this. And it seemed that really what they were doing were sending memos -- be nicer to your client memos. Or, we should really start focusing on this, so answer the phone before it rings that third time. Or sending their secretaries through telephone training, or their receptionists through smile training.

There wasn't anyone that really had a firm commitment to it that we could see. So we started from that premise, and talked to the clients to see what it was that they wanted from their law firms.

We had done that both informally -- we had -- we sent our lawyers out there to talk to their clients. We had some market research that was conducted objectively and behind the scenes, where they went directly to our clients with a strict set of questions and asked them their opinions on those.

And we gradually began to form the background information that we were going to need to develop a program.

Q: In industry, there's a thing called proof of the need, the justifying, underlying statement that says: this is the reason for doing all this, devoting the time, energy, effort, recourses to make a quality effort successful. In industry frequently it's loss of share of market, or the cost of poor quality in terms of doing things more than once and not being compensated for it. What was the proof of the need that you unearthed?

FISHMAN: It was very interesting to -- to learn, after we were investigating. It was -- well --

It was interesting to get proof of what we'd suspected and what we had believed was the case. We learned -- by talking to our clients and talking to other attorneys -- that it wasn't as much the quality of the technical skills that kept a client coming back. It was the quality of the service that they received.

We learned that clients expect high-quality service..
Excuse me.

We learned that clients expect high-quality legal skills, and we provide that to them, and they know that. But there's a lot of our competitors that are also very good law firms. They are terrific lawyers in many firms of our similar -- similar size and stature.

And we found that we could win an extraordinary victory in litigation, or accomplish an extraordinarily difficult task for them, legal, and then we'd never see them again.

Because although we had performed far superior than just about anybody in the country could have done, they didn't feel that the service that they had received was sufficient for their needs, and so they would not come back to Winston & Strawn, even though we had performed far superior skills.

Q: Without divulging anything, what were the short-falls that started to become identified that said: these are things that we really ought to be focusing on?

FISHMAN: Would you --

Q: Why despite wins, the clients weren't staying?

FISHMAN : Well -- the -- the related point to that is that, in addition to the fact that you can win an extraordinary victory and not have the client fully appreciate that because of the service that you provided them was not up to their expectations.

We similarly knew that you can lose a case -- there are variables in every case, and clients recognize that. But if you lose the case and they feel that they've been well-served and recognize that you did the best possible work for them, and the way the cards fell you didn't win, they'll still come back to you even though you didn't win. They will trust you that you will win the next one.

And that was very important, in terms of the client relations. Short falls -- where is that we --

Q: You conducted the survey, and said: how are we doing? What would you like to see improved? Most quality starts with improving certain things. Where are we not up to standards that you expect? What issues did you see continually referred to?

FISHMAN: The issues that clients seemed to be most concerned about were the same ones that we actually saw while doing the research on corporate America.

They want access to their preferred provider -- in this case, their attorney. They want responsiveness; They want to be -- they want their calls returned quickly; They want to have the attorney get back to them and respond to their needs appropriately. They want empathy. They wanted their attorneys to really want to win with them, to want to work with them toward a common goal.

They obviously want -- and, again, the foundation is always that technical skills are -- are at the highest possible level.

They wanted -- ■ can't think of --

Q: In a law firm, more than in manufacturing where people's efforts are leveraged by product that walks out the door, in law firms they sell time. Now, if time is devoted to train people or to become involved in some organized quality effort, generally speaking, those are not hours that are billable.

FISHMAN: If we are spending time doing the quality service things?

Q: Teaching people how to do quality and focusing on quality.

FISHMAN: No, that's absolutely true.

Q: So that means that, for some period of time at least, an investment is being made.

FISHMAN: A significant investment is being made; in terms of time, in terms of technology, in terms of just the non-billable time that the attorneys are going to have to spend in addition to the down-time that when we train the staff we've got a three day staff training program.

And we are taking the secretaries and administrative personnel and taking them out of their position for three entire days, consecutive days, and giving them training. And that's one of the commitments that we have to make. Quality service is expensive.

Q: You've got partners whose annual income is based on billable hours. Individual lawyers who are entrepreneurial in nature?

FISHMAN: Sure.

Q: -- believes they are probably doing as well as anybody in the world can be doing.

FISHMAN: Sure -.

Q: How did you go about convincing these partners that this monumental effort and resources was going to be worth it?

FISHMAN: It's a difficult task and it takes quite a while to get the bulk of the people onboard. There are some people that immediately understand this; they've been doing it all along and they are looking forward to the opportunity to show others what it is that they've always been doing . . . And to find new ways to hone their client development, client relationship skills.

There are others that haven't really thought about it and once you start telling them about this, they get an implicit understanding of it and recognize the value of it.

And there are other people that are a little more difficult, as anywhere. And those people, it takes a little bit more to bring those people onboard. I can't say that everybody's onboard yet, but we've got enough people that we're moving forward.

Q: In a corporation -- Motorola --

FISHMAN: Sure.

Q: Galvin, as the chairman, says: you will work on organizing to improve quality. It's a mandate. No one can say no. People can be somewhat benignly neglectful, but no one can outright say no. It seems to me that the organization of a law firm -- even large law firms with managing partners -- don't function that way. No one person can mandate ww will do this and everybody has to say yes.

FISHM:AN: Yes.

Q: My question is: how do you sell into this enormous group of independent, autonomous individuals?

FISHM:AN: Well, you start with us. We started with the staff training. We did, to a certain degree, mandate that the staff receive this training. The partners were gradually building their experience with this. They were receiving programs on it. There were lectures that were explained to them why this was necessary.

They were getting pressures from their own clients. This is not coming out of the blue for attorneys. Large corporations that we typically represent are starting to send their own engagement letters, where they're requesting these types of things. Where they want, they're -- they're expecting that you will be providing a certain level of service to them.

If it's -- you will bill them the way that they want to be billed, not the way that you want to bill to them.

This is not something that clients had traditionally done, but they're now starting to demand these types of things. Our attorneys recognized that. They recognized that it's a very different market right now than it was it was five years ago or ten years ago, and they understand that there're going to have to be changes that are -- that are going to be made, and we are making those changes.

Q: Let's look at a piece at a time. You talked about putting people through training. What type of training is your staff going through?

FISHMAN: Well, we started with the staff training. We first started with ... the concept of training generally and tried to decide how it was that our staff would be trained. That our personnel would be trained -- attorneys as well as administrative staff.

And we decided that it would be very important to have everybody trained in some way together, to get the same types of principles.

And we realized that, given the time constraints on the attorneys as opposed to the staff, and what you could force different groups to do, and the different burdens that the practice of law places on people, you couldn't take some of these people out and force them to go through an extensive amount of training time.

You could do that with the staff, because as long as you received their attorney's approval -- if it's a secretary, for example -- or the manager's approval, you could require people to do things.

So we started with the staff, because that's -- that was easier, that was the path of least resistance. ^{ss/v} large group of people -- we have probably five or 600 staff personnel in our three offices. And we decided that we were going to develop a training program for them. A separate training program for the associates, and a separate one for the partners. '

With the staff training program, we eventually resulted in a three-day course that focuses on the types of things that they have to perform for their own clients. And, in the law firm, their clients tend to be the internal clients. They don't necessarily have direct client contact.

But the impact of their actions affects the clients. Whether it's directly, because they're the last person that would send out a bill, and if they do it wrong, the bill doesn't

amve. Or if it's affecting -- if it's the one that types **up** the bill, or photocopies it, they -- they do have direct or indirect

Q: I am a secretary going to staff training. I show up at 8:00 o'clock in the morning. I sit down. What happens? What do I got through?

FISHMAN: We have a three-day training program. The first day is education; it's largely lecture. You learn about the firm. You learn about the firm's business, where clients come from, where they go, how we treat them, what we do for them, what the different departments do. The business of a law firm. They receive a general business class in law firm practice.

For a lot of people, this is a very new experience. They've never been provided this information; they've only seen their small niche, their small area. And we've got -- we consciously strive to get people in the administrative staff from all different departments.

The people that do the photocopying, as well as the delivery, as well as the people in the FAX department, the people that work on billing and accounting. And everybody -- marketing -- from all different areas working together so that you get a broad cross section of people together.

And the first day is devoted to the education of what it is that a law firm does and who our clients are.

The second day and the third day are the group dynamics. You've learned about what a law firm does, and now there's a lot of -- of working together to see how it is that the work is actually done; how everybody works together to provide the end product to a lawyer.

Once you see the interconnecting paths of how a piece of work goes from getting typed to getting filed in court, it can pass through 20 different people's hands.

No one ever thinks about that; they know who they got it from and who they give it to, but they don't recognize that unless every one of those 20 people -- first of all, that there are 20 people in that path, and that every one of those people performs their jobs correctly -- then there is a break in that chain and the work doesn't get provided to the client correctly.

And that's a very interesting lesson for them. They really see where they fit into the firm and how important they are to the overall service that we provide to our clients.

Q: As a result of these three days, what do people learn to do differently?

FISHMAN: Well, the focus of this -- we were very careful not to have a theoretical, let's all get empowered, let's send some memos, let's all give a cheer for the law firm. And leave feeling good about the firm, but having not accomplished anything . . . We wanted very, very much to focus on specific things, specific areas where we could improve.

And since we had the people from all the different departments that knew all the components that went into providing that service, we were able to sit down and say: wheres there a flaw in the system, where is their a hurdle that we can eliminate, what is a barrier that any of you see to providing this service, and how can we eliminate that.

And once you have all the cross functional people working together, you can find problems and eliminate them. And that's what gets people very excited. They see how they can

make a difference in the firm, and they get very -- they've been very excited about the process of helping out.

Q: Can you give me an example of anyone process that has been attacked by this cross-functional group that would help me understand what it was before and what it is now, as a result of having applied this organized quality concept?

FISHMAN: I think the one that everybody thinks of when they would think of a law firm, every client and every attorney thinks of billing. Billing is a very difficult thing because there are -- you don't realize how many people are involved in actually sending out a bill.

There are the different attorneys that work on it all write down on their time sheets what it is specifically that they have done. And then some time later, a bill gets sent to the client, typed up on computer sheets, tallied up, totalled, final bill.

And there'll be -- there could potentially be a whole variety of different attorneys that worked on the matter. And it could go through 20 different people's hands before it gets out the door to the mail.

There are a lot of different problems that could happen with that -- whether they're typographical, whether they're a -- whether an attorney, perhaps, didn't provide the full type of description that the client might prefer, or that the billing attorney, the attorney who has the client relationship knows that client likes to receive.

There's a wide variety of different problems that you can -- can experience, just in the simple -- seemingly simple matter of sending out a bill to a client.

And that was one of the first things we focused on, 'cause that was one of the most obvious. It affected the clients very directly. It affected a broad range of different administrative services, and the attorneys, in providing that bill.

And it was something that we knew that clients across the country and attorneys across the country and firms everywhere have difficulty with. So we looked at that first.

And it was very interesting to see how it was that some of these -- what we found to be barriers -- we didn't -- we couldn't find what it was that really put those barriers into place. Someone at some point had found that this was a necessary step for that department, without considering the full ramifications, all the way down the chain.

And we were able to eliminate some of those so we can streamline the bills, we can make them -- we can turn them around much, much quicker, which is much more convenient for the clients. Instead of receiving a bill every six months, they get to see the progression of the work. They get a bill that reads much better for them. It is in the format that they prefer to receive. And they're much happier with that sort of format.

Q: Billing is a terrific example, because it's used in every kind of company as a major identifiable project. What kinds of things did you measure within the billing process to see if, in fact, you are making significant improvement?

FISHMAN: What did we measure? That's a tough one. I'm not sure how to --

Q: There are things industrial companies measure in the billing process: timeliness, how quickly a bill goes out;

accuracy, how accurate is the bill. A the promptness of payment. So if the timeliness gets shorter, the accuracy increases, the promise of payment or the number of complaints or inquiries decrease, you know there are things you can measure. Having attacked billing, how do you know if it's getting better?

FISHMAN: The bills are -- we -- the improvement process was that bills are being sent out much more efficiently than they were before. Fewer hands are having to touch them, so that you will have fewer potential places for mistakes to occur.

We've trained our attorneys in the types of things that clients are saying about them, we've educated them on that, so that they know how to write the bills in a more fully explanatory way so the clients understand better what it is that they're receiving.

The secretaries are working together better with the accounting department and the billing department so that there are fewer mistakes and when there is a mistake, they find them more quickly, and they resolve those -- those problems much faster.

Q: How do you know this? What forms of feedback have you created so that you know that --

(END OF TAPE 3, START TAPE 4)

Q: We've learned, in industry everywhere, if a company does not experience a crisis, losing their share of market, they are not sufficiently motivated to move to get out of the crisis. Quality has been that way out. Is the practice of law in crisis, or will it be, to justify all the effort firms will have to make to improve quality?

FISHMAN : We think that it will be soon. It is certainly moving in that direction.

(OFF CAMERA REMARKS)

Q: What's driving law firms to pursue quality?

FISHMAN: The clients seem to be receiving pressure from -- our corporate clients seem to be receiving pressure from above them. Our general counsel clients, our in-house attorneys that we represent, that we assist with their legal work. They seem to be getting increased pressure from above, from their CEOs, to become more efficient and demand that same efficient from their law firms.

They are now starting to send these engagement letters that -- that are demanding additional things from their law firms. And we are starting to have to make some sort of concessions. Now, they're not necessarily finance concessions, but they are things that we are going to have to do additionally because they are now demanding that their -- that they receive these types of things.

As corporate America has experienced a recession, law firms have been hit with a similar type of experience. And there's less work out there. There is additional -- no --

There are additional pressures on law firms now that did not used to occur. And we are now forced with -- much more competitive marketplace for clients. We are treating our clients better.

We have found that if you treat a client well, they'll stay with you. That we are focusing on longer-term relationships with our clients. That's a very productive relationship for both the client and the law firm. They get better service the better we know them, and if they continue to use us as their firm, then the firm benefits, also.

And this is something that we have seen more and more clients demanding of the law firms.

Q: Could it be characterized? Is it a crisis yet? Will it be a crisis soon?

FISHMAN: It may soon be a crisis. They legal profession commentators are starting to proclaim a crisis that will occur following the recession. And there are law firms that we have seen that have been closing their doors. And there are people who are predicting that this is going to happen increasingly in the future.

Q: If you could look five or ten years out, what do you think will characterize the firms that survive and succeed, versus the law firms that fall by the wayside?

FISHMAN: I think that law firms, first of all, have to offer the highest quality technical legal skills. Clients expect that. Clients deserve no less than that.

But there are a lot of firms that have failed in recent years that were terrific law firms. They had excellent attorneys there with terrific qualifications. It was not because of their technical skills that they were forced to close their doors. It was more likely a combination of things, one of which was that, obviously, they didn't have enough clients.

If they served their clients well enough that the clients kept coming back to them, and brought their friends, their other -- their other corporate friends from other businesses, they'd still be in business.

That is something that we're expecting to see more and more in the future. It's an unfortunate situation, but it's a product of the recession.

Q: You were involved in creating a curriculum for your law firm, to train people to insure that your firm is one of the survivors.

FISHMAN: Yes.

Q: What did you include in your curriculum to help insure the firm's survival?

FISHMAN: Well, we have slightly different curriculums at Winston & Strawn for the different tracks. We've got the administrative staff that has a course that is focused on the same principles as the attorneys' tracks. But it focuses on their internal clients.

The associates -- we were trying to understand what it would be that we could provide in terms of training to the associates that would provide them what they need to become a successful attorney at Winston & Strawn.

What we decided as, yes, of course, they need the quality service training; everyone does. But you can't just offer them quality service training. They have to really -- at the young associate level -- they have to really become terrific attorneys first.

So, for the very young attorneys, we decided that we're not going to give them any real specific training in quality service, we're going to explain to them the general principles that they will be striving toward in the future, but first we're going to give them -- we're going to let them be great attorneys, first.

For the more senior associates, they're going to be receiving a combination of training skills, training courses. The big program that they receive will include substantive legal skills training -- legal writing course, perhaps an accounting course, a fundamental business accounting course. Those types of things.

And, in addition, one module within that course will be the quality service training. They're going to receive both. We didn't want to send the wrong message that it was more important to be good at quality service than a good attorney. We wanted to make very clear that you first have to be a terrific attorney.

And then, only then are you able to provide quality service to your client base, as an enhanced, value-added type of thing.

Q: Let's look at quality service. People who go through these tracks are going to be expected to do differently, so it's not business as usual.

FISHMAN: One thing they're going to be required to do -- all of the attorneys -- is get to know their clients' businesses better. Attorneys have not traditionally really gotten to know all the ins and outs of their clients' businesses. They do not necessarily read the annual reports and do Lexus and Nexus searches to find out what the legal issues were that they company was experiencing.

Very often, they knew their particular area. If you were a litigator, you knew the litigation needs of your client, but you didn't perhaps know what their real estate issues were, or their R & D or product development issues. Or their employment law issues. You didn't understand the big picture, in all cases.

And we're trying to make sure that our attorneys really get to know their clients. It will help them serve their clients better, and it'll make the clients feel much better about the overall experience of dealing with Winston & Strawn.

Q: As I understand it, hours devoted to a client's matters are billed, and the client pays for that.

FISHMAN: Yes.

Q: . Who pays for this learning about the searches, reading the annual reports?

FISHMAN: Winston & Strawn pays for that That's part of the quality service cost to the firm that we think we'll --

we will recoup down the road., if we learn more about our clients, at our own expense, and show our clients that we care about them enough to do these types of things for them.

And we can serve them better as a result, than their other lawyers that they may use for different types of services. When they find out that those other lawyers don't know the same things about them, and so can't provide the full scope of services that we can, the full understanding of the big picture that this company is experiencing, they will stay with Winston & Strawn and give us additional business.

Q: How do you know that your lawyers are doing that?

FISHMAN: We have formed -- this is a long answer, but I'll try to break it down.

Another one of the quality service things that we have is what we are calling our client manager program. We are putting someone in charge of each client. Now, that has been the traditional thing that law firms have done. It's been the billing attorney or the attorney who's had the client responsibility.

But we are -- as part of this client manager idea, we are giving them additional responsibilities. We are requiring that they know these things. We are helping them by providing the information that they will need about their clients: their annual reports, IO-Ks and IO-Qs, recent articles that have been written about the client.

And we're going to provide all this to them, give -- make it very easy for them to do this.

Now, most of them are going to do this. Perhaps they didn't have the initiative before or the understanding to get that information. But if it's sitting on their desks because

we've given it to them, they're good enough attorneys and they're good enough at client relationships that, first of all, they'll probably want to read it.

In addition, we have revised the compensation structure, that will begin next year, that rewards these types of behaviors, that rewards their going out to the client and visiting the client, taking a walk around their plant or factory facility. And getting to know the people.

We are rewarding these types of activities. We find out we know when they do it. They tell us when they're going to do these things. And they get rewarded -- this new system will reward them for this type of behavior.

Q: It's very sophisticated, recognizing that you get what you measure. What other things will you reward attorneys for doing?

FISHMAN: I don't understand.

Q: You said that compensation will be linked to familiarity with clients. Every time they make a client visit they'll be rewarded.

FISHMAN: It's not a specific reward that every time you go you get X points for doing that. But the overall relationship management is something that we are rewarding. We are rewarding their bringing in additional attorneys from additional practice areas, to get to know the client.

And this is all at Winston & Strawn's expense, but it's something that we think is important to the client, and to the firm, and so the combination of bringing these people in and introducing them, and finding out what additional types of

needs the client has that we can help them fulfill, that type of conduct is rewarded.

Q: It sounds like a terrific idea, a role model for other law firms. I'm curious as to what are the mechanics? Does someone who makes three visits and brings in three other attorneys do only half as well as someone who makes six visits and brings in six other attorneys?

FISHMAN : Well it's -- the reward for doing the client relationship management is a very subjective one, obviously. There are -- it isn't that you get so many points or so much reward for each visit or for each type of activity.

But at the end of the year, when you are being reviewed for your compensation for the next year, you detail what it is that you did. Who you introduced to whom.. What type of work you did for the client. What new types of work you have introduced the client to at Winston & Strawn.

How it is that you have furthered the relationship with the client. What you have done for the client that has helped the client and will probably persuade the client that doing business with Winston & Strawn is really a good thing.

And it's looking at the big picture of what you have done in the past year for that client. And that's what the reward is based on.

Q: Partners' compensation is based on somebody making those evaluations. Is there a way to get beyond the anecdotal stuff or the purely subjective? How do you avoid the inherent dissatisfaction of somebody who says: I went ten times the number of times, I made 60 times the number of introductions, and my bonus at the end of the year is not

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nearly what somebody's is who has not done as much as I've done.

FISHMAN: Well, it's not tied only to the client relationship management, the number of visits, the number of pages about the client that you have read in the past year.

There are a variety of other things. It's also, as it always has been, the number of hours that you've worked, as an additional factor. The number of clients that you have and the billable hours that you generated for other people to work on. There's a whole variety of different elements that factor into the ultimate decision.

So I'm not sure that anyone will be able to say: well, I visited my client ten times, you visited your client five times, and so I should receive twice as much as you. That's just one element that is now being added to the overall picture.

Q: The legal culture is based on billable hours. That's one long deeply imbedded culture. The quality culture says, reduce cycle time, make things shorter, work more efficiently, knock out unnecessary steps, as you're doing in billing process. Are these two cultures in direct opposition? Use fewer hours, bill fewer hours?

FISHMAN: Well, we recognize that if we do this very well, we will effectively be doing less work for the client. Our efficiencies, which will inure to the client's benefit, will, in to some degree, be working against our technical best interests, because we're going to be billing fewer hours, less time to the client, it will cost the client less to do business with us.

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So, yes, we will make less money that way. But that's a very narrow focus. We believe that if we can do things more efficiently, that we can do them just as well but cheaper than our competitors, clients will recognize this and give us more business and we will make -- we will do better as a result of that.

Q: We talked about the clients' ability to evaluate the work of the law firm. In litigation you win or you lose and how nice you were to work with. In another area of law, contracts, for example, feed-back comes very slowly or perhaps not at all, in terms of how things were laid out. Unlike quality in a car, feed-back is instant, dissatisfaction can be instant. Law is not like that. The output is harder to measure.

FISHMAN: Right.

Q: How do you truly gauge the quality of one law firm versus the quality of another law firm?

FISHMAN: Well, at a certain level, it's very difficult for the clients to understand who's the absolute best, who's really close, who's very good. I mean, when you're getting to the very sophisticated level of technical expertise. It is very difficult.

So one thing that we recognize is we may be -- is that we have to do better on the quality service aspect, since the clients really can't tell. They expect us to do great work. They expect our competitors to do great work.

So that we believe that they are going to use more often those attorneys that they believe to perceive -- they perceive

to have the minimum level of expertise necessary to do the job well. And also, treat them well, as a consequence.

Q: In your experience, what are the most important lessons you've learned in organizing a quality effort in a law firm?

FISHMAN: We have -- let's see --

At Winston & Strawn we started with a small group of people that were focusing on it. And we got very excited about it. It's very easy to get excited about the things that you can do for your clients, and the way that you can improve the law firm, and how you can help everybody help themselves and help the clients and help the law firm. And it's a terrific experience.

Translating that to everybody, we've got an organization of 1,100 employees and attorneys in three offices around the country. Translating the core group of excited quality steering committee that we have, and getting everybody onboard, and explain to them what it is that all of this means, and what it means to them, and getting everybody along -- moving along the process, is a very difficult thing.

Your question was -- ?

Q: Looking at this in two categories, to date, what have been the inhibitors that are holding your efforts back? And, on the other side, what are the motivators that are moving efforts forward?

FISHMAN: We've been very surprised, or perhaps gratified, at the response that this has received from the staff. People were a little bit cynical, as in any organization.

We've got some very smart people working for us. And they had heard that there was going to be something taking place, that we were calling our ACE training program -- Above Client Expectations.

And we had told people that this was happening, and they heard about it and they didn't know much about it, and we told them, basically, what the goals were that we had for the law firm and for our clients.

And then we developed this course and they went -- they walked *into* this course and they -- they were reluctant, they were cynical. Three days later, they walk out and the majority of them are converts. That they really think that this is terrific, that they're very excited about this.

They have contributed something. People actually asked their opinion and listened to them, and implemented their suggestions. They saw that they could have an impact on the law firm. And that impact could affect the service of the law firm to its clients.

This has been a terrific benefit to the firm and to the clients. And it's gradually -- it's continuing to pick up steam, as more people go through the course. We send 20 staff members through the course every week, until everybody's through it.

Some people are excited enough that they -- on their own initiative -- continue to form small groups and fix things, as they see a problem arise that they weren't able to address in their own training course.

They sit down with a couple of people that they have met in those courses from different departments or different functions, and they resolve additional problems, and then they go to their managers and say: look what we just did. And

they get -- they will get rewarded for those types of activities, also.

Q: Part of the enthusiasm is being generated by suggestions that have been implemented. What are some of the things that have been implemented as a result of the training course?

FISHMAN: When we started focusing on what it is that we could change, what we could improve, we started with the two obvious things: the phone systems and billing. Now one of the -- we focused on the phone systems because that's a very visible one.

That's something that clients all understand, that the attorneys all understand, that the staff understands. Everybody uses phone systems, and I don't know a law firm anywhere where they're happy with their phone systems. Maybe they have unreasonable expectations.

Or, more likely, it's that the phone system is not the problem. But it's the people using that. The phone does a whole of things, it's got all the beautiful bells and whistles, but people don't know how to use the efficiently to meet their needs.

And we explored that. We interviewed a lot of people about their use of the telephones. We talked to our clients about what they thought of our phone systems. And since that was a very visible thing to do, we wanted to start off with something that was very, very strong and everybody would have -- it would affect everybody directly.

We fixed that by using training programs, by additional cards that we gave everybody with all the phone numbers on them. We gave refresher courses. We had traveling trainers;

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the phone service people that we use, came in, walked around, talked to people about it generally.

We found out what problems people were having with how phone calls were bouncing from their desk to their secretary's or to the receptionist when they weren't available. How it was that people could use their phone more efficiently. And we received a very good response.

Q: Any way of measuring either satisfaction, so we get a good before and after story?

FISHMAN : We found that the telephone calls are getting answered much more quickly. That there are fewer problems, few client complaints about, I had to listen to the phone ring a dozen times. People are starting to say: my client commented favorably about how the phone system worked. Whereas previously, he had been a detractor.

We are -- we recognize, ourselves, that now we're pushing the right buttons to do the right things so the phone doesn't ring. There's a button on my phone that if I push it, it won't ring three times at my desk before my secretary gets it. But if I didn't know to push that button, then I know that the client is going to have to sit and listen to at least three rings before he gets a human voice, if I'm not at my desk.

Now that people understand those things, and they're starting to use those things, it's just being much more efficiently used.

Q: What's the largest issue that's being dealt with in these quality efforts?

FISHMAN: The problem that I have in answering these questions is that a lot of the big-ticket types of things are the ones that are going to be handled by the attorneys. And we're just getting into the attorney training. We have been doing a staff training for quite a while, and we have not yet focused as much on the specific attorney training.

We've been educating the partners through updates and ideas that we've been having them learn and understand during their meetings. But they haven't received any tangible training. So it's difficult to measure an improvement that results from that.

Q: In industry, the training tends to be from top down because 80% of an organizations quality problems are usually management controllable rather than individual controllable. So in industry, senior managers are trained first, then the training filters down. Because they've got to give the sanctions for time, effort, resources. You have chosen to tackle this the other way and start at the bottom. What's the reason for bottom up rather than top down?

FISHMAN: I think it was just easier for us within the organization. We have an organization that is about 50/50 attorneys and staff. And the attorneys we break down to associates, the younger attorneys, and the partners.

We are able to get moving, we wanted -- we had developed this training program and it was just easier to get started -- we wanted to do something. We wanted to get moving with the program. And it was easier to start with the staff; there were just fewer issues to address, fewer barriers that we had to address beforehand.

So while we are addressing these other issues relating to the attorneys, we're already working with the staff. It was just something that we were able to get off the ground immediately, because they -- you can mandate to the staff-- much easier than you can mandate to the partners.' They're owners of the firm and it's difficult, in the partnership organization, to do that sort of thing.

Q: Looking ahead, these owners that control the pursestrings, how big a job, even if the staff is fully trained and enthusiastic, how difficult a sell job is it going to be on the partners?

FISHMAN: It's difficult to say whether it'll be easy or difficult to train the partners, because we've got 150 or 200 of them, individuals. Some of them are looking for opportunities to get involved in this. They've been doing it all along. Their clients love them. And they are looking for ways to bring their brethren onboard.

So you have a certain class of the attorneys, a certain group, that are very strongly in favor of this, and they're onboard. They were onboard before we even started looking at it. They were involved in this type of activity.

There is the group that are willing -- the bulk of them -- that really may not know that much about it, but are willing to learn. These are very smart people, you don't have to tell them very much to get them to catch on.

You have to focus their attention on the difference between technical legal skills, and I'm a great lawyer because I'm a brilliant person and I can do things with the law that no one else can do. That's the traditional thinking of quality

service, You're just the best lawyer you can be and your clients will immediately know that

We're starting to see that that's not the case, and as we are doing that, we are trying to explain that to the attorneys, and they -- they recognize that. When they -- when we tell them these things and use examples from their own experience -- going to the doctor, for example, going to a dry cleaner, going to a store and not being able to find a clerk.

When you realize that you are not receiving good quality service outside of the law firm context, and you recognize that, then you start internalizing that same idea to your own practice.

And then there's the, you know, a small group of people that perhaps they will never be fully understanding of the concept of quality service.

But, at that point, we've got everybody else onboard, the overall quality of Winston & Strawn has improved dramatically, and if those people don't understand it and they don't provide a good quality service to their clients, they're not going to be as -- they're not going to be rewarded as well, and they will have fewer clients as a result.

Q: Is there a cultural difference between an in-house legal department and a free-standing law firm, such as yours?

FISHMAN: There is a very definite difference between in-house lawyers and a law firm, In terms of they have a more corporate environment. Now, you really shouldn't generalize because there are a variety of different sizes and types of in-house law firms, in-house legal staffs. Some of them --

But the big difference is that, within a corporate culture, you are a module, a section within a corporate culture. You can receive the mandate from on high and, if the general counsel tells -- or if it's the CEO tells the general counsel to do something, then he has that authority to undertake that action.

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Q: Robert Galvin says, we will improve Six-Sigma across the board. Clearly you are an employee for the corporation. And they find ways of doing it and documented it. They who use an outside counsel say, Six-Sigma improvement mandates quality effort. How do you know where to start, what to attack, what to look at? What does improvement really mean? You have partners billing every hour, winning cases, collecting on billing. "Where do you go? You're doing everything you can be doing.

FISHMAN: One of the things that we tell our partners -- we are trying to give them a better understanding of what quality service means to the law firm, And really what it means to Winston & Strawn is find out from your clients what quality service is to them. How they define quality service. How they want to get treated as a client.

Once you've gone and explored that with your client, then you know what they expect from you, and you know what you have to provide to them. At that point, that's what we're looking at.

