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Interview with Richard Weise

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Richard Weise

(Interviewed on 19 June 1992 in Chicago, Illinois)

WEISE: ... E.

Q: And your title?

WEISE: Senior Vice President, General Counsel -- that's s-e-l -- and Secretary. Sure.

Q: At Motorola.

WEISE: Yes. Got it.

Q: We have been spending time speaking with lawyers who are now taking their first tentative steps down this path towards an organized quality effort. What we're hearing back a lot about is that the culture of the legal community is vastly different from corporate culture, and here you have enjoyed great success. How much of what you've done do you think is attributable to the fact that you are within a corporate culture, or these others really not getting the full picture about the culture and organized improvement effort?

WEISE: The first reaction to the concept of designing quality into the practice of law is denial. And it's a natural reaction, because lawyers have been practicing on the basis of
hundreds of years of tradition which has no place for design and careful attention being given to how they are going to do things, or doing things differently;

Because the tradition is so rich, and is so structured, and is so detailed, this is the first time that lawyers have had the opportunity to think about this. Certainly being in a corporate culture that is paying a lot of attention to quality helps and it gives an impetus to designing quality into our practice of law. It has certainly helped to be part of a corporation.

Q: One of the biggest challenges to this whole concept of quality improvement is that there's a difference in manufacturing and many service organizations, there's a high level of repetition of function. People do the same thing a lot, over and over again, and as such learned how to hone it down and simplify, and improve, versus the practice of law which little different things. So it's hard to find those areas of uniformity.

WEISE: Lawyers have cycles of activity. Just exactly like manufacturers have cycles of activity. The secret is to identify the cycle, and to analyze it, and see how it can be done better.

Q: In a corporation, there's a guy who can say, this is my mandate, I'm in charge. In most law firms, there is a managing committee, because of the unique nature of a free-standing law firm regardless of size. There are lots of people who have to buy who seem constitutionally being incapable of doing so.
WEISE: Designing quality into a corporate practice is easier, because of the structure of a corporate law department, there is a boss. And there has to be a champion in order to find success in these endeavors.

A law firm does not have the same capability; does not have the same ability to autocratically mandate activity in the quality area. But law firms are in trouble in this particular point in history. And law firms are going to have to find ways of doing things differently. And law firms are beginning to pay attention to the concept of quality and what they are doing.

Quality has a different meaning now, than it ever did before. When you were talking about quality in the practice of law, you used to be talking about: does the lawyer know the facts, know the law, properly apply the law to the facts, come up with a conclusion that the client can understand. And so long as the lawyer did that very, very well, so long as the lawyer did all excellent job of what the lawyer was endeavoring to do -- transactions, acquisitions, dispositions, litigation, negotiation -- the client was willing to pay anything.

Quality is not quality at all if it's quality at any price, in this day and age. Lawyers' services have become unaffordable. Corporate clients, particularly, are not willing to pay unlimited amounts of money for legal services.

So quality has a new meaning now. Quality has a meaning that includes reasonable productivity, reasonable cost effectiveness, And so now we're looking at does it have to be done, does it have to be done in this way, does all of it have to be done, is there another way of doing it.

That's what we mean when we talk about quality. Where the given is we know the facts, we know the law, we can
apply the law to the facts, that we can come up with the right conclusion. We're assuming professional excellence in its traditional sense.

Quality has a meaning now that goes well beyond the traditional professional excellence.

Q: You said the law's in trouble. We know the word, crisis, plays a real big part in innovation in the quality effort. Japanese were in crisis after the Second World War. They had no land mass, they had no farming, they had no materials, they had no energy source. Quality was a way of getting them back into the old marketplace. Motorola lost a significant market share. Business was a crisis that motivated Motorola to get into quality improvement. Where's the crisis these days in the legal profession?

WEISE: Well, let me define crisis. The increase in the cost of legal services to a corporation has a rate -- a rate of increase from 1980 to 1990. Without going into exactly what that rate is, if that rate were to continue through the year 2020, it would intersect with average corporate profits. Now, why won't that happen. That won't happen because they'll throw people like me out of there, and find somebody who can deliver services, legal services, that are affordable, that are productive, and that are cost effective.

The crisis is that corporate America will not afford the outrageous legal costs that have confronted them in the 1990's.

Q: What makes legal costs outrageous?
WEISE: It is not that the costs are outrageous. The costs are reasonable in comparison to the services that are performed. The reason why the costs are so high is that the need for the services has elevated tremendously. The whole environment is different. We used to have, in 1980, no causes of action against our corporation from employees.

In 1990, we have hundreds and hundreds of them, and each one is probably for very large sums of money. We're not saying that this is bad; that employees should not have a cause of action against their employers.

What I'm saying is, that the environment is different. Everything is criminalized now. If you're in the government contract business, you are dealing with criminal investigations and indictments. Criminalization brings with it a much higher cost of delivering legal services to a corporation. Much of our business is outside of the United States now. For Motorola, more than half. International operations are legally intensive; it costs more lawyer dollars to lawyer an international transaction than it does a domestic transaction -- for some obvious reasons.

The models of business are changing. It used to be that all of our enterprises were wholly owned. Now they're joint ventures. Having to negotiate with a joint venture partner in what we otherwise would have just done ourselves is lawyer-intensive.

So the environment has changed. There's much greater demand for services that used to be deemed to be legal services. So one of the approaches in reducing the cost of legal services is to have lawyers stop doing all of the things they used to do.

There's no magic in the definition of what is lawyer's work. There's no reason why clients with lower-cost
employees cannot do many of the things that lawyers used to do. Prioritization is another way that this subject can be approached.

Why have the costs gone up? The costs have gone up because lawyers have fallen behind in productivity and in cost effectiveness.

Corporations have changed the whole class of their approach to quality. Lawyers are continuing to do things in the same way they've done them for 200 years. That's why we are calling for change in the practice of law; that's why we're calling for redesign.

Q: *Even among industrial companies* --

WEISE: Can we stop for a second?

(Off camera remarks)

Q: *Even among industrial companies, the word, quality, or the concept of quality, it's hard to find a single definition. What is your definition?*

WEISE: Let me think about this for a minute. My operational definition of quality. I'm more accustomed to describing it as to what it is not. An excellent question; but I'm going to have to think for a minute. Operational definition of quality. Okay.

In the delivery of legal services, quality is the adding on to traditional professional quality, where you know the facts,
you know the law, you apply the law to the facts properly, you give the right advice, and you participate in transactions, negotiations, litigation superbly.

But you have to add something to it. And that is that it is done in a well-designed manner, with a view toward optimum productivity and cost-effectiveness. And then for the 1990's, quality means as much what we are not going to do as it does what we are going to do.

Our clients -- non-lawyer personnel within law departments and law firms -- can do 50, 60, 70% of what lawyers used to do, in a more organized -- better organized basis and more cost-effective --

This is terrible. I'm not prepared for that question. How do you define quality.

Let's start with the definition of quality for the 1970's. In the 1970's, quality in the delivery of legal services for a corporation meant what an outside lawyer could do. Because an outside lawyer went to a very good law school, was very well-educated, came with a very good law firm, had tremendous training in that law firm.

He knew the law. He got the facts. He applied the law to the facts. Came up with the best possible answer he could come up with. Or did the transaction right. Or handled the litigation right.

That was quality for 1970.

During the 1970's, corporations started to bring legal practice in-house. Largely for cost reasons. Because outside lawyers were pretty expensive then. Lawyers began to practice law in-house, in corporations. And they did an all-right job of it.
By the beginning of the 1980's, lawyers started getting pretty good at it, in-house. They were getting almost as good as outside lawyers were.

By the end of the 1980's, in-house counsel was as good as outside counsel, if they put the time and the effort into it.

In the 1990's, quality is more what we are not going to do than what we used to do. Quality means we're going to find better ways to deliver this very high, traditional quality of legal services.

And the better was is going to be by delegating it within our own organization to para-legals and administrative people who didn't go to law school, and who can do the same work just as well, at a lower cost. By delegating a lot of legal -- that which was traditionally considered as legal work -- to our client organizations and to supervising that effort.

So quality today is more in the area of what we do and how cost-effectively we can do it, more than how we -- this is still off --

Q: It sounds like you're honing in on it.

WEISE: You think so? Is it worth doing again, or do you want to go on to another question.

Because we're -- what we're talking about systems design. And systems design doesn't lend itself to the question that you ask. I can answer the question that you asked, but I'd have to write a book on it.
Q: In manufacturing, a major component of any quality culture is being able to measure things. What things are you able to measure in the practice of law, that indicates we're improving and on target.

(OFF CAMERA REMARKS)

Q: What do you measure?

WEISE: Lawyers can measure; they don't like to. Business people like to measure. Manufacturers like to measure. Accountants like to measure. But it's not impossible for a lawyer.

The things that we first do is to analyze what our processes are. Analyze our cycles of activity. Once we understand what it is that we are doing better -- and we will use traditional production-type processes to do so; such as mapping -- this is bad, too, let me start this one over again.

What do you measure; how can you measure. I better categorize a few things in my mind before I start spitting this out.

The traditional measure of quality for a manufacturer is to count defects. That's where the concept of Six-Sigma quality comes from. And if Six-Sigma quality is statistically 3.4 defects per million processes, or parts, lawyers are not going to have any part of that.

Quality is going to be -- for a lawyer -- more in the designing of processes. Designing a better way to do what we have traditionally done.
There are, however, some things that we can measure. We begin with a model of an average litigation that we will handle -- an average dispute. And let -- that model will be a $250,000 claim, averagely. And we will begin to understand at what point what things are done and what their costs are.

So if you envision a chart that, on the vertical axis, deals with cost; and on the horizontal axis, deals with time, you'll be able to see that we can plot what we do and how much it costs, from the beginning of a dispute to its resolution by a Jury.

And we will find a large black line that shows the point after which costs go way up. That line is, for instance, discovery. The discovery process in a piece of litigation is the beginning of shoveling big dollars at that dispute.

These are forms of measurement of our processes and our steps which help us to identify where we should be helping our clients settle their law suits. That's one example of measurement.

**Q:** Most organizations look for return on assets. What are we putting in; what are we gaining. How do you look at returns, and how do you say it was worth it?

**WEISE:** I think that the concept of value added is the most important concept to the quality movement in the practice of law. We should be challenging, not just what we do as a generality, but everything that we do as a specific, as to whether or not it provides value added to our client.

So we will be challenging, not only what we do and how, we do it and finding better ways, we're going to be challenging whether or not we have to do it at all.
Keep in mind that a lawyer likes to have 100% of the facts. Likes to have all the facts that they can get, very soon. And if they have 100% of the facts and they get all of the facts very soon, so they have plenty of time to work on them, they're going to come up with a fine result, they're going to have a great win/loss record, and they're going to be incredibly expensive.

Now, why is it good for them to have all the facts and to have them very soon and to work around the clock to get them?

It's good for their win/loss record. And it's good for their pockets because they get paid by the hour.

So it is up to the client to challenge what is being done, not just how it is being done.

Q: I'm the client and I say I don't think you need 100% of the facts, I don't think you need them that quickly, and I'm not prepared to pay that price. Law firm goes to court and they lose. I'm not happy if you delivered quality work as a law firm, if you acted responsibly, or you open the door to malpractice.

WEISE: The law firm always does have to worry about providing a certain quality of service below which might be construed to be malpractice. This is not a cops and robbers game between the client and the lawyer. This should be a partnership.

And issues of malpractice don't even have to arise. Issues of planning, budgeting, pre-approval of major efforts. A cooperative relationship between the client and the lawyer is what gives rise to the best result, the highest quality result.
What is the highest quality result? The highest quality result is: at a reasonable price, providing legal services that make it possible for the client to preserve the client's assets and well-being and business relationships.

Q: I have a hard time understanding is that if I'm a senior partner in my firm with a culture of the secret to my success is beating the competition by information, more time spent, and I can argue more credibly on my side. And probably have a better win. And I'm compensated for the hours I put in. What would make me step back and feel I've one hand tied behind my back because I know I'm not giving it my best shot?

WEISE: The traditional image of a lawyer -- especially a litigator -- comes from Perry Mason, where he is standing up and making his final argument to the jury. And then you wait for the jury to come back with the verdict.

The fact of the matter is: business disputes virtually never get to trial. They are almost always settled before trial. Way up in the 90% categories are those cases which are settled.

So if the case is going to be settled -- for all practical purposes -- what is the issue? The issue is: when it is settled. If it's settled relatively early in the time frame, with enough information, and in the right zone of agreement, for an amount that is favorable to the client, settling early in the dispute is bringing quality -- is bringing added value to that client.

Taking that client all the way up to the courthouse steps is not quality. Because that means the client is spending this tremendous amount of money to find out all of the facts, and
eventually settling the case anyway, and the trial lawyers' trial experience is irrelevant.

What is a lawyer in this day and age in commercial disputes? A lawyer is a dispute manager. A lawyer is not an advocate in court.

Q: Motorola's definition is reduction of cycle time and reduction of defects per quantity. Where's the motivation for lawyers who are paid by the hour to shorten the cycle time?

WEISE: There is the issue: to get the outside lawyer, who is handling the litigation for the corporation, to understand that, in order to bring quality services, that lawyer has to shorten the cycle time. It's a condition, it's a requirement. That's where his added value is. And if he doesn't do it, we're not going to use them.

Q: One lawyer said that they had two senior partners reading every piece of work, which is billed to the client. I asked if that wasn't like inspection. He said, we're not widget manufacturers, law is a learned opinion, whereas widget making is fact based and empirical.

WEISE: The concept of quality control, in having one lawyer review the work of another lawyer, is a traditional out-going inspection process. And it's being going on in the legal profession forever. It's a very good way of checking on the quality of the outgoing legal work.

We do it in our own law department. First we define what is substantive legal advice. What is really important to the corporation. If it's important to the corporation, having another lawyer look at it is a good idea.
The issues of quality improvement, from the standpoint of productivity and cost reduction, is what things are endeavored in the first place, and what things our lawyers work, and put the lawyer on a diet as to what he does for the corporation, not necessarily how he does it.

Throw that out, that is really terrible. I don't what I just said.

Q: If you look at that model compared to an industrial model, quality is not planned into processes that are capable of producing defective parts. So the need for out-going inspection is virtually eliminated. Why can't the same hold true for law firms?

WEISE: You can think of quality in the practice of law in two ways: one is input values. What are input values? You get lawyers that went to the right law schools, they have the right books, they have computer capabilities, and they have the association and collegiality that is required to come up with a good result.

So that's not a test of the result; that gives you a probability that lawyer may be doing -- may be able to do a good job for you.

The other is output values. And there's something that can be done in the context of output values. Well, what are output values for a production, for a producer of -- let me just start this over again. I think that there's a seed of an idea here, anyway, that might come out.

(END OF TAPE 8, START TAPE 9)
WEISE: I'd like to think that we, as lawyers, have learned from our corporate clients. A corporate client designs quality into their production process. And they inspect, after the product has gone through the production line. If they've done a superb job of introducing quality into their production process, they may not even have to do after-the-fact inspection.

Lawyers have been using after-the-fact inspection for years. The typical law firm model is that the junior associate does all the writing, and it is reviewed and criticized by the partner, so that when the work goes out, it has had that quality control. It is quality assurance that has taken place.

This is not a bad model. As a matter of fact, in our law department we have a rule that substantive legal advice should be seen by two people. In our case, it would not necessarily be the boss of the lawyer that did the work. It's probably our supreme technical commander. Our lawyer who has spent his or her career specializing in a substantive subject matter.

We think that that's a good quality control device. But there are other output types of quality control.

We have what we call knowledge re-use. Knowledge re-use is a production term, or is a scientific term. Our knowledge re-use comes in the form of a substantive memorandum file -- a computerized file -- where every piece of substantive legal advice that is given by a member of the law department can be accessed by another member of the law department.

It is done in a computer program; it's done with s split screen; so with a mouse, the lawyer can choose what information that has historically been done by another lawyer, and re-use it.
So we not only have cycle time reduction in knowledge re-use, we also have quality control. Because no opinion goes into that data base that hasn't already been checked, as far as quality control is concerned.

So now we have cycle time reduction, and quality control. We also have consistency of advice. Because sometimes clients who don't like the first advice that they are given, might go to another lawyer within the law department, see if they can get better advice.

With consistency, we really close the loop of building quality into the practice of law.

Q: Can you give examples -- before and after -- of cycle time, maybe an anecdote about consistency?

WEISE: Another example of cycle time reduction in the law department -- again, it is introducing technology into the law department -- is what we call automated contract engineering.

We have, in a data base, every clause that could possibly used in the Motorola practice of law. We also have every form of contract that could be used in Motorola practice of law.

We can build a contract up from scratch with clauses, or we can bring it down with a form and add and subtract clauses. Again, with the movement of a mouse from one side of the screen to another side of the screen, we reduce cycle time, we have built in quality, because the clauses and the forms have been introduced and double checked from a quality standpoint.
the printer bin and handed him a finished contract. That's the potential of automated contract engineering.

Q: *Is that threatening* ... ?

WEISE: It is, indeed, and it should be.

Q: *Dr. Juran talks about two consequences of a culture that embraces quality. One of them is technological. The other was ... human aspect, impact on people's psyches. Where are the conflicts, the reinforcements for lawyers wanting to embrace these?*

WEISE: The tradition of the lawyer as a professional, as someone who is very highly paid for their capabilities, need not be impaired by these new quality initiatives.

We are going to be doing things very differently: we're going to rely heavily on automation. We are going to rely heavily on non-lawyer support personnel. We are going to teach our clients how to do things themselves. We are going to maximize use of cycle time reducers, such as alternative dispute resolution.

The clients' net result is still going to be a very high professional quality net result.

Will there be fewer lawyers practicing law as a result of these changes. The answer is, yes. The law schools need to cooperate. The law schools need to employ stronger applications policies. The law schools have to take some responsibility to graduate a number of lawyers that bears some reasonable relationship with how they can be employed in our community.
There are 800,000 lawyers in the United States, and there's not enough work for all of them. It's a competitiveness issue. There are virtually no lawyers in Japan. And Japan seems to be able to compete with us rather effectively.

Am I suggesting that we should have no lawyers in the United States? No, I'm not. I'm proud to be a lawyer. Am I suggesting that lawyers should do things very differently, cost effectively, to the extent that there won't be a need for as many lawyers in the years to come? I am absolutely suggesting that.

Q: If we look at health care and what's happened recently in health care, where HMOs have dictated length of hospital stays, treatments, cost of services. Probably health care today is far more cost efficient than it used to be, but if you ask physicians: are their patients benefiting, the answer's probably no, and many physicians say they would not recommend the medical profession to their children. Under these new systems, would you recommend that a child become a lawyer?

WEISE: I would recommend that a child of mine become a lawyer, if that child were very creative and wanted to do things very differently. If they only wished to follow the traditional model of the practice of law, I don't think that child is going to be very successful.

I think the corporate user of legal services -- and that's the principal user of legal services in the United States -- is becoming very discriminating. I think the corporate user of legal services is, number one, going to do everything that they can rationally do in-house.
And for their use of outside counsel, is going to be very
discriminating as to what they use for what problem. Who
they use for what -- this is awful -- for what services.

(OFF CAMERA REMARKS)

Q: If we agree that patients suffer under the new health
management, will clients suffer in some way under the new
legal, new way of practicing law?

WEISE: Clients will not suffer at all. Clients will be the
beneficiaries of a new quality way of practicing law. Clients
will learn how to do many things themselves.

And when they inter-connect those processes to their own
processes, they will be done better, more efficiently, and the
lawyers will be reserved for doing those things that only
lawyers can do. That is going to remove a tremendous
quantity of work from lawyers as we have traditionally
understood it.

Q: Total quality management, TQM: some say it's a fad.
What's your reaction to TQM?

WEISE: I don't think it makes any differences as to
whether you call it total quality management, total client
satisfaction, total customer satisfaction. We are learning that
delivery of legal services can be done in a much more
efficient manner, and that our traditional models for delivery
legal services have to be changed.
Q: There's history of how industrial corporations organize to produce a successful quality initiative. How do you organize a quality effort within a legal environment?

WEISE: Our approach to radical change in the way that we go about the practice of law has been a task group approach. We have had a participative management program for ten years now. And that has been a platform that's made it possible for us to zero in on initiatives.

One example was our alternative dispute resolution initiative.

We first educated ourselves. We then educated each other. We then educated our clients. We then mandated to our outside counsel that we were going to use alternative dispute resolution to shorten the cycle time of litigation. And that has been our process.

Q: How does that integrated with traditional structures of the valuation and compensation in most law firms?

WEISE: It is very foreign to the concept of law firm management. Law firm management has traditionally been vertically organized. And that means the senior lawyer will have a sphere of influence that is purely vertical over a group of senior partners, junior partners, associates, and summer interns.

There has been very little horizontal strain within a law firm. And my suggestions to law firms are that they consider some horizontal initiatives where there is a beginning of cooperation and connectivity between partners toward a common goal of improving the quality of their endeavors.
Q: An article said that the investment needed to reach a state of total quality management far outweighs its ultimate value. Motorola’s quality effort was that every dollar spent returned well over $50 or $100. For every dollar, what do you see as return?

WEISE: The traditional reaction to change is denial. And it's not surprising that critics of quality in the practice of law are saying that the effort is not justified; that there's not enough pay-back for the effort. We have found exactly the opposite.

We have found that our initiatives in our cycle time reduction endeavors -- such as, automated contract engineering, such as, alternative dispute resolution, such as our substantive memo file process -- have had tremendous pay-back in our efficiency, in the professional quality of our output, in our ability to apply priorities to that which we do.

So I would argue strenuously that the game is not worth the candle. I would argue that these initiatives have tremendous pay-back to the organization.

Q: To be specific, some have pay-back, some you're not there yet. At what point will those two lines cross? The cost and the pay-back?

WEISE: My guess is that any quality program that includes radical change in technology -- computers, for instance -- will take a five-year investment period.

Keep in mind that five-year investment period doesn't mean that you have a lot of lawyers spending full time on these changes.
What it means is that in a participative and cooperative manner, you have all lawyers making small contributions that are well organized and well focused and, over time, that relatively small amount of our time is going to translate into tremendous advantage in our processes and in the value of our work product.

Q: One of the things that spurred industry into quality investments is cost of poor quality. What are the costs of poor quality for law firms? What questions do you ask to determine whether a law firm is serious about pursuing quality?

WEISE: You cannot compare quality in a manufacturing operation with quality in a law firm in terms of what is done wrong -- shoddiness or defect. Because the given in the practice of law is that the quality of the effort and the product is high.

We're not dealing with poor quality lawyers, low quality lawyers, lawyers that don't know the law, lawyers that haven't been educated sufficiently, lawyers who don't know how to gather the facts.

Q: In addition to cost of poor quality is proof of the need. What's the proof of the need?

WEISE: The proof that we, as lawyers, need to change is in our unaffordability. This rate of cost increase in delivering
legal services to a corporate client is unacceptable. We have to find ways to make the cost of our delivering legal services that which the client can afford.

So what does that mean? That means that we start prioritizing sharply that which we continue to do, and leave to others -- non-lawyers -- doing many of the things that we used to do that we no longer will be doing.

Q: Are there statistics that support that?

WEISE: That's -- there's no way to answer that unless you want to spend the rest of the night. The answer is, yes" there are -- certainly are statistics, but that's -- let's not -- The only way I could answer that is by saying: no.

Q: Where do I go to get data to say the world's changing and if you don't change with it you're going to ... ?

WEISE: Has to be done episodically. I'd have to go to an example of one of the initiatives, such as alternative dispute resolution, to answer the question.

Q: There are probably who don't agree. What do you say to somebody like that?

WEISE: The answer to that question is that the cost of legal services to a corporation has become unaffordable. The rate of cost increase in dealing with the problems of a corporation are simply unacceptable. We have to find ways of delivering services, in the whole, on a more economic basis.
And that's how we are approaching quality. We are approaching quality by challenging everything that we do: does it add value to the corporation. We don't just do it because it's been done traditionally.

We are challenging our outside counsel, and saying to them: we'll get along with 64% of the information. Don't take that many depositions. Don't propound that many interrogatories. Don't do that much research.

We, as business people, are accustomed to making decisions on the basis near -- not nearly all of the facts. And lawyers can do the same thing.

Q: What has working in this new way meant to you in terms of savings on financial settlements, costs to outside law firms -- what's changed?

WEISE: The legal environment has changed to the extent that there is a tremendous increase in the need for legal services. Because of those environmental changes, the need for lawyers has increased sharply. So that we cannot justify our quality initiatives by saying 1990 costs are lower than 1980 costs.

The way we justify our initiatives is to show, demonstrate, that we are doing much, much more at much slower rates of cost increase.

Q: For someone seeing this, what one idea should they walk out with?

WEISE: Priority. Judgment has to come to everything that we do. And if we don't have a very sharp sense of exactly what it is that we are doing, and what steps in what
we are doing are more important than the others, we will never be able to make the right decisions. And we will continue to do everything the way our fore-lawyers have taught us to.

We must learn to discriminate.

Q: *What have I not asked you?*

WEISE: That's a good question. I probably should have given that a little bit of thought before I came here, because I probably have ten of them.

We, as lawyers, have done quite a bit in-house. And we are beginning to demand quite a bit from the outside law firms that are serving us. If every one of us does everything perfectly, it still won't be good enough. Because we have a defective civil justice system in the United States.

We have to get together and we have to change the civil justice system in the United States before the United States will have a quality delivery of legal services that can be compared with our international competitors.

What corporate America pays for, Japanese corporations don't pay for. English corporations don't pay for. German corporations don't pay for. Not even Canadian corporations pay for the types of things that lawyers have to be retained to do in the United States.

How's that for a can of worms? It may be, but you almost can't talk about quality in the practice of law without talking about the environment, and the environment is distressed.
Q: So lawyers are going to have to resolve the issues among themselves, rather than going through the pain of going through a civil justice system?

WEISE: No. What we're going to have to do is to gather together and help change. We're going to have to gather together and suggest change. No.

We're going to have to gather together -- are you taping this or are we talking?

Q: Sure.

WEISE: No. What I mean is: that lawyers are going to have to cooperate in helping to effect change in the civil justice system -- legislatively, judicially --

There's more. Let me start over again. I think I'm kind of wearing down here, I'm not thinking as well as I thought I did.

Let's take a couple of examples of problems with the civil justice system. No, we better not do that, either. Okay.

Q: Where's going to be the fun of being a lawyer, who will assemble a contact, comes up with a computer program, and takes three from column A and two from column B?

WEISE: There should not be any joy in repetitive work that ought to be done by non-lawyers. And the whole concept of creating an electronic contract or an electronic document engineering system, is to make it possible to delegate the use of that system to a non-lawyer.
The joy to a lawyer is to make that facility available. And to realize that their contributions of the clauses and the forms are going to provide the highest quality result.

Q: *So one size fits all occupationally?*

WEISE: One size fits all, no. There should be tremendous opportunities for the practice of law at the very highest levels. The cerebral content. Innovation. Creativity. But much less of it by many fewer lawyers.

And the role of the lawyer as a supervisor of a system, performed largely by non-lawyers, is going to be the bulk of our traditional legal product.

(END OF TAPE 9)