Project Management for Lawyers and Legal Professionals – Back to Basics

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Cox Enterprises

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Audience Participation!

- To participate in our live polls:
  - Open a web browser on your phone
    - Chrome, Safari, Internet Explorer, Opera, Firefox, etc.
  - Type in legalshift.participoll.com
Responsibilities

• Practicing lawyer since 2005
• Certified Project Management Professional (PMP) and Lean Certified
• Elizabeth serves as the Director of Legal Project Management for Baker Donelson, managing a group of LPM Attorneys, leading special projects, and supporting strategic pricing initiatives by the Firm's attorneys

Experience

• LPMO Liaison for firm’s largest National Coordinating Counsel engagement, utilizing BakerManage, a proactive project management process
• Developed firm training programs in budget development and project management.
Responsibilities

• Jackson Shareholder and Legal Project Management Officer since 2011
• Practicing lawyer for 19 years
• Certified Project Management Professional (PMP) and Lean Certified
• Responsible for oversight of the LPMO and coordination for the Firm’s affiliated consulting company, LegalShift, LLC

Experience

• Seconded lawyer for a State Agency for 2.5 years managing a team of 11 attorneys and 20 paralegals
• Pre-law experience in the IT industry with over twenty (20) years experience in development and implementation of Project Management Information Systems
Responsibilities

• Managing Attorney, Corporate for Cox Enterprises, Inc.
• Manages M&A and investment transactions, commercial contracts, and corporate governance.

Experience

• Over 25 years’ experience including corporate transactions and legal department knowledge management.
• Member of the Board of Directors, Atlanta Bar Association Corporate Counsel Section.
Stephen Covey - Time Management

- Axiom quoted a PwC survey that 91% of General Counsel forecast rising workloads, fewer than 25% anticipate increased budgets.

- The matrix identifies work that all of us experience.

- Misconception that LPM is meant to cover everything.

- LPM Objective - a repeatable methodology initially applied to the important that evolves to help you better control the urgent.

Objectives of Today’s Presentation

1. Are there project management skills and methods that I can use to create efficiencies and maximize the effectiveness of our department?

2. With our busy work schedules, how can we easily integrate these concepts into our day to day?

3. How can we use PM to mitigate risk and demonstrate value within the organization?
Polling Question

1. Did law school or professional school offer courses on how to effectively and efficiently manage or budget your projects?

A. No, there was no educational content provided on time management and project management.

B. Yes, but what I learned is not relevant in my day-to-day function or role.

C. Yes, but I don’t have the time to implement what I learned.
2. Have you ever performed a significant amount of work only to find out it was not what was needed?

A. No, this has never happened to me.
B. Yes, it happens on a regular basis with clients and managers.
C. Yes, but I have been able to mitigate inefficiency through good planning and communication.
D. Yes, but only with rush projects.

Polling Question
The Realities

- Lawyers and legal professionals have not been trained on project management.
  - The theory evolved out of implementation by innovative law firms looking for methods to improve efficiency, control legal spend by teams and enhance client service.
  - The annual ACC Legal Service Management Workshop was one of the first attempts to bring this to the in-house environment.
  - Many lawyers feel that PM is the domain of PMs and not lawyers.
The Realities

• In-house project management must accommodate the needs of the legal department.
  – Implementing a process to improve your own work management.
  – Improving the performance and efficiency of teams and departments and helping to quantify what has previously been immeasurable.
  – Expanding processes to outside counsel.
The Realities
Taking a Baby Step – Today’s primary objective is to help you understand, articulate and implement the key concepts of project management to improve how you deliver services.
LPM – It’s Not Just for Outside Counsel (Rosenberg, Rueff)

• the concepts in today’s presentation were articulated in part in this article

• how to drive behavioral changes to control projects and legal spend

https://legalshift.com/legal-project-management/
Defining
Legal Project Management
What is Legal Project Management?

A proactive, disciplined approach to managing legal work that involves defining, planning, budgeting, executing, and evaluating a legal matter;

the application of specific knowledge, skills, tools, and techniques to achieve project objectives;

the use of effective communication to set and meet objectives and expectations;

facilitated by the dedicated project managers or lawyers who are trained in PM skillsets; and

does not require technology, but technology can enhance proactive management, communication and data capture.
Reality: LPM is 90% Communication

Common misconception: A PM spends most of his/her time documenting and updating project plans

- Defining and managing the scope of the work
- Making sure all those who need to be involved are in the loop
- Providing status updates
- Facilitating project meetings and discussions
- Communicating meeting minutes and action items
- Making sure that risks are addressed on time by the right people

90% communication

Statistic from Wrike.com

**Courtesy of CLOC LPM Committee (April 2017)**
What is Process Improvement?

• LPM provides more structure and control around the design and management of a legal engagement – LPI takes a deeper dive into repetitive processes to remove waste.

• Waste includes:
  – spending more time than necessary, i.e. “gold plating”;
  – duplication in effort by timekeepers who are unclear as to their responsibilities;
  – workflows that are random and inconsistent; and
  – assignment of higher rate resources to tasks that can be completed by lower rate resources.
Representative Process Flow Diagram
Legal Department
Use of LPM
Polling Question

3. What is most challenging about interacting with other in-house lawyers/professionals or clients?

A. Lack of project clarity.
B. Inconsistency in reporting requirements.
C. Poor communication, planning and/or lack of follow-up.
D. All of the above.

C
CLOC LPM Reference Model

1. Intake
   - New matter intake
   - Assign primary lawyer
   - Determine resources, including use of external counsel

2. Planning
   - Reach agreement on client requirements
   - Validate scope, timing, objectives and stakeholders
   - Conduct cost-benefit analysis on use of resources
   - If required, select external counsel
     - Deliver External Counsel Guidelines
     - Determine pricing and budget

3. Execution
   - Control legal spend and achieve desired results
     - Continuous evaluation of risk profile and execution of strategy
     - Monitor and manage use of resources, including budget and team
   - Monitor and manage scope and schedule
   - Monitor tasks and outcomes

4. Review
   - Capture lessons learned
     - What did and did not work
     - What should be changed
   - What should be retained or used in other matters
   - Determine best way to disseminate learnings and to whom

Quality legal work
Business results

**Courtesy of CLOC LPM Committee (April, 2017)**
Implementing
Legal Project Management

**One Size Does Not Fit All**
Getting Started for In-House Counsel
Getting Started for In-House Counsel

• Matter Intake and Triage

1. Goal is to quantify the volume and value of work provided by the department - more than typical matter management systems.

2. Classify matters:
   - in-house projects/committees,
   - ad hoc counseling (who is supported),
   - transaction or litigation handling or oversight.

3. Clarify the initial information required for each type of matter.

4. Clarify capabilities and capacity of the legal department resources.
Polling Question

4. How do you plan for a project?

A. I prepare a formal project plan.
B. I do not prepare a formal project plan, because they are cumbersome and are not conducive to legal projects.
C. I prepare a project plan, but only when working with a formal project manager.
D. I prepare an informal outline of objectives depending upon the need of the project.
Getting Started for In-House Counsel
**Easy Steps for Project Planning**

1. Develop a repeatable process for defining and recording your projects.
2. Include the scope of your responsibilities, including what is out of scope.
3. Identify everyone who will contribute to the project and their responsibilities.
4. Include committed deadlines and deliverables.
5. Add any assumptions communicated by the client or team member.
6. Clarify and communicate any risks associated with the scope of the project.
Polling Question

5. If you prepare budgets for your projects, how do you prepare them?

A. Estimate of total cost based upon similar projects.
B. Estimate based upon similar projects and my personal experience.
C. A quote from outside counsel.
D. A detailed estimate with tasks, resources and time for completion.
Getting Started for In-House Counsel
Getting Started for In-House Counsel

• Budgeting
  1. Develop a repeatable format for developing and communicating budget estimates.
  2. Prepare a “bottom up” estimate – phases, tasks, who is assigned, estimate of the time to complete and projected cost.
  • “Top down” estimates – i.e. backing into a number or high-level guesses – are less accurate and can put the project at greater risk of scope, time and cost increase.
  
  3. If used for a cost benefit analysis, require the same level of detail from outside counsel.
Getting Started for In-House Counsel

• Confirming Timelines

1. In addition to estimating the cost of the activity, identify the potential effort and duration.

2. Project duration should also be “bottom up” – rather than guessing about the overall delivery date, evaluate when each task will be completed and then develop a more accurate estimate of the project delivery date.
Getting Started for In-House Counsel

• Clarifying Expectations in Writing
  1. All of the project elements including plan, budget and timeline should be communicated to the client or team members in writing.
  2. The plan should be shared with anyone who will have responsibilities on the project to ensure that everyone is on the same page.
# Template for Matter Intake / Planning

<table>
<thead>
<tr>
<th>Requesting Department / Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Representative Name</strong></td>
</tr>
<tr>
<td><strong>Date of Request</strong></td>
</tr>
<tr>
<td><strong>Issue Log Reference</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question #</th>
<th>Category of Information</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Detailed Description of Issue</td>
<td>Request that the client representative provide a detailed description of the legal issue and the background facts that can be used to evaluate the priority of the matter and cost/benefit of assignment to in-house counsel versus outside counsel.</td>
</tr>
<tr>
<td>2</td>
<td>Desired Outcome</td>
<td>Request that the client representative provide a statement regarding the desired outcome of the matter - such as settlement, favorable judgment, closing within a specified time period, etc.</td>
</tr>
<tr>
<td>3</td>
<td>Assumptions</td>
<td>Request that the client representative identify any assumptions being made about the matter, such as facts, procedure or administrative issues that are outside of the control of the parties.</td>
</tr>
<tr>
<td>4</td>
<td>Out of Scope</td>
<td>Request that the client representative identify any issues that would be considered outside of the legal department’s responsibilities and will be performed by someone else.</td>
</tr>
<tr>
<td>5</td>
<td>Estimate of Value/Exposure</td>
<td>Request for an estimate of the value of the transaction to the company or the potential exposure of the claim.</td>
</tr>
<tr>
<td>6</td>
<td>Expected Timetable</td>
<td>Request that the client representative provide an anticipated timetable for the completion of the matter.</td>
</tr>
<tr>
<td>7</td>
<td>Expectations Regarding Updates and Reporting</td>
<td>Request that the client representative identify the timetable, recipient and method for the receipt of matter updates.</td>
</tr>
</tbody>
</table>
Template for Scoping / Planning

- Clearly defined scope of assignment (including what is not anticipated).
- Clarifying any assumptions made with regard to deliverables, time or potential costs.
- Identifying any risks or dependencies.
- Confirming what is value or success.
- Clarifying resource needs (if applicable).
- Clarifying the required timetable of tasks, deliverables or completion.
# Template for Project Tracking

## Project Phases and Tasks

<table>
<thead>
<tr>
<th>Project Phases</th>
<th>Task Time Table and % Complete</th>
<th>Current or Report Date</th>
<th>Lead and Accountable</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0 Project Administration</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1 Execution of NDA</td>
<td>100%</td>
<td>100%</td>
<td>FDM, DAR</td>
</tr>
<tr>
<td>1.2 Executive Summary from Seller</td>
<td>100%</td>
<td>50%</td>
<td>FDM, DAR</td>
</tr>
<tr>
<td>1.3 Clarification of Available Due Diligence</td>
<td>100%</td>
<td></td>
<td>?</td>
</tr>
<tr>
<td>1.4 Financial projections</td>
<td>100%</td>
<td></td>
<td>?</td>
</tr>
<tr>
<td>1.5 LOI</td>
<td>100%</td>
<td></td>
<td>TEP, DAR</td>
</tr>
<tr>
<td>1.6 Confidential summary of the transaction</td>
<td>100%</td>
<td></td>
<td>?</td>
</tr>
<tr>
<td>2.0 Assemble the Deal Team</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1 Confirm scope of due diligence review and initial requests</td>
<td>100%</td>
<td></td>
<td>FDM, DAR</td>
</tr>
<tr>
<td>2.2 Confirm division of labor between parties and vendors</td>
<td>100%</td>
<td></td>
<td>CLL, DAR</td>
</tr>
<tr>
<td>2.3 Kick off due diligence review</td>
<td>100%</td>
<td></td>
<td>LPO, DAR</td>
</tr>
<tr>
<td>3.0 Transaction Documents and Approvals</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.1 Identify organizational structure for acquisition target</td>
<td></td>
<td></td>
<td>FDM, DAR</td>
</tr>
<tr>
<td>3.2 Identify core documents and develop master closing checklist</td>
<td></td>
<td></td>
<td>TEP, DAR</td>
</tr>
<tr>
<td>3.3 Draft deal documents</td>
<td></td>
<td></td>
<td>TEP, DAR</td>
</tr>
<tr>
<td>3.4 Prepare schedules and exhibits</td>
<td></td>
<td></td>
<td>FDM/TEP, DAR</td>
</tr>
<tr>
<td>3.5 Confirm governmental or regulatory review</td>
<td></td>
<td></td>
<td>JPL, DAR</td>
</tr>
</tbody>
</table>
Comment - Execution / Closure

- **Execution – Communication!**
  1. Record of what needs to be and has been performed.
  2. Team meetings with a controlled agenda, required deliverables and updates in a standard format.
  3. Designated team member to record decisions and action items.
  4. Clear guidance on expectations for the next meeting.

- **Closure – Don’t Miss the Opportunity!**
  1. The end of a project is the best time to identify opportunities for improvement / innovation.
  2. Spend 15 minutes capturing lessons learned.
  3. Make a team member responsible for implementation.
Working with Outside Counsel
Polling Question

6. What frustrates you most about working with outside counsel?
   A. Missed deadlines.
   B. Inaccurate estimates and billing surprises.
   C. Poor communication and early warning about major problems.
   D. All of the above.
Polling Question

7. When was the last time your outside counsel talked to you about legal project management?

A. It has never been discussed.
B. Only in response to my request for a case plan or early case assessment.
C. My outside counsel provides project plans, but is responsible for managing to the plan.
D. My outside counsel proactively implements LPM in all phases of the management of my cases.
BakerManage® - An LPM Innovation

- Patent pending process that communicates with financial and time entry systems.

- BakerManage™ and the Firm’s implementation of LPM won the International Legal Technology Association (ILTA) Project of the Year award in August 2012.

- Incorporated into the ABA 2015 LPM Boot Camp.
BakerManage® - Matter Home Page

- SharePoint technology drives proactive legal project management.
- Ability to share real time information (case status and legal spend) with the client.
The Goals of BakerManage®

**Process**
- Step-by-step approach to prepare a thorough case plan
- Thoughtful and reliable fee estimate instead of a guess
- Allow client’s to make strategic decisions with better information
- Framework to control the work of team members
- Communication workflow for the entire team and the client
- Consistent results and costs for similar matters

**Technology**
- No cost to the client
- One stop shop to avoid emails and inefficiency
- Platform for collaboration of the team and client
- Inventory of open/closed matters and related information
- Customized and automated reporting for portfolios
- Alert notifications for updates, budgets and key dates
- Tested platform for Coordinating Counsel engagements
Working with Outside Counsel

• The Benefits of LPM:

More reliable estimates of spend will permit you to more accurately evaluate exposure, analyze settlement values and develop more effective strategies for dispute resolution.

From Baker Donelson’s experience, a good planning / budgeting regime (design and monitoring) alone can reduce costs by 10%, control leverage and reduce administrative time associated managing non-compliant billings.
An Example – Collaborative LPM

• Cox Enterprises and Baker Donelson Pricing Strategy Session
  – Conducted in November of 2015
  – Paired Baker Donelson’s M&A team with Cox Enterprises
  – Evaluated typical phases and tasks in an M&A transaction
    ▪ typical project scope
    ▪ historical spend
    ▪ estimated budget for a transaction (tasks, resources and time)
  – Evaluated the use of automated tools to streamline due diligence reviews

• Deliverables
  – Phased budget for an M&A transaction with a defined scope
  – Evaluation of opportunities to implemented alternative pricing (intake, NDAs, LOI, due diligence, SPEs, regulatory filings and closing)
  – Identified a need for standardized tools (intake, LOI, NDAs, contracts)
Polling Question

8. Do your guidelines for outside counsel include project management requirements (plan, detailed budgets, etc.)?

A. I do not know whether this is required.
B. No, our guidelines do not require project management.
C. Our guidelines require a budget, but nothing more.
D. Yes, our guidelines require written project plans, detailed budgets and a requirement to request approval before spend deviates from budget.
Working with Outside Counsel

- **Supplementing Outside Counsel Guidelines**
  - Clearly communicate to Outside Counsel what you expect for them to deliver to you with regard to project planning.
  - Require a standardized project plan and provide a template.
  - Require a standardized budget model expressed in terms of a detailed estimate rather than a range and provide a template.
  - If a matter is complex, require a confirmed budget for the preliminary phases and a range for later stages.
  - Require that specific timekeepers be identified and prior approval of staffing changes.
  - Confirm whether planning and budgeting are billable.
  - Identify whether there are dedicated legal project managers or other supporting resources and technology.
Working with Outside Counsel

• The Future – Expanding Data Transfer

  – Firms like Baker Donelson are implementing their own matter management systems (BakerManage®) to ensure improved planning, proactive oversight and improved communication.

  – For clients who do not have a matter management system, BakerManage® serves as a repository of all information related to a matter (project plan, budget to actual, reports, other matter information – opposing counsel/court, pleadings or transaction documents, calendars and case management updates).

  – Where a client has a matter management system and a firm is utilizing their own case management platform, it could require duplication of data entry.

  – In the future, efficiency will be improved by expanded data transfer from firm system to Client system to improve collaboration beyond eBilling.
Where to Start?
A Simple Recipe for Success
A Quick Start

• Plan your work
  – Clarify what is required
  – (if applicable) Prepare a reliable estimate
  – Clarify when it is needed
  – Confirm who is responsible for what

• Select 2 or 3 high-level objectives
  – What does success look like within your department?
  – Are you able to demonstrate value?
How to Learn More?

Trade Associations
- ABA Law Practice Division
- ACC Legal Operations Group
- Corporate Legal Operation Consortium (CLOC)
- Int’l Legal Technology Association (ILTA)

Trade Publications
- ABA Law Practice Magazine
- ACC Digital Docket
- Corporate Counsel Magazine
- Law Technology News
- Legal IT Insider
- Metropolitan Corporate Counsel
- Today’s General Counsel

Trade Shows
- ALM LegalTech – February (New York)
- ABA TechShow – March (Chicago)
- CLOC Institute – May (Las Vegas)
- LMA P3 – May (Chicago)
- ACC Legal Ops Conference – June (Chicago)
- ILTACon – August (Las Vegas)
Questions?

How to get Help

LegalShift

www.legalshift.com