

# Innovations in Legal Project Management



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# Executive summary

The organizational competence of project management provides a solid foundation for every activity conducted by a business and the practice of law. Legal project management (LPM) provides the discipline that enables lawyers and those who manage legal work – in law firms, law departments and alternate legal services providers – to define, demonstrate and deliver greater value by balancing the scope of work, time, and resources as they strive for optimal efficiency, outcomes and client satisfaction.

Although many distinguish the business of law from the practice of law, innovators in legal project management take an integrated approach. In commercial and governmental settings, practicing law is not an academic exercise, nor an end in itself. Effective legal services address a client's business needs, opportunities and risk profile, and may also implicate public policy and legal precedent. The client experience is personal as well as professional. LPM provides a framework for meeting all these challenges.

Some perceive LPM as complex; it is in fact what lawyers already do. However, it requires a more systematic approach, using the language of business. At its core, effective project management is about sound communication at critical points with the right stakeholders. These audiences range from colleagues to clients; include peers, subordinates and leadership; and vary from external law firms to regulators. LPM is a mindset as well as a discipline; it concurrently has a tight structure and a loose fit.

To explore innovation in legal project management, it is necessary to have a baseline understanding of LPM practices. In the past 10 years, client needs and expectations for the delivery of valuable legal services have created significant pricing pressure and competition among law firms and other service providers. Law departments, inside counsel, and other professional staff numbers have also grown. Demand in meeting the needs of the business (“internal clients”) in a cost-effective manner

has accelerated. Legal project management, process improvement techniques such as “Lean”, data analytics, knowledge management, the increased stature of legal operations professionals (previously referred to as “non-lawyers”), and technology have all provided a portfolio of resources for meeting the challenge of providing cost-effective and valuable legal services. During this time, legal project management has gone from being perceived as another management fad to broad acceptance and utilization, with LPM requiring a stand-alone or well-integrated legal operations/practice management function.

A baseline of LPM practices at law firms have developed; a cadre of legal project management professionals have self-organized in the True Value Partnering Institute; and training programs that build awareness abound. Corporate law departments have adopted legal project management practices through their intake of client requests and allocation of work internally and to external counsel. All provide useful tactics.

None of them are covered here. Instead, this book profiles those who have done the difficult work of harnessing the relevant aspects of legal project management as a strategy that is explicitly aligned to a law firm’s or legal department’s business objectives and culture. The authors describe communication strategies and techniques to train, coach and mentor those acquiring the skills to implement legal project management practices as a core aspect of the firm’s business strategy, operations, quality legal services, and focus on the client experience.

All the contributors to this book are professionals who continuously see around corners in improving the legal profession. They have created value for their firms, clients, and organizations; others have advanced the legal profession. The contributors – coming from both domestic US and global organizations, representing both practicing lawyers and other industry experts – have systematically:

- Used deep insights about particular clients to create new services and ways of doing things that impact the client’s business goals;
- Incrementally improved the speed, value (cost/margin), and quality/benefits of the product or service they deliver; and/or
- Relied on technology that is home grown or highly customized to meet users’ needs.

The book opens with Meredith Mendes – the executive director and chief operating officer of Jenner & Block – taking inspiration from Albert

Einstein in chapter one: when the facts don't fit the theory, change the facts. She points out in a detailed case study how this paradigm can be a useful guide when trying to find the best solution for law firm budgeting and process improvement tools. This chapter explains how an AmLaw 100 firm explored existing and emerging legal industry options and ultimately created a bespoke LPM program that reflected the firm's unique culture, values, and client demands.

In chapter two, Randall Brater and Katie Heilman – practicing lawyers at Arent Fox LLP – describe how their law firm undertook several programs with client teams to improve efficiency and realization. They extracted lessons on how to improve internal and external communication and client satisfaction, while increasing realization and better management of the firm's resources. The authors point out that although education and training on these issues and project management is important, implementing these techniques can prove difficult. Several case studies are provided as an illustration of how they achieved success. This chapter describes a client-facing initiative geared towards improved communication, efficiency, and realization; an internal team project aimed at better understanding responsibility, scope, and leadership for certain tasks and reports for clients; and a budgeting and timekeeper tracking system that includes buy-in from associates to improve time recording, workflow distribution, and management of resources.

Next in chapter three, the focus is on both customization and the substantive practice of law with Dennis White, counsel at Verrill & Dana, and Byron Kalogerou, a partner at McDermott, Will & Emery, seasoned mergers and acquisition counsel. As the co-chairs of the American Bar Association Task Force on Legal Project Management in Merger & Acquisition Transactions, they demonstrate how LPM can be most impactful with tools and techniques tailored to fast-paced M&A transactions that are often multi-jurisdictional and always business-driven. The legal work involves multiple specialties and a variety of players. The authors describe how the Task Force has produced practical tools grouped by the phases of an M&A transaction (deal, pre-deal, and post-deal), along with several budgeting and billing tools that span the matter.

Taking customized tools to the next level, in chapter four Todd Hutchison – founder and leader of the global organization International Institute of Legal Project Management – discusses scalable and innovative training in legal project management. The transition from law students' historic physical presence in libraries has been replaced with

online resources, and law schools have progressed from pure face-to-face education to models that include complete online delivery. This chapter explores how technology is enabling global training opportunities, and what the virtual classroom may look like in the future.

In chapter five, Thomas Agostinelli, director of practice management at a major regional law firm, moves from high-tech to show how simple meetings can be synonymous with innovation. With helpful anecdotes, he discusses a technique used in agile project management. Used extensively in many industries to maximize the daily effectiveness of a team engaged in any type of project, stand-up meetings also promote organization effectiveness. This chapter explains when, why and how to implement 15-minute stand-up meetings – a minimal investment that can maximize efficiency and profitability at any law firm or legal department of any size or culture.

Moving to the client perspective, in chapter six Kathleen Thompson, MBA, PMP, highlights the unique program developed by a national law firm when it brought her in from a midwestern Fortune 500 company. In her business role, she had influence over payment of substantial legal fees to major law firms for significant transactions. Her firsthand knowledge of what drives the satisfaction of the business people (vs inhouse counsel) highlights how leadership outside the legal department can control the law firm selection process, ensure the timely payment of invoices, and make demands for budget and status updates. The chapter provides a case study and makes recommendations for implementation of successful LPM programs.

Building on the importance of providing value to clients, in chapter seven Kevin Bielawski and Lann Wasson – director and associate director of legal project management, respectively, at Husch Blackwell – point out how legal project management is most effective when law firms and clients actively collaborate. In this case study, the authors describe the benefits of their firm's deep understanding of their client's business needs, which required alignment of teams, projects, financial reporting and measurements of success. They show how hard financial metrics, new value metrics, and their success stories demonstrate that LPM is an excellent approach to contain cost and deliver exceptional client service.

In chapter eight, Davis Wright Tremaine's (DWT) legal business solutions director, Sam Davenport, and DWT practice economics director, Brian Fanning, assert that today's LPM framework focuses heavily on the production of excellent work product but largely ignores its delivery to the client. They predict that as more law firms adopt LPM tools and



clients begin to demand legal work be delivered in ways tailored to business priorities, the gap between excellent work product and highly satisfied clients will continue to grow. To address that gap, the authors review the history of DWT's award-winning innovation department – DWT De Novo – as a case study in building service delivery innovation at a law firm. They identify six cultural biases that keep most law firms from easily innovating, and describe how DWT De Novo overcame each bias. Fanning and Davenport present an approach law firms can model to expand their existing LPM framework and span the gap between excellent work product and client delight.

Continuing the focus on the client and closing in chapter nine, Aileen Leventon – principal of Edge International and the contributing editor of this book – discusses how law departments are able to effectively implement LPM tools to support their strategy to add value to the corporate bottom line. Drawing on her work for corporate clients, law firms and key legal industry trade associations, Aileen first defines the role of the legal department by its fundamental challenges: how to provide cost-effective legal services by doing the work inside; diplomatically rejecting a request from a client to do work that really does not require the attention of scarce legal resources; or retaining external counsel or other support. And once this decision is made through a formal or informal intake process, she shows how lawyers can scope, plan, conduct, monitor and review the work quality and client needs. She provides a common-sense discussion of LPM concepts that may be used by lawyers in law firms, legal departments and government agencies.

Taken together, these 13 authors show that innovation takes many forms. It is not necessarily costly, nor does it need to change the industry. It can be based on altering a mindset or developing customized tools. Each contributor to this book has demonstrated a commitment to continuous improvement in a manner that satisfies their respective stakeholders' perception of value. That commitment is truly the innovation that has an impact on both the innovator and the beneficiary of the careful execution of the innovator's strategy.



## About the authors

**Thomas Agostinelli** serves as director of practice management at Butler Snow LLP, where he collaborates with practice group leaders to develop strategies to best serve the client and streamline business operations. His role also includes oversight of paraprofessionals, litigation support and project and process management within Butler Snow, where he drives legal project management (LPM) and process improvement initiatives to enhance delivery of legal services and client satisfaction. Prior to joining Butler Snow in 2013, Thomas worked at Horne LLP where he supported government disaster recovery programs with the Government Services Practice Group. Thomas is a certified project management professional (PMP) and an accredited legal project management professional (ALPMP).

**Kevin T Bielawski** is the director of legal project management and strategic pricing at Husch Blackwell, and has 21 years of experience in the legal industry in various financial roles. In his current role, he consults directly with the firm's partners and its clients to identify business objectives, value perspective, process inefficiencies, and assist with solution development and implementation. He regularly leads the development, proposal and execution of appropriate fee arrangements that meet clients' budget demands. He is an accredited legal pricing professional and a certified project management professional.

**Randy Brater** is a partner and commercial litigator at Arent Fox, who represents companies in the health care, life sciences, construction, food, fashion, and media and entertainment industries. He routinely litigates high-stakes matters in state and federal courts in cases involving the False Claims Act, trademark infringement, unfair competition, and other Lanham Act claims, and data compensation arbitrations arising under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). For the past several years, he has served as the project management task force leader at Arent Fox, overseeing projects in various practice areas

designed to create efficiencies with clients and foster accountability, communication, predictability, and transparency.

**Sam Davenport** is the director of legal business solutions at Davis Wright Tremaine, where he manages the DWT De Novo's Legal Solution Architects. He holds a JD from Rutgers School of Law, a PMP from the Project Management Institute, a CSM and CSPO from the Scrum Alliance, and an LPM certification from the LPM Institute. He is a recognized expert in project management and business operations, routinely presenting and speaking on those topics at legal industry conferences.

**Brian Fanning** is the director of practice economics at Davis Wright Tremaine. He holds an MBA from the Foster School of Business at the University of Washington and is an accredited legal pricing professional through the True Value Partnering Institute. Brian leads a team charged with leveraging the firm's economic and operational data to drive more effective, profitable decision making. Brian's team is also responsible for developing and articulating the firm's data strategy and developing reporting capabilities that deliver data, analysis, and insights to end users at every level within the firm.

**Katie Heilman** is an associate in Arent Fox's complex litigation group. Her practice focuses on ERISA and managed care litigation, environmental litigation and regulatory counseling, and fashion/retail law. She has been involved in litigation matters in state and federal court, as well as arbitrations, and is experienced in all phases of litigation, including discovery, depositions, motion practice, trial preparation, and appeals. Katie has counseled clients on regulatory compliance and litigation strategy in a wide range of industries, including fashion and luxury goods, real estate, health care, agriculture and biotechnology, media and entertainment, and hospitality.

**Todd Hutchison** is an international bestselling author, global consultant and educator, and an adjunct associate professor in project management. He was formally a global board director of the Project Management Institute, and the inaugural Fellow of PMI in Australia, with over 30 years' experience in leading projects. Todd leads the global management consultancy and training group called Peopleistic, including the Peopleistic Legal PM division, and also holds adjunct positions with CQUniversity, Edith Cowan University and Curtin University. He

has worked in over 150 organizations across 13 countries and is the chairman of the International Institute of Legal Project Management.

**Byron S Kalogerou** is a partner at McDermott Will & Emery LLP. He focuses his practice on domestic and cross-border mergers and acquisitions, joint ventures and alliances. Byron spent 17 years in-house before returning to law firm life 14 years ago with a desire to bring his keen sense of the “voice of the customer” to drive predictability and efficiency into the M&A deal process. He is a pioneer in using legal project management and co-founded and co-heads the Task Force on Legal Project Management in M&A of the Business Law Section of the American Bar Association, and served as co-editor of the ABA guidebook entitled *Using Legal Project Management in Merger and Acquisition Transactions*, now in its second edition. Byron also created the first-of-its-kind web-based collaborative deal management portal, which McDermott has adopted and embraced as the M&A Gateway. He regularly speaks on the topic and on how using legal project management in M&A results in greater client satisfaction and retention.

**Aileen Leventon** is a business counselor to the legal industry and a practicing lawyer with over 30 years of experience. She consults with law departments, law firms and individual lawyers on strategies to manage and sustain sound financial performance and continuously improve the efficiency of legal work. In addition to advising, coaching, and training, Aileen has facilitated numerous after-action reviews of closed matters to promote buy-in of legal project management techniques. She has also been embedded in ongoing matters to provide analysis and coaching to bring distressed matters back on course.

**Meredith Wise Mendes** is Jenner & Block’s executive director and chief operating officer. Meredith provides strategic direction, financial analysis and operations management for all Jenner & Block offices. She has a long track record of creating top-line growth and increasing net income by driving innovation and efficiencies, metrics and process improvements, and implementing management tools that further the firm lawyers’ ability to provide excellence in client service. Before joining Jenner & Block, Meredith was worldwide chief financial officer of Edelman, a global public relations firm, and chief financial officer of Medline Industries. She began her career practicing law in corporate and municipal finance, and is a sought-after speaker on topics including legal

project management, technology and the law, and real estate management in professional services firms.

**Kathleen Thompson** is the senior manager of client value and matter management at BakerHostetler. She has 20 years of experience leveraging her finance and project management real-life experiences to ensure a methodical and organized approach is applied to programs and projects. Her training approach provides information and relatable finance and operation perspectives. Kathleen consistently acts as a resource to provide specific guidance on managing clients, internal resources, defining and utilizing work plans and other opportunities to add value. Her ability to tailor a solution for a specific situation is how she has been able to increase profitability and client satisfaction. Recently, she was responsible for developing, implementing and coordinating legal project management (LPM) and wrote a manual on LPM, outlining specific methodology and tools.

**Lann Wasson** is the associate director of legal project management at Husch Blackwell LLP and is both a certified project management professional and Lean Six Sigma Green Belt. For the past 18 years he has worked closely with client teams and practice groups in their use of technology, legal project management and approaches to business model and product design. Over the years, Lann has also worked with in-house counsel to discuss how to adapt the firm's technology platforms to their needs, as well as suggest how legal project management could augment law department programs and strategies. In 2017 and 2018 the ACC recognized two of these client projects as Value Champions.

**Dennis J White** is senior counsel in the Boston office of Verrill Dana LLP, where his practice focuses on transactional matters, particularly mergers and acquisitions and on advising companies and directors regarding governance issues. Den co-founded and co-heads the Task Force on Legal Project Management in M&A of the Business Law Section of the American Bar Association, and served as co-editor of the ABA guidebook entitled *Using Legal Project Management in Merger and Acquisition Transactions*. He is also a past chairman of the Global Board of Directors of the Association for Corporate Growth (ACG), an M&A trade association with more than 14,000 deal community members in over 50 chapters around the world.