The Top Five Ways to Increase Legal Project Management Results

A LegalBizDev white paper
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LegalBizDev
CHANGING BEHAVIOR

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Executive summary

In the last few years, many legal clients have been demanding greater efficiency and more predictable budgets. Law firms have responded by investing in legal project management (LPM) to increase client satisfaction and profitability. They have tried a variety of approaches to this evolving specialty, including LPM coaching, training, hiring LPM staff, and purchasing new software. Some of these initiatives have been quite effective in changing lawyers' behavior, and some have not.

This brief white paper provides a high level summary of the five most effective ways to increase LPM results:[1]

1. Focus on changing behavior and solving problems;
2. Aim for quick wins to create internal champions;
3. Publicize successes within the firm;
4. Use just-in time training materials;
5. Assure continuous improvement by following up relentlessly.

1. Focus on changing behavior and solving problems

In 2011, when the LPM movement was just getting started, the Association of Corporate Counsel and the American Bar Association published an account of a meeting "at which leaders of corporate and law firm litigation departments rolled up their sleeves and tackled the complex issues surrounding present day concepts of value in litigation." After the meeting, the authors of a follow-up report emphasized that future progress will not be based on improved understanding or increased knowledge. Instead, "The challenge is change/behavior management."[2] It's not a question of knowing what to do; it's a question of actually doing it.

At about the same time, many firms started implementing LPM by launching large-scale education programs. Lawyers love precedent, so when one AmLaw 100 firm announced that it had trained all of its partners in LPM, a number of others jumped in to do the same thing. These training programs enabled firms to "check the LPM box," write RFP responses praising their own LPM efforts, and put out press releases. What they did not accomplish, however, was to get many lawyers to change the way they practice law.

As the chair of one AmLaw 200 firm that invested heavily in LPM training put it in our survey *Client Value and Law Firm Profitability:*

> Every shareholder and top level associate [in our firm] has had a full day of project management training. I'd like to tell you that they use it, but they don't.[3]

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[1] For more detail, see the fourth edition of our Legal Project Management Quick Reference Guide (www.legalbizdev.com/projectmanagement/quickreferenceguide.html)

[2] Susan Hackett, Barb Dawson, and Laura Ariane Miller, "Valuing Litigation: Lessons Learned from Collaboration," *ACC Docket* (May 2011), 130

[3] Jim Hassett, *Client Value and Law Firm Profitability* (LegalBizDev, 2014), 193

LPM requires partners to change the very way they practice law. And as the managing partner of another AmLaw 200 firm in our survey put it:

> Project management is not natural to lawyers. We've always been trained to get the case done well to win, but now we also have to get the case done efficiently, and that is not part of the natural toolkit for most people.[4]

It is not exactly news that education does not necessarily lead to behavior change. Taking a workshop about how to lead a healthier life by exercising regularly, losing weight, and eating more vegetables does not mean that you will actually do any of these things.

The key to getting started in changing behavior throughout an organization is to help lawyers solve the problems they face, such as living within a fixed fee budget or increasing realization. And the best way to do that is to first identify lawyers who are motivated to change, and then to coach them one-on-one to create quick wins.

2. Aim for quick wins to create internal champions

Lawyers are most likely to change their behavior if they are provided with convincing evidence that it is in their own self-interest. If respected colleagues say that LPM helped to make a fixed fee deal more profitable, or to avoid a write-down with a difficult client, they will listen.

As ALM Legal Intelligence noted in a survey entitled *Legal Project Management: Much Promise, Many Hurdles*, "The quicker there are demonstrable positive benefits, the faster other partners will take notice."[5]

The value of quick wins in changing behavior has also been shown in many other professions.

A few years ago, John Kotter published a Harvard Business School Review article entitled "Leading Change: Why Transformation Efforts Fail,"[6] summarizing a ten-year study of more than 100 companies. Most of their change efforts had failed, and Kotter outlined eight phases that were necessary for success: generating a sense of urgency; establishing a powerful guiding coalition; developing a vision; communicating the vision clearly and often; removing obstacles; planning for and creating short-term wins; avoiding premature declarations of victory; and embedding changes in the corporate culture.

Kotter, who is now a Professor Emeritus at Harvard Business School, went on to refine these ideas in a number of publications, including the book *Leading Change*, which TIME magazine listed as one of the "Top 25 Most Influential Business Management Books" of all time. According to Kotter, short-term wins:

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[4] Hassett, *Client Value*, 191
[5] ALM Legal Intelligence, 2012, "Legal Project Management: Much Promise, Many Hurdles," 17
[6] https://cb.hbsp.harvard.edu/resources/marketing/docs/95204f2.pdf

❑ "Provide evidence that sacrifices are worth it

❑ Reward change agents with a pat on the back

❑ Help fine-tune vision and strategies

❑ Undermine cynics and self-serving resisters

❑ Build momentum"[7]

When LegalBizDev coaches lawyers in LPM, we look for the low hanging fruit that makes it easiest to generate short-term wins such as better budget control, improved client communication, or negotiating changes of scope.

In more than three decades in the training business, LegalBizDev has found that the single most important factor in success is selecting the right people to be trained. This is particularly critical in an area like LPM, where there is resistance and skepticism about changing behavior.

We recommend starting with lawyers who are open to new ideas and who have the most to gain. That could be the key partners who are responsible for new alternative fee arrangements. It could be relationship partners who are worried about protecting business with key clients that are looking for greater efficiency and increased value from their outside counsel. It could be an entire practice group that is considering new checklists, templates, and processes to improve its competitive position.

Experience has shown that our training pays for itself several times over by enhancing client relationships and profitability. That success creates a new group of champions within the firm who will spread the word that legal project management can help serve clients better.

The exact individuals and groups will vary from firm to firm. But in every case, the best lawyers to begin focusing on LPM are those who are (i) open-minded about change and efficiency, (ii) in a position to benefit when LPM makes a difference, and (iii) influential enough to credibly spread the word of their success.

3. Publicize successes within the firm

The lawyers who achieve quick wins often become internal champions who spread the word to their partners. This is most effective when the firm establishes procedures to publicize successes internally.

For example, Bilzin Sumberg, a Miami-based firm with more than 100 lawyers, started with a panel discussion at a retreat in which three lawyers who had completed LPM coaching described their experience and results. One of the three, Al Dotson, the firm's Land Development & Government Relations Practice Group Leader, described how his LPM activities had led to new business in just a few months. Dotson's practice involves public-private partnerships in economic development in south Florida. It includes securing land use, zoning, and other key

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[7] John Kotter, *Leading Change*, Harvard Business Review Press; 1st revised edition (November 6, 2012), 123

government approvals and permits for large real estate developments. His clients loved the LPM approach because they use project management to run their own construction businesses. Within a few weeks of starting the coaching, one of his clients was so impressed by a legal project plan Dotson had produced that he asked Bilzin to take on a significant amount of new work.

Based on the endorsement of internal champions, the majority of Bilzin Sumberg's partners volunteered for and completed LPM coaching. They then proceeded to work LPM concepts into the very fabric of the way the firm operates. [8]

LPM successes can also be publicized in practice group meetings; through emails from firm leadership; at firm retreats, lunch and learns, panel discussions; and in many other ways.

4. Use just-in time training materials

In our three decades in the training and coaching business, the profession has changed radically. When we started our company in 1985, most training was built around classes and workshops. These days, it is far more common to use a just-in-time training approach which enables people to solve the problems they have, the moment they have them.

For example, if you need to use some unfamiliar features of Microsoft Word, it is very unlikely that you would consider taking a class. You will simply find the exact information you need in online help, precisely when you need it.

This approach has been applied in almost every field you can think of, including project management. When a research study of "The use of just-in-time training in a project environment" was published in the *International Journal of Project Management,*[9] the authors pointed out that "Around 40% of the knowledge acquired in training is lost after a break of one month, rising to 90% after six months." They then performed an experiment to show how the problem could be solved by providing access to tools that allow people to solve the problems they care about, just in time.

Full disclosure: LegalBizDev has developed the most complete library of tools and templates to support just-in-time training for LPM. This library has grown to over 400 pages in the fourth edition of our *Legal Project Management Quick Reference Guide*.[10] Lawyers in our coaching and training programs have used this book to quickly find the information they need when they need it. Whether they want to define the scope for a new matter, plan a budget, increase delegation, improve client communication, or increase efficiency in other ways, the *Legal Project Management Quick Reference Guide* provides checklists and step-by-step advice to save lawyers time in finding the solution that best fits their client and their personality.

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[8] For more details, see the case study at
  www.legalbizdev.com/files/LegalBizDevCaseStudyBilzinSumbergLPMBx.pdf
  Note: This document is currently being updated, and a new version will be published by the Fall of 2017.
[9] http://www.sciencedirect.com/science/article/pii/S0263786300000120
[10] http://www.legalbizdev.com/projectmanagement/quickreferenceguide.html

In 2017, LegalBizDev also began offering electronic versions of these tools and templates, which lawyers can access anytime, anywhere using their laptop, tablet, or phone. These online templates are frequently updated to include new tools that we are constantly adding to the collection.[11]

A number of firms have also begun to develop their own custom tools, from budgeting spreadsheets to checklists for planning an alternative fee arrangement.

Firms that want to apply the just-in-time training approach to LPM must decide whether to "build or buy." They can create their own complete library of firm-specific LPM tools and templates, or start from the foundation we provide with over 150 customizable electronic LPM tools and templates[12] that provide step-by-step advice to solve the most common problems.

5. Assure continuous improvement by following up relentlessly

To retain current clients and find new ones, a law firm simply needs to be just a little better than its key competitors. The good news is that until recently that was easy, because other lawyers were not focused on efficiency. The bad news is that it is getting harder to beat competitors, as more of them focus on LPM. The bar is going up, and what was good enough to win new business last year may not work this year.

For example, one of the most interesting developments in LPM is the application of "Agile" approaches. In the traditional approach to project management, you start by creating a plan, including deliverables, deadlines and budgets, and then work your way to the end, one sequential step at a time. In contrast, Agile takes a more flexible approach to managing projects by constantly reviewing priorities and a team's ability to respond to change rather than sticking to a rigid plan created before the work began.

Agile first emerged in software development, but it can be extremely useful in managing legal matters where deadlines, tasks, and even goals change frequently. Planning at the outset of every engagement remains important, but the ability to reprioritize tasks as further information becomes available is often critical to the success of legal matters. If you don't know whether a case will be in court for years or settle tomorrow, a static plan simply will not work. Agile speeds up the change process with an iterative approach that seeks client feedback more quickly and uses it to maximize client value.

According to Jeff Sutherland, one of the founders of the movement:

> [Agile is] based on a simple idea: whenever you start a project, see if what you're doing is heading in the right direction, and if it's actually what people want. And question whether there are any ways… of doing it better and faster. [13]

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[11] For background on the first six firms that are using these online tools and templates, see http://adverselling.typepad.com/how_law_firms_sell/2017/03/six-law-firms-take-legal-project-management-just-in-time-training-to-the-next-level.html

[12] www.legalbizdev.com/projectmanagement

[13] Sutherland, Jeff and Sutherland, J.J. *Scrum: The Art of Doing Twice the Work in Half the Time* USA, Crown Publishing, 2014, p. 9

Some of the tips Sutherland offers in his book *Scrum: The Art of Doing Twice the Work in Half the Time* run counter to the way lawyers have been trained to proceed. However, these tips can save an enormous amount of time in rapidly changing legal matters. To give you a sense of how Agile works, here are a few suggestions quoted from Sutherland's book:

- Fail fast so you can fix early. Working… in short cycles allows early user feedback and you can immediately eliminate what is obviously wasteful effort.

- Planning is useful. Blindly following plans is stupid. It's just so tempting to draw up endless charts… but when detailed plans meet reality, they fall apart. Build into your working method the assumption of change, discovery, and new ideas.

- Don't guess… Plan what you're going to do. Do it. Check whether it did what you wanted. Act on that and change how you're doing things. Repeat in regular cycles and… achieve continuous improvement.

- Small teams get work done faster than big teams. Data shows that if you have more than nine people on a team, their velocity slows down… More resources make the team go slower.

- All the work being done… has to be transparent to everyone. If the team gets too big, the ability of everyone to communicate with everyone else, all the time, gets muddled… Meetings that took minutes now take hours.

- Give teams the freedom to make decisions on how to take action… The ability to improvise will make all the difference.

We predict that Agile will transform LPM over the next few years. Whether our prediction is correct or not, there is no doubt that LPM will require continuous improvement as the legal marketplace evolves.

To this day, some law firms are trying to identify a complete LPM solution before they take the first step. A committee is formed, monthly meetings are held and delayed, and months or years are devoted to analysis and debate before anyone actually does anything.

But the simple fact is that no one can possibly know what LPM will look like in ten years, or even in two years, because the legal profession is changing so rapidly.

Keeping up with these changes will require constant attention and management support. As a senior executive from one AmLaw 200 firm summed it up in our book *Client Value and Law Firm Profitability*:

> I think that [LPM] will require a lot of work, and daily support from the top, not just lip service from the partner team twice a year.[14]

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[14] Hassett, *Client Value*, 192

About the authors

Jim Hassett is the Chairman and founder of LegalBizDev, which helps law firms increase profitability by improving project management, business development, and alternative fees. Before he started working with lawyers, Jim had 20 years of experience as a sales trainer and consultant to companies from American Express to Zurich Financial Services. He is the author of 13 books, including the *Legal Project Management Quick Reference Guide*; *Legal Project Management, Pricing, and Alternative Fee Arrangements*; *Client Value and Law Firm Profitability*; and the *Legal Business Development Quick Reference Guide*. He has also published more than 80 articles in the *New York Times Magazine*; *Bloomberg Law*; *Of Counsel*; *Legal Management*; *Strategies: The Journal of Legal Marketing*; and other publications. Jim has spoken frequently at law firms and at bar associations (including the New York City Bar, the New York State Bar, and the Massachusetts Bar), Harvard Law School; the Association of Corporate Counsel; the Defense Research Institute; the Ark Group; at the P3 conference; and at Legal Marketing Association meetings in Boston, New York, Philadelphia, Washington, Savannah, and Vancouver. He has conducted webinars through the Ark Group; West LegalEdcenter; the National Law Journal; The International Lawyers Network; TAG Academy; and the Legal Marketing Association. Jim writes the blog "Legal Business Development" which was featured at the ABA TECHSHOW (in its list of "60 Sites: Latest and Greatest Internet Hits") and by TechnoLawyer (in its list of "the most influential legal blogs" in BlawgWorld). He received his Ph.D. in psychology from Harvard University.

Tim Batdorf is LegalBizDev's Chief Executive Officer and manages the day-to-day operations of all coaching and training programs. After earning his JD at DePaul University College of Law and an LLM in Taxation from the University of Miami School of Law, Tim worked for a prominent Michigan law firm and later formed a solo law practice. At LegalBizDev, Tim has been certified to coach lawyers in both legal project management and business development, and he has supervised numerous coaching programs conducted by other LegalBizDev coaches. Tim is a contributing author of the *Legal Project Management Quick Reference Guide*, and for the last several years he has worked closely with Jim Hassett to ensure the overall quality of LegalBizDev coaching programs and to develop new and innovative products and services.

About LegalBizDev

LegalBizDev helps law firms increase client satisfaction and profitability. We literally wrote the books that helped start the legal project management movement, and are also widely recognized as leaders in legal business development.

While many competitors offer educational programs in these important areas, only LegalBizDev has developed proprietary processes to help lawyers change their behavior. LegalBizDev offers coaching, webinars, workshops, publications, and more to help each lawyer identify the action items that are most likely to produce immediate and practical results for their practice, their personality, and their schedule.

Through a strategic alliance with Altman Weil, we also offer clients a broad range of management consulting services in related areas, including strategic planning, practice group management, client surveys and custom benchmarking, lawyer compensation systems, marketing strategy, and much more.

LegalBizDev has developed and delivered award winning training since 1985. For more information, visit our web page at www.legalbizdev.com or contact us today to discuss the best way to meet your unique needs.

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