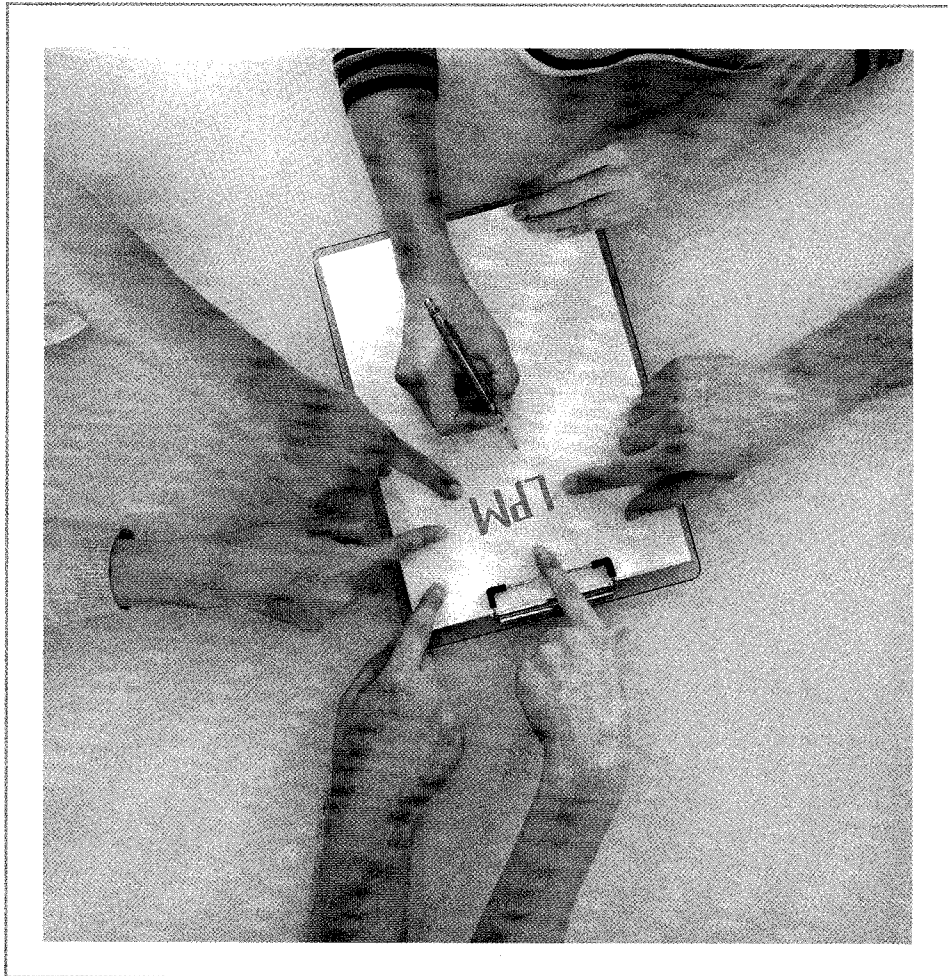


Legal Project Management for Law Librarians

Are you on board?

By Ted Tjaden



Although project management has been used in most industries for some time now, only recently has it come to the forefront in the legal community, driven primarily by a desire for lawyers to meet client demand for better value and legal fee certainty.

This demand now requires that law firms plan and manage their files more effectively, predict legal cost more accurately, and better monitor and communicate activities on client matters. For law librarians, legal project management (LPM) presents a huge opportunity to leverage our skills for the benefit of our organizations and clients. In fact, there are a number of areas—eight of which I will outline—where law librarians can support and get involved with LPM.

Before outlining these opportunities for law librarians, however, it may first be useful to define LPM and better understand some of its unique terminology and concepts, including terms such as six sigma, “lean” six sigma, legal process improvement, and alternative fee arrangements.

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What is LPM?

Simply put, as stated by Stephen Levy in his book *Legal Project Management: Control Costs, Meet Schedules, Manage Risks, and Maintain Sanity*, legal project management is “the application of the concepts of project management to legal cases.” This, of course, begs the question: what is project management? In simple terms, project management involves a structured approach to managing large projects, such as building a skyscraper or designing and launching a new product, on schedule and on budget. Wikipedia defines project management as “the discipline of planning, organizing, securing, and managing resources to bring about the successful completion of specific project goals and objectives.”

In a law firm setting, LPM usually involves bringing a more disciplined approach to the following four phases of a typical retainer.

Scope of the retainer/budget:

Lawyers should work with their clients at the start of the retainer to establish a clear scope of activities: what will the law firm be doing (or not doing), how much will it cost, and what is the expected schedule? It is also useful to identify the risks that might impact the work being done (such as delays by third parties or unexpected developments that might expand the scope of the work).

Staffing and managing the work:

Lawyers also need to bring some discipline to appropriately staffing the work. To be done effectively, it helps if the firm has previously “process-mapped” the typical steps involved in the particular transaction (i.e., an IPO or defending a product-liability class action lawsuit) and knows which lawyers, paralegals, or staff can best be utilized in each step of the process.

Monitoring the work: It is equally important to monitor the work to ensure it is on budget and schedule. By necessity, this usually also requires good communication with the team and client.

Evaluating the work when the matter is completed: In many situations, lawyers (and sometimes clients) are simply too busy or tired to consider “after-action reviews.” However, these reviews can help improve processes and procedures, identify useful precedents and best practices, and help cement the lawyer-client relationship.

What is Six Sigma?

There is much discussion in LPM literature regarding six sigma, a statistical term used to describe a very high standard of a defect-free manufacturing process representing only 3.4 defects per million parts manufactured (99.99966 percent error free). Motorola is credited with first applying six sigma to its manufacturing process in 1986 to reduce defects in its assembly line, and many other companies have since adopted the process. What separates six sigma from other quality-improvement methods is its emphasis on a scientific/statistical approach to reviewing and improving workflow processes. It has developed into a fairly established industry with standards and training that sees qualified practitioners earning their Green Belts and Black Belts, rising up to the level of Master Black Belt and Champion.

What is Lean Six Sigma?

To the extent that even the most commoditized practice area of law does not come close to producing millions of identical widgets on a manufacturing assembly line, application of six sigma to the practice of law does not always make sense. As such, some firms, with Seyfarth Shaw LLP leading the way, have instead applied “lean” six sigma to their legal matters. Although the concept of “lean” in this context is quite variable, it generally places less emphasis on the statistical analysis and instead focuses on lean production methods, which look at every step in a process to remove those steps that don’t create value for the

Key LPM Resources

LPM books:

Boake, Barbara J. and Rick A. Kathuria. *Project Management for Lawyers*. London: Ark Group, 2011.

Hassett, Jim. *The Legal Project Management Quick Reference Guide: Tools and Templates to Increase Efficiency*. 2nd ed. Boston: LegalBizDev, 2011.

Lamb, Patrick J. *Alternative Fee Arrangements: Value Fees and the Changing Legal Market*. London: Ark Group, 2010.

Levy, Stephen B. *Legal Project Management: Control Costs, Meet Schedules, Manage Risks, and Maintain Sanity*. Seattle: DayPack Books, 2009.

Project Management Institute. *A Guide to the Project Management Body of Knowledge (PMBOK Guide)*. 4th ed. Newtown Square, PA: Project Management Institute, 2008.

LPM articles/blog posts:

Allan, Barbara. “Juggling with Fast and Slow Time: Some of the Challenges of Project Management.” *Legal Information Management* 6 (2006): 251-255. doi: 10.1017/S1472669606000843.

Association of Corporate Counsel. *ACC Value Challenge*. www.acc.com/valuechallenge/index.cfm.

SLAW blog (slaw.ca). SLAW has a number of good posts dealing with LPM—see tinyurl.com/slaw-lpm.

Watson, Carol A. “Project Management – A Law Librarian Survival Skill” LLRX.com (December 22, 2009). www.llrx.com/features/projectmanagement.htm.

LPM websites/blogs

Paul C. Easton, Legal Project Management blog: legalprojectmanagement.info

Jim Hassett, Legal Business Development blog: www.legalbizdev.com/blog.html

Steven B. Levy, Lexician blog: lexician.com/lexblog

Project Management Institute: www.pmi.org

client. Although many lawyers like to think of themselves as specialized artisans and that every deal is unique, there are a surprising number of common steps in many retainers. By mapping out these steps, it is usually possible to identify ways the process can be improved.

budget but gets a bonus if it completes the work under budget or where the client gets a discount if the work goes over budget (an approach that requires some sharing of risks). To be able to offer AFAs, law firms will need better control over the way they manage their files in order to bring more predictability and

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Legal Process Improvement

The term legal process improvement (LPI) is broad enough to encompass six sigma or lean six sigma since each has the goal of looking at the steps involved in a particular matter and finding better ways of adding value by reducing unnecessary steps in the process or implementing more efficient or effective ways of doing things. In many situations, LPM and LPI are initiated together since they are often interdependent.

For example, if you implement better project management (more control over your scheduling, for example) but are managing inefficient processes, you are not necessarily better off. Likewise, if you have more efficient processes but are lackadaisical in how you schedule, budget, and monitor a project, you are not necessarily saving money or providing value. It is therefore important that LPM and LPI be considered in tandem.

Alternative Fee Arrangements

Invariably, discussion of LPM involves discussion of alternative fee arrangements (AFAs) since a driving force behind LPM is clients' demand for more certainty and transparency in the legal fees they must pay. Although many law firms continue to bill by the hour, clients and firms increasingly are exploring alternative methods of paying for legal services. Jim Hassett in *The Legal Project Management Quick Reference Guide: Tools and Templates to Increase Efficiency (2nd Edition)* has identified a number of types of AFAs used in AmLaw 100 firms, such as fee caps where the firm will not bill beyond a certain agreed upon amount (with the firm taking the risk if more work is required) or risk collars where the firm bills by the hour based on an estimated

certainty to the steps that need to be taken. LPM goes a long way toward supporting this goal.

Eight Possible Roles for Law Librarians in LPM

If LPM represents the new way to practice law, what roles can law librarians play?

1 Education/current awareness:

To the extent your firm may be in the early stages of formally adopting LPM into its daily workflow, an obvious starting point for law librarian involvement is to monitor and acquire relevant literature and to provide LPM current awareness to the firm's management or the other persons involved in the firm's project-management initiatives. (See page 15 for a list of key LPM resources.)

2 Requests for proposals (RFPs):

Most law firms will readily admit that the process for RFPs when bidding on work for clients is often more chaotic than it needs to be. In many situations, lawyers are too busy to spend much time tracking down the information needed to bid on new work. By working with lawyers and the marketing department, law librarians are often in a good position to help harvest, organize, and manage the firm's RFPs and to recycle information from past RFPs when bidding on new work. Increasingly, many clients will require that law firms include their LPM and knowledge-management capabilities in the RFP documentation the firm submits to get those clients' work. To the extent that this is client-facing work, it can be strategic for libraries to get involved.

3 **Checklists:** Almost every large project for a client—whether a major lawsuit or a large “deal”—will involve multiple steps or stages that will benefit from a managed approach, whether previously broken down in a formal way (through the “work breakdown structure” I described) or mapped out fresh for the particular matter. The library/knowledge-management department is the natural keeper of checklists and other best-practices documents. Work with your practice groups to harvest, annotate, organize, and update the checklists they use for large deals.

4 **Precedents/research:** Ideally, for large projects that the firm does repeatedly (such as trademark applications, the share-purchase of a business, or defense of motor vehicle accidents), your checklists or project tasks will be annotated with the key documents that are used for each step, accessible by clicking on a link to the relevant documents embedded in the task list. Stated differently, an ideal practice is to build precedents into your project task lists. This saves time for lawyers, helps ensure consistency and quality control, and leads to cost savings in the long run.

5 **LPM software/training:** Within the law firm, as between busy practicing lawyers and overworked technology staff, law librarians are often well poised to evaluate and recommend LPM software and be involved in the firm's LPM training programs.

6 **Electronic-discovery support:** Mandatory e-discovery creates opportunities for law librarians. To the extent that the e-discovery involved in most large lawsuits involves multiple steps and a large body of documents, e-discovery will benefit from the structure imposed by LPM principles. Law librarians will often have the most expertise within the law firm when it comes to full-text searching and evaluating the various search systems that law firms may wish to consider when conducting e-discovery “search” for the “smoking gun” within a large body of documents.

7 **After-action reviews:** An important aspect of LPM briefly discussed earlier is the need for follow-up: How well did the firm stick to the plan? How did the client perceive the work done by the firm? Unfortunately, the reality in many situations is that

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Following are some helpful LibGuides links:

LibGuides:
www.springshare.com/libguides

LibGuides Community:
libguides.com/community.php?m=&ref=libguides.com

The Springshare Lounge:
springsharerlounge.com

Drake Law Library's *Starting a Law Practice*:
libguides.law.drake.edu/startAFirm

UCLA Law Library's *Mobile Applications for Law Students and Lawyers*: libguides.law.ucla.edu/mobilelegalapps

Tarlton Law Library's *Federal Legislative History Research*:
tarltonguides.law.utexas.edu/federal-legislative-history

Tarlton Law Library's *Legal Research Process*:
tarltonguides.law.utexas.edu/legal-research-process

Georgia State University College of Law Library's LibGuides:
libguides.law.gsu.edu

Tarlton Law Library's *Resources for UT Law Students*: tarltonguides.law.utexas.edu/student-resources

research guides. They also had some work product they could point to and a resource they could refer to in the future. Down the road, subsequent classes could create subject-specific pathfinders in the vein of Nancy Johnson's courses at Georgia State University.

Web Content Management

LibGuides has provided us relief from some of the challenges in keeping our web content current. Earlier this year, we took a portion of Tarlton's website, the Resources for Law Students pages, and quickly transferred, updated, and reorganized the content into a LibGuide in time for fall orientation. This has simplified the process of adding and removing items as events come and go. A portion of our website that once required the work of two people now only requires one.

Next Steps

We want to stay abreast of new legal research guides and new ways to use LibGuides. How can LibGuides users find such information? The LibGuides Community site is one avenue, serving as a portal to *published* guides across institutions. LibGuides also provides mechanisms to send registrants email or RSS notifications when new content is published. However, these options lack efficiency; people must either actively seek out new content or create multiple individual notification subscriptions to stay current about LibGuides developments.

We envision an alternative, with the automatic aggregation of update notifications (whether email or RSS) from law libraries using LibGuides pulled into one web portal. Currently, the notification options in LibGuides do not seem to readily accommodate this strategy, but we suspect a third-party tool and some ingenuity could yield something promising.

The Springshare Lounge, a networking site for Springshare product users that was recently retooled to improve information sharing, seems an interesting venue to explore. This resource now includes groups in which micro-communities can discuss and share ideas. If we build a law libraries group there, will they come? Of course, a similar but more immediate strategy would be to solicit and share LibGuides news on established law library listservs.

As more law librarians use LibGuides, our hope is that we can all learn from one another. The proliferation of one research guide platform is creating a novel situation of law libraries being more interconnected than ever before in terms of our intellectual content. Research guides are only one aspect of our roles in legal research, but here's hoping we can work together to make the most of it. ■

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both the firm and the client may be too busy to conduct this follow-up. However, in many situations clients will appreciate the opportunity to provide feedback, and the information gathered can be invaluable in helping to avoid past mistakes or leverage best practices for future transactions. Because the lawyers at the firm will often already be moving on to the next deal, there is an opportunity for law librarians to wear their knowledge-management hats, sit on project-management teams, and help coordinate after-action reviews, whether in person or through the use of online surveys with the client.

8 Internal administrative projects: Although LPM is most often discussed in the context of client-facing initiatives, realize that the

principles of project management apply equally well to large, internal administrative projects. Such projects can include a wide variety of activities, ranging from the adoption of a new document-management system to figuring out improved workflow processes for vacation requests or expense-reimbursement forms. Or more directly: the tasks of merging a law library print collection or integrating library catalogues in a law firm merger are ripe to be formally managed as a project. To the extent that many of these administrative projects involve software components or relate to the way firm members interact with document-management or other systems, law librarians will often have useful skills to bring to such internal projects.

Get On Board

I have long felt that law librarians are underappreciated in their knowledge-management abilities (and have not been active enough in promoting their skills in that area). To the extent there is overlap of knowledge management and LPM relating to research, precedents, checklists, and technology, I also see a role for law librarians in supporting LPM. Given the importance of LPM, librarians should get involved. Are you on board? ■

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