

# Using Legal Project Management to be an Agile and Ethical Attorney



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## Goals for this class:

**Address the  
Front 5 Ethics  
Rules**

**Discuss the  
Basics of  
Project  
Management**

**Convince you  
to build a  
kanban board**

# About me...



## My Mission:

I help legal teams harness the tools of modern entrepreneurship to build more profitable, sustainable, and scalable practices for themselves and their communities.



# About you...



"In this era of 'becoming,' everyone becomes a newbie. Worse, we will be newbies forever. That should keep us humble.

That bears repeating. All of us—every one of us—will be endless newbies in the future simply trying to keep up. Endless Newbie is the new default for everyone, no matter your age or experience. Now we know: We are, and will remain, perpetual newbies."

–Kevin Kelly  
Founding Editor, *Wired* Magazine  
From his book, *The Inevitable:  
Understanding the 12 Technological Forces  
That Will Shape Our Future*





There's an entire universe of useful project management tools that lawyers miss due to nomenclature...

# What is Project Management?

A project is a temporary endeavor undertaken to create a unique product, service or result.

- A project is temporary in that it has a defined beginning and end in time, and therefore defined scope and resources.
- And a project is unique in that it is not a routine operation, but a specific set of operations designed to accomplish a singular goal.

<https://www.pmi.org/about/learn-about-pmi/what-is-project-management>



**Cases**  
**=**  
**Projects**



# Matters = Projects



## What is Project Management?

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# <sup>Legal</sup> What is ^ Project Management?

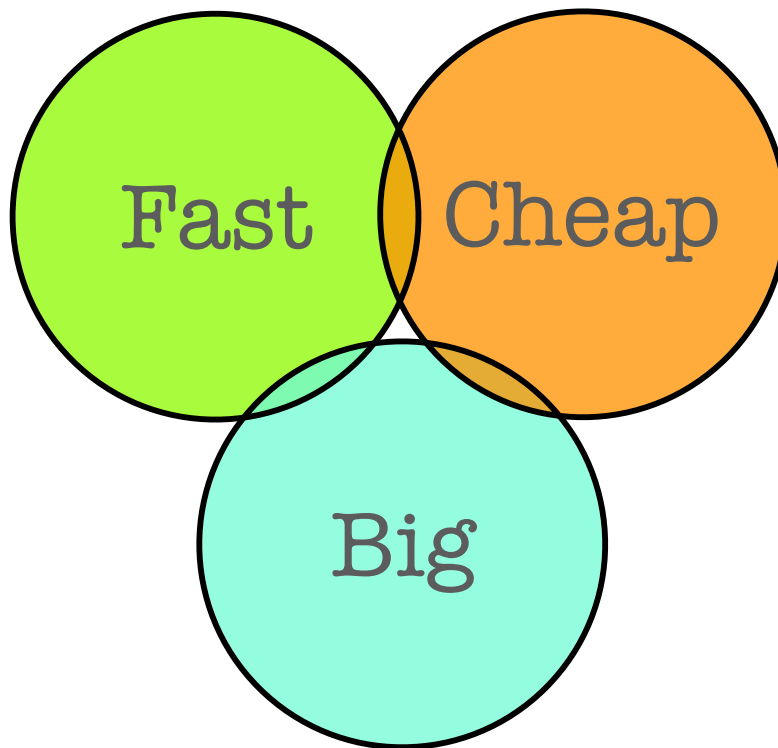
Legal Project Management is the practice of...

- Establishing goals & scope\* of work,
- Planning, budgeting, & delivering work, and
- Communicating with relevant people regarding progress and/or status of any of the above.

\*including limited scope representation

<https://www.pmi.org/about/learn-about-pmi/what-is-project-management>





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**WE OFFER 3 KINDS OF SERVICES**

**GOOD-CHEAP-FAST**

**BUT YOU CAN PICK ONLY TWO**

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**GOOD & CHEAP** WON'T BE **FAST**

**FAST & GOOD** WON'T BE **CHEAP**

**CHEAP & FAST** WON'T BE **GOOD**





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**The Power of Legal Project Management**

Author(s): David A Rueff Jr  
Susan Raridon Lambreth

Publisher(s): ABA Book Publishing

ISBN: 978-1-62722-462-8  
Product Code: 1620600  
2014, 571 pages, 7 x 10

This exhaustive reference will provide any lawyer with a complete and comprehensive review and discussion of legal project management (LPM), including the business case, the definitions and application, ethical considerations and the issues and constraints in implementation. You'll discover a simple, easy-to-use framework that can be applied from start to finish in any firm or practice area.

**Additional Information**

Table of Contents: 1620600\_toc.pdf  
The Power of Legal Project Management: A Practical Handbook

**Item Details:**

Legal project management (LPM) can be an effective approach to enhance planning, budgeting and more efficient delivery of an organization's legal services. Client demands, competition, and economic pressures now compel law firms to manage at the matter or project level. Improved project management...

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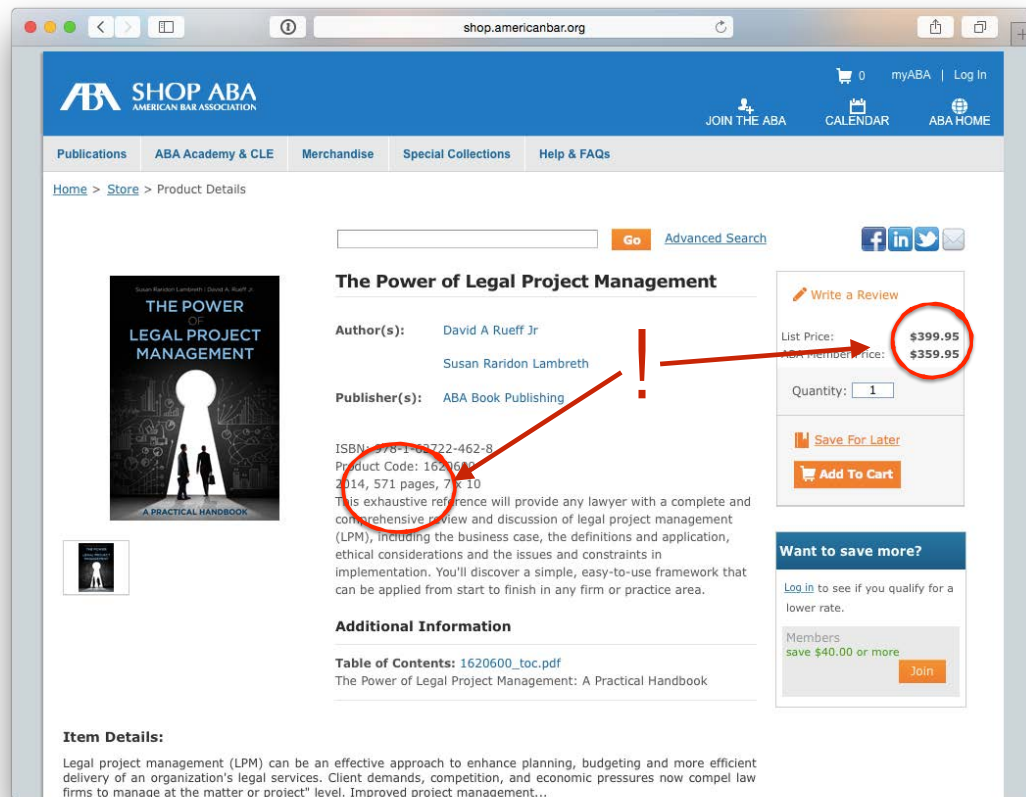
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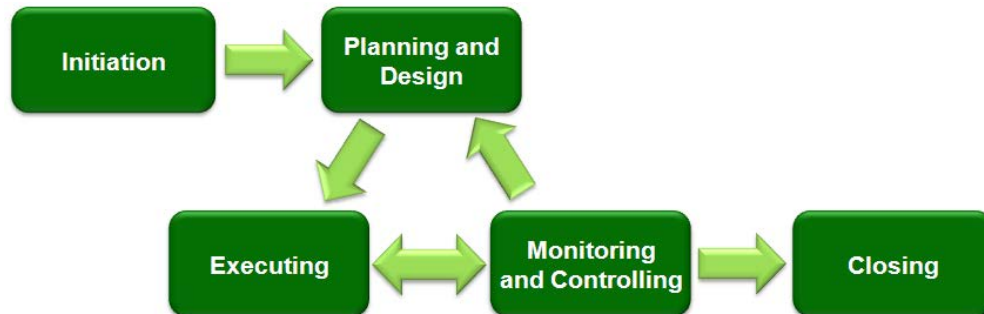
Agile Attorney CONSULTING



# Traditional Project Management Phases

- initiation
- planning and design
- execution and construction
- monitoring and controlling systems
- completion and finish point

# Project Management Phases



[https://en.wikipedia.org/wiki/Project\\_management](https://en.wikipedia.org/wiki/Project_management)



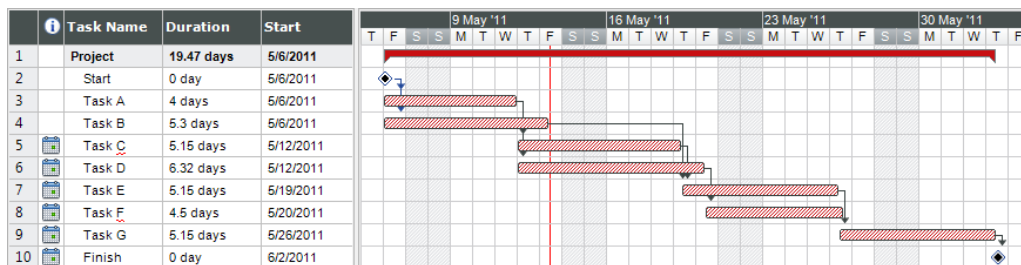
# Project Management Knowledge Areas

- Integration
- Scope
- Time
- Cost
- Quality
- Procurement
- Human resources
- Communications
- Risk management
- Stakeholder management

<https://www.pmi.org/about/learn-about-pmi/what-is-project-management>

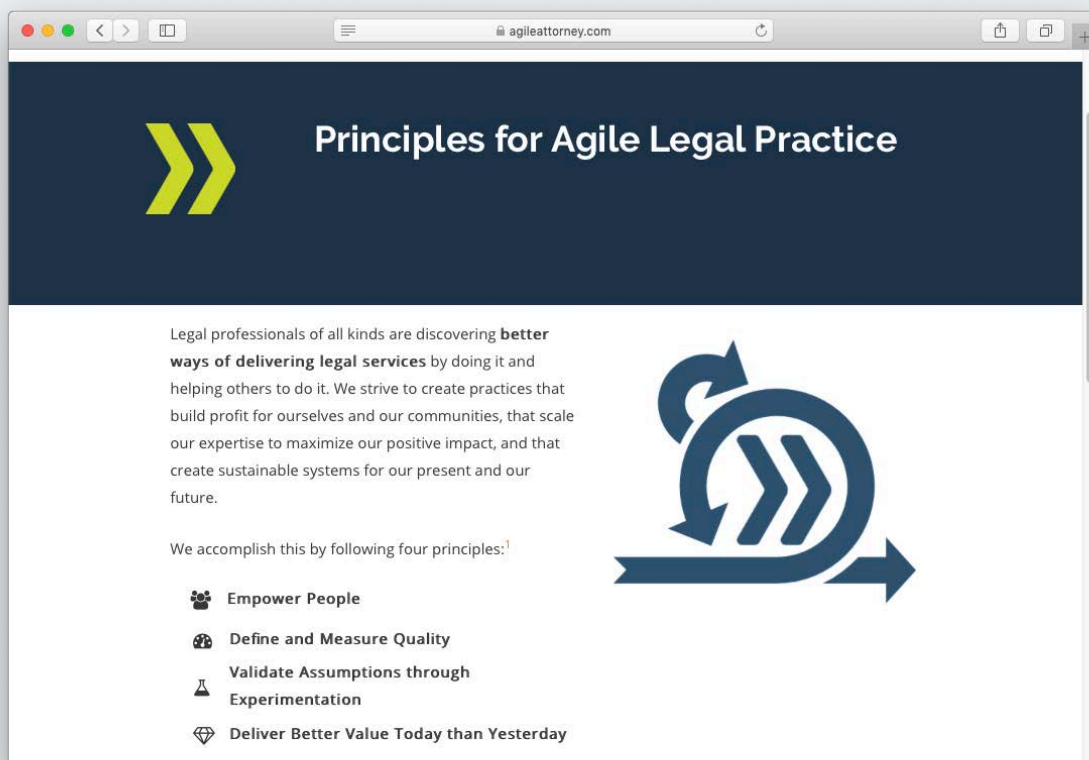
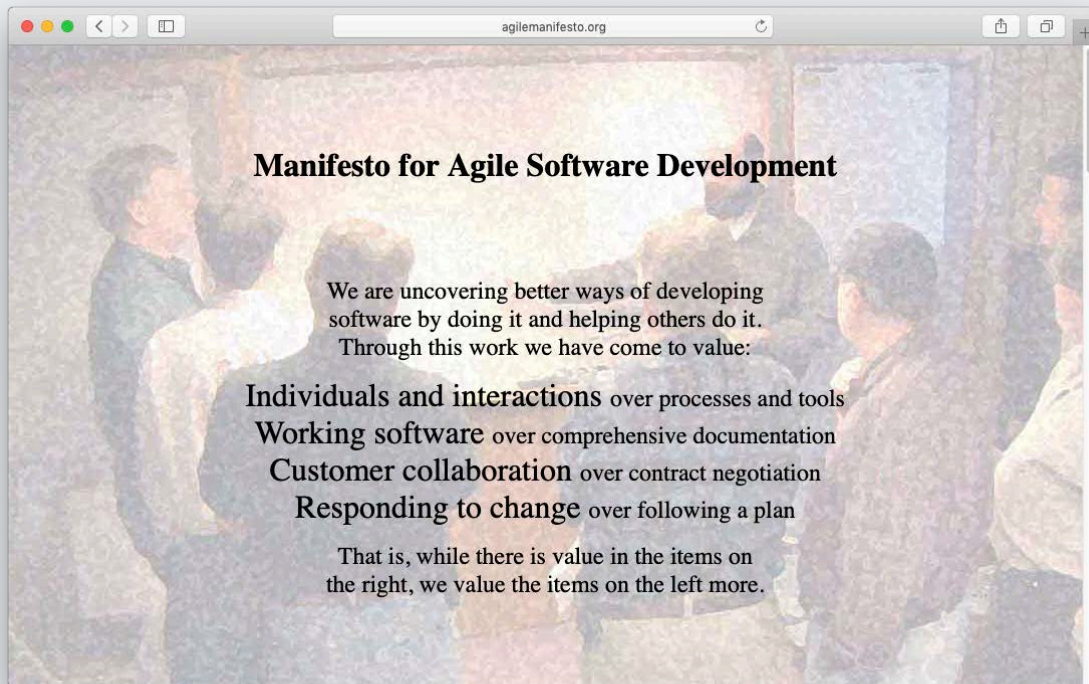


# Traditional (Waterfall) Project Management



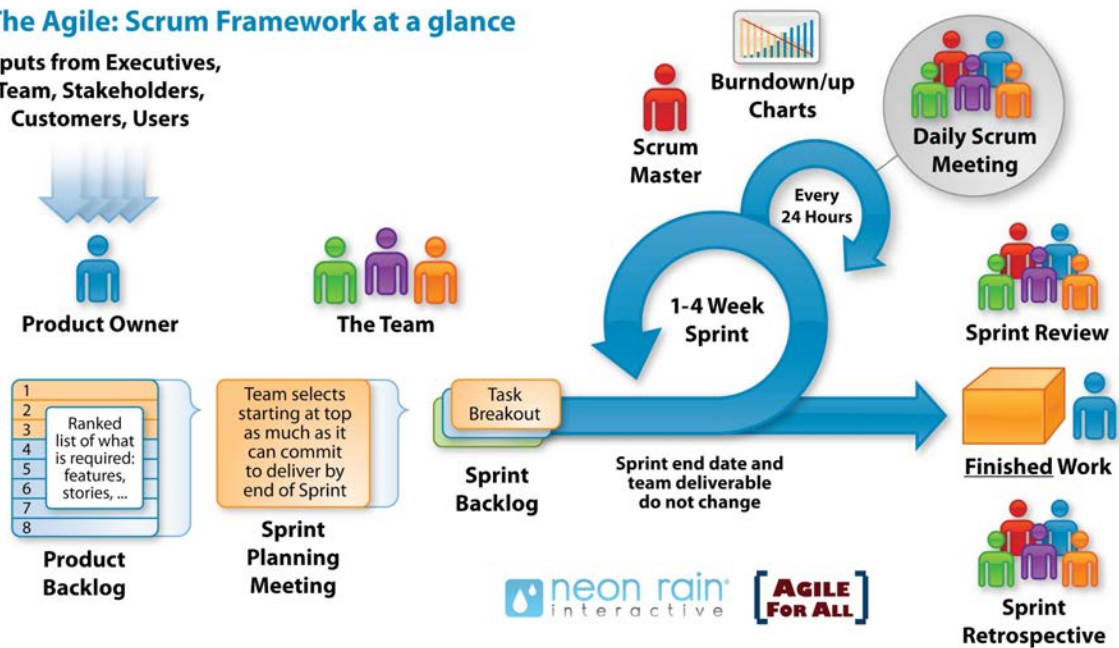






## The Agile: Scrum Framework at a glance

Inputs from Executives,  
Team, Stakeholders,  
Customers, Users



## Company Experience

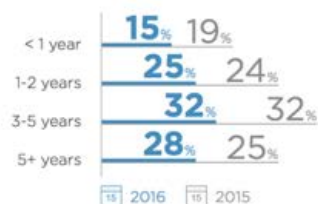
### HOW MANY?

**2016 94%**  
The percentage of respondents' organizations that practice agile



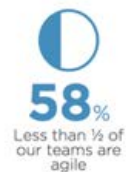
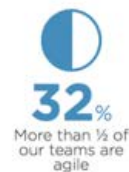
### HOW LONG?

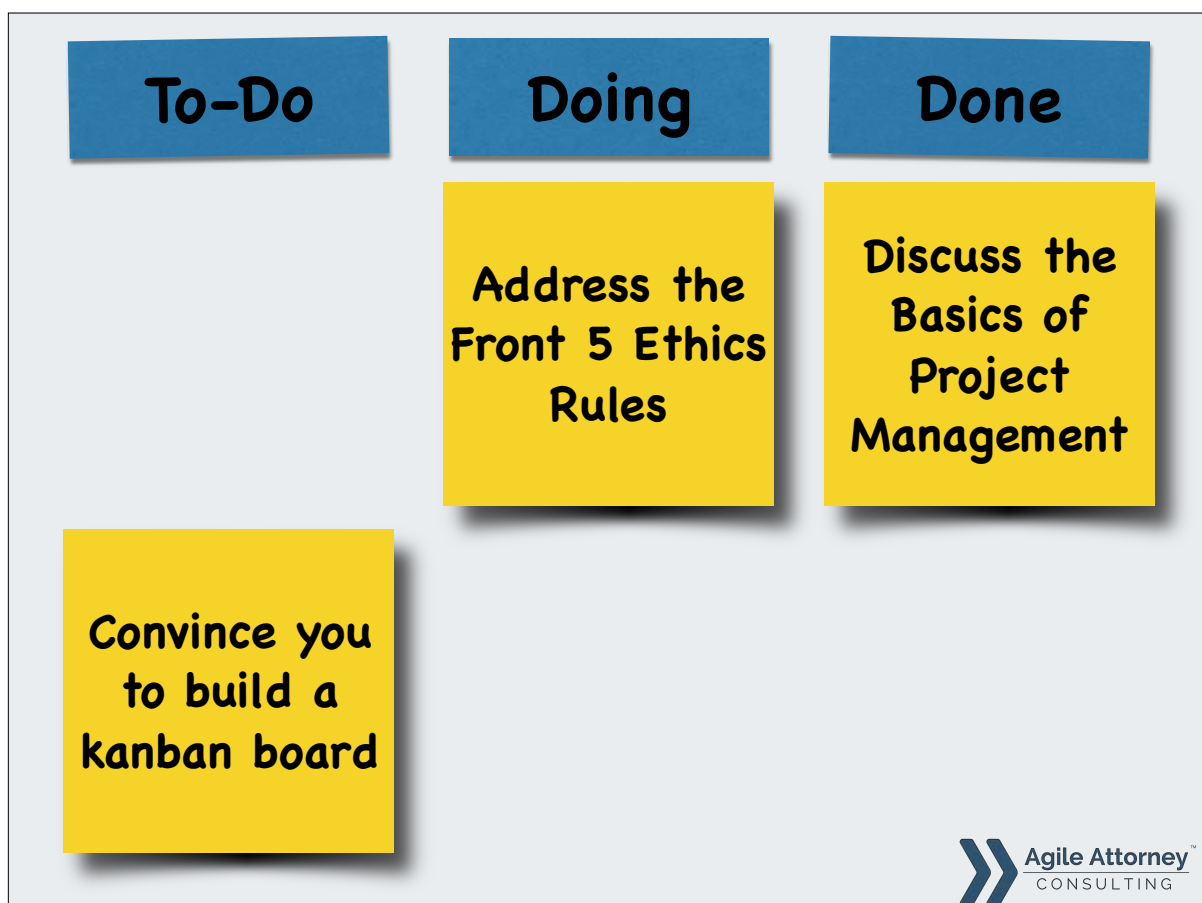
The length of time respondents' organizations have been practicing agile:



### Percentage of Teams Using Agile

60% of respondents stated less than half of teams in their organizations are using agile practices.







# The Front-5 Ethics Rules

## **RULE 1.1: COMPETENCE**

- Thoroughness and Preparation

## **RULE 1.2: SCOPE**

- Client's Objectives Control

## **RULE 1.3: DILIGENCE**

- Requires control over workload & timing

## **RULE 1.4: COMMUNICATION**

- Keep client informed

## **RULE 1.5: FEES AND EXPENSES**

- Manage client resources



# ABA Model Rules Preamble

**[4] In all professional functions a lawyer should be competent, prompt, diligent, and loyal. A lawyer should maintain communication with a client concerning the representation...**



# ORPC RULE 1.1: COMPETENCE

**A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.**



## ABA Model Rule 1.1, Comment 5

**Competent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem, and use of methods and procedures meeting the standards of competent practitioners. It also includes adequate preparation. The required attention and preparation are determined in part by what is at stake; major litigation and complex transactions ordinarily require more extensive treatment than matters of lesser complexity and consequence. An agreement between the lawyer and the client regarding the scope of the representation may limit the matters for which the lawyer is responsible. See Rule 1.2(c). The lawyer should consult with the client about the degree of thoroughness and the level of preparation required, as well as the estimated costs involved under the circumstances.**



# ORPC RULE 1.2: SCOPE OF REPRESENTATION

(a) Subject to paragraphs (b) and (c), a lawyer shall abide by a client's decisions concerning **the objectives of representation** and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued...



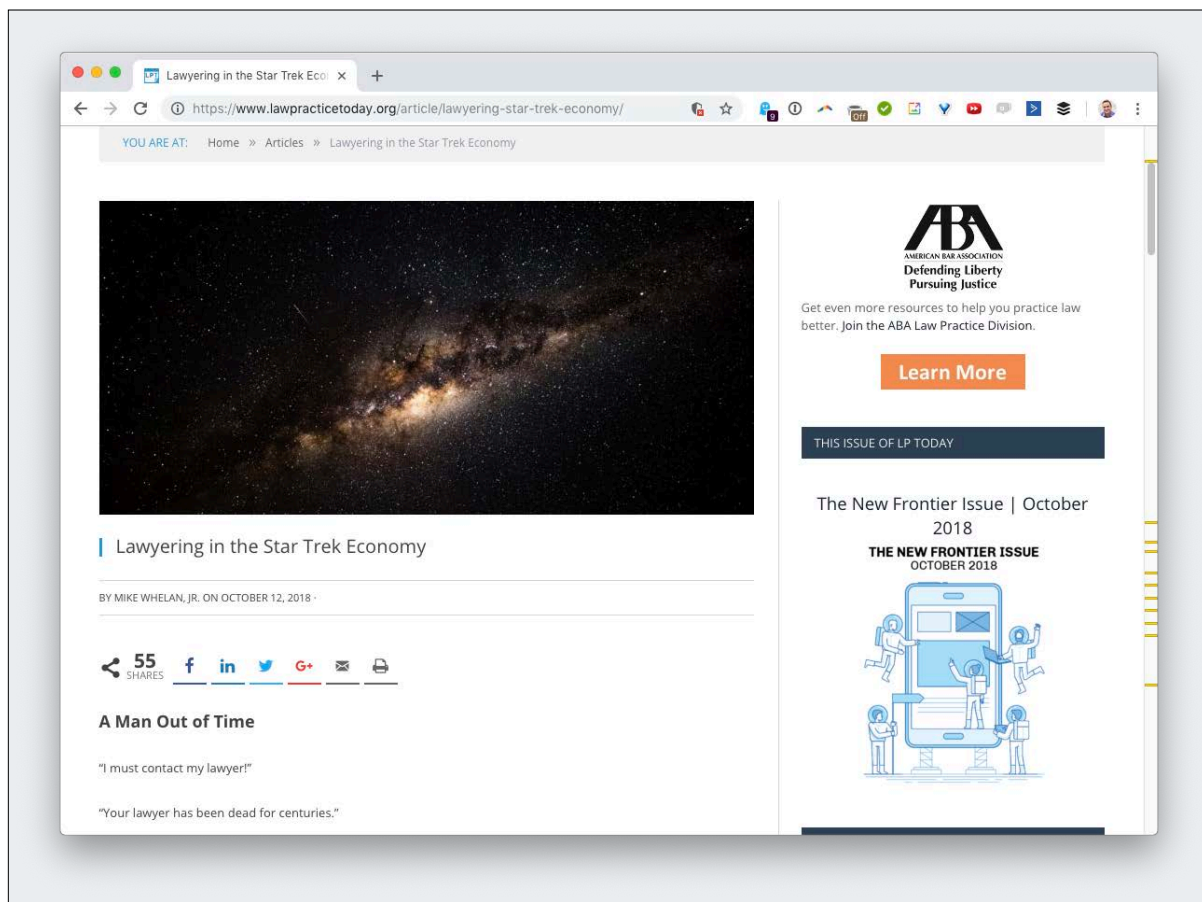
# UTCRC 5.170: LIMITED SCOPE REPRESENTATION

Notice of Limited Scope Representation.

When an attorney intends to appear in court on behalf of a party, the attorney shall file and serve, as soon as practicable, a Notice of Limited Scope Representation in substantially the form as set out on the Oregon Judicial Department website.



# Unbundled Legal Services



“We tend to think of legal services as a single deliverable product, rather than as a series of tasks that can be designed, delegated and managed.

We should see this legal supply chain as an asset. Instead, we're taught to churn cases, always only as good as our next closed consultation.

The solution is to simultaneously disaggregate the work and find ways to connect the people doing the work. The solution is to design a legal supply chain.”

—Mike Whelan Jr.  
“Lawyering in the Star Trek Economy”



## ORPC RULE 1.3: DILIGENCE

### Oregon

**A lawyer shall not neglect a legal matter entrusted to the lawyer.**

### ABA Model Rule

**A lawyer shall act with reasonable diligence and promptness in representing a client.**



## ABA Model Rule 1.3, Comment 2

**A lawyer must control the lawyer's work load so that each matter can be handled competently.**



## ABA Model Rule 1.3, Comment 3

**Delay and neglect are inconsistent with a lawyer's duty of diligence, undermine public confidence, and may prejudice a client's cause. Reasonable diligence and promptness are expected of a lawyer in handling all client matters and will be evaluated in light of all relevant circumstances...**



# **ABA Model Rule 1.3, Comment 5**

**To prevent neglect of client matters in the event of a sole practitioner's death or disability, the duty of diligence may require that each sole practitioner prepare a plan, in conformity with applicable rules, that designates another competent lawyer to review client files, notify each client of the lawyer's death or disability, and determine whether there is a need for immediate protective action.**



## **ORPC RULE 1.4: COMMUNICATION**

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information**
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.**



# **ABA Model Rule 1.4: COMMUNICATION**

**A lawyer shall:**

- (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent...;**
- (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;**
- (3) keep the client reasonably informed about the status of the matter;**
- (4) promptly comply with reasonable requests for information; and**
- (5) consult with the client about any relevant limitation on the lawyer's conduct....**



## **ABA Model Rule 1.4, Comment 1**

**Reasonable communication between the lawyer and the client is necessary for the client to participate effectively in the representation.**





# ABA Model Rule 1.4, Comment 4

**A lawyer's regular communication with clients will minimize the occasions on which a client will need to request information concerning the representation. ... A lawyer should promptly respond to or acknowledge client communications.**



## Top-10 Sources of Ethics Complaints

- |                              |                                  |
|------------------------------|----------------------------------|
| 1. Communication failures    | 6. Corporate conflicts           |
| 2. No termination letter     | 7. Undisclosed fee sharing       |
| 3. No written fee agreement  | 8. Ex-client investment partners |
| 4. Going it alone            | 9. Improper notarizing           |
| 5. Trust account mishandling | 10. Prohibited firm names        |

**“Ineffective communication  
is to blame for more than half of  
projects that fail to meet goals.”**

[http://www.pmi.org/~media/PDF/Knowledge%20Center/  
Communications\\_whitepaper\\_v2.ashx](http://www.pmi.org/~media/PDF/Knowledge%20Center/Communications_whitepaper_v2.ashx)



## **ORPC RULE 1.4: FEES**

**(a) A lawyer shall not enter into an  
agreement for, charge or collect an illegal  
or clearly excessive fee or a clearly  
excessive amount for expenses.**



# ORPC RULE 1.4: FEES

**(b) A fee is clearly excessive when, after a review of the facts, a lawyer of ordinary prudence would be left with a definite and firm conviction that the fee is in excess of a reasonable fee. Factors to be considered as guides in determining the reasonableness of a fee include the following:**



## Reasonableness Factors

(1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;

(2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;

(3) the fee customarily charged in the locality for similar legal services;

(4) the amount involved and the results obtained;

(5) the time limitations imposed by the client or by the circumstances;

(6) the nature and length of the professional relationship with the client;

(7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and

(8) whether the fee is fixed or contingent.



# FORMAL OPINION NO 2005-151: FIXED FEES

The mere fact that a fixed fee may result in a fee in excess of a reasonable hourly rate does not in itself make the fee unethical. *In re Gastineau*, 317 Or 545, 552, 857 P2d 136 (1993).

On the other hand, “[t]he disjunctive use of the word ‘collect’ means that the excessiveness of the fee may be determined after the services have been rendered, as well as at the time the employment began.” *In re Gastineau*, 317 Or at 550-51;



## The Front-5 Ethics Rules

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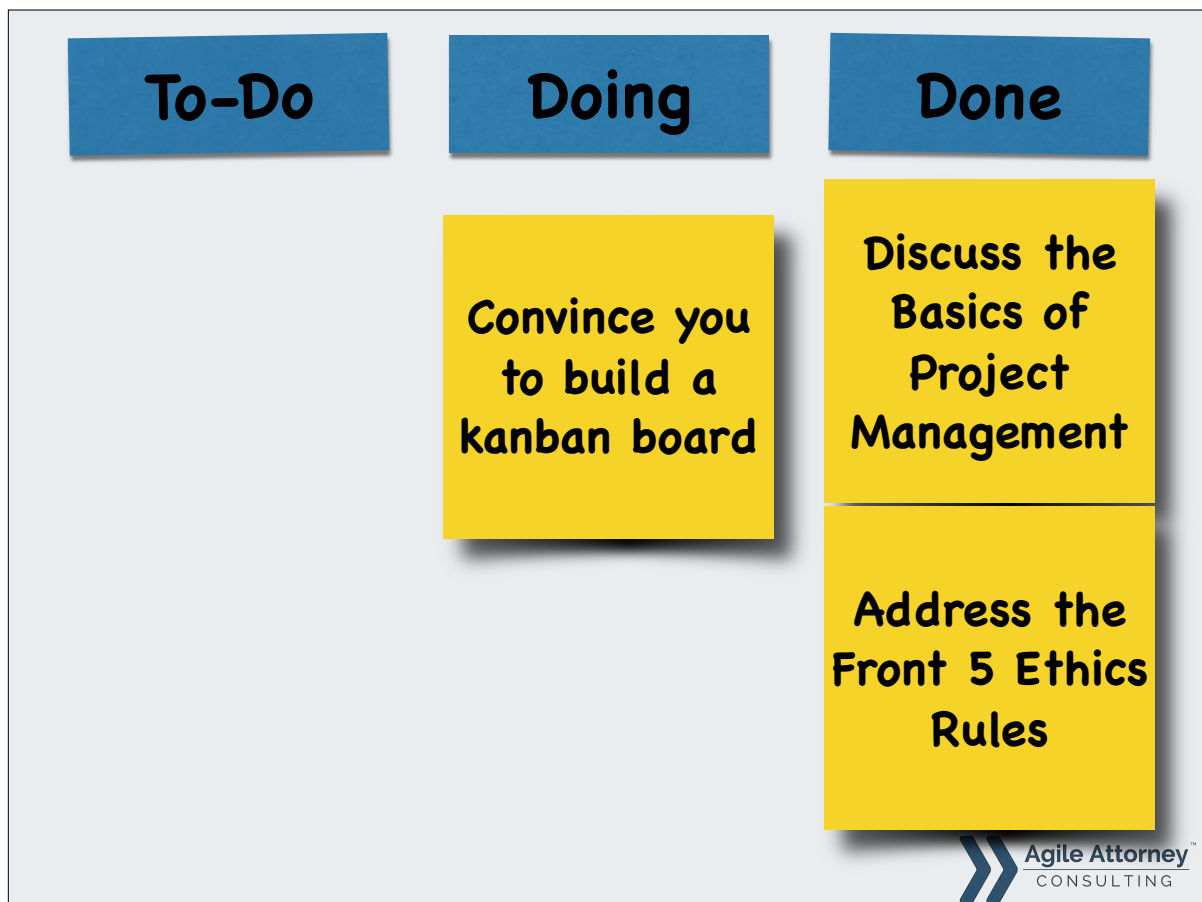
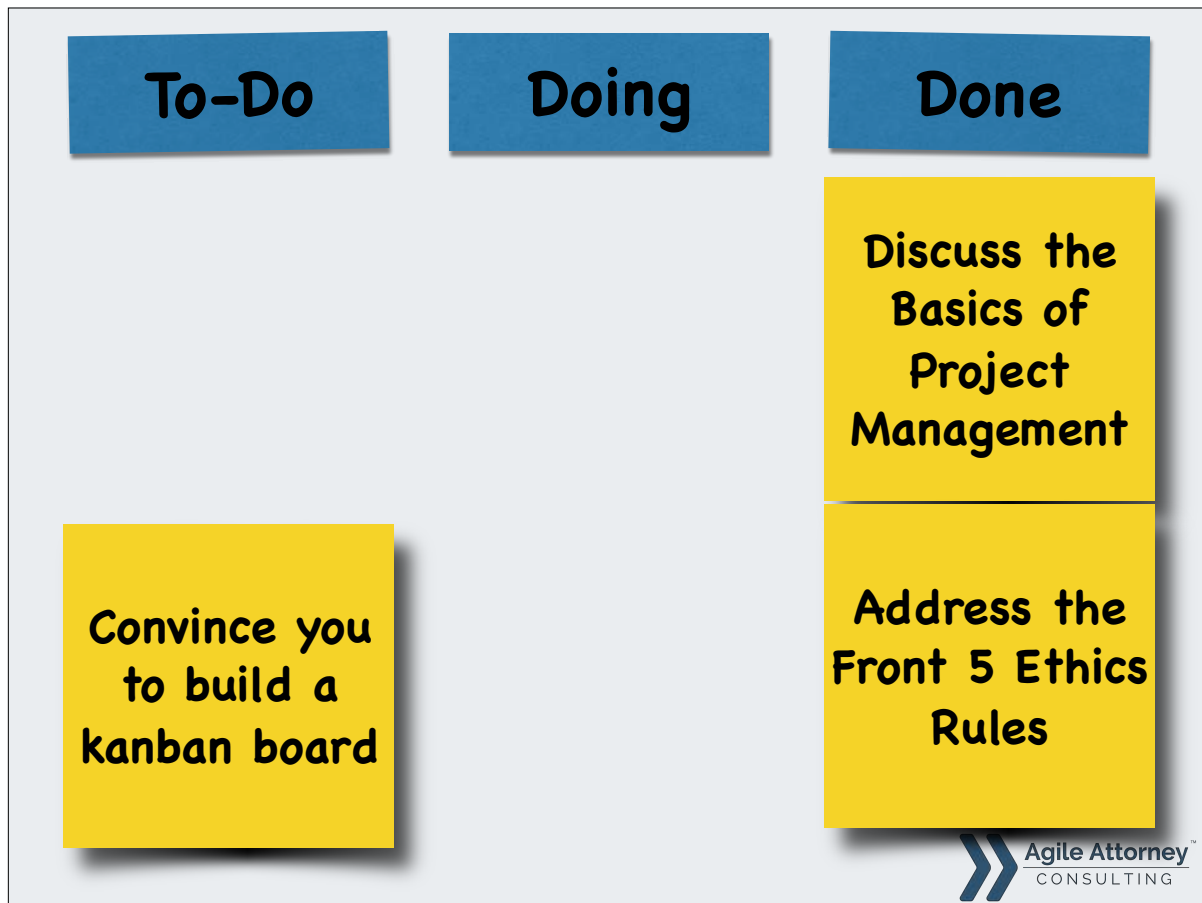
### **RULE 1.4: COMMUNICATION**

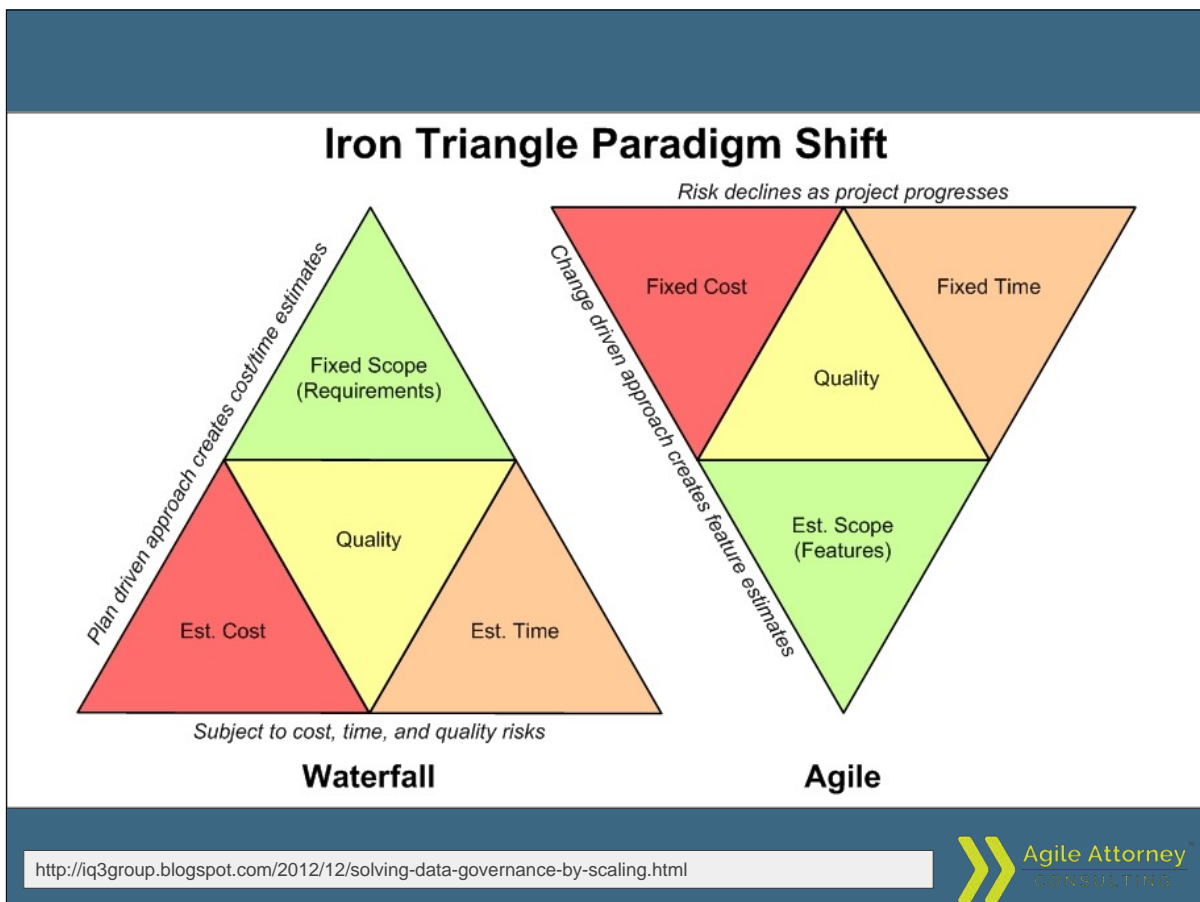
- Keep client informed

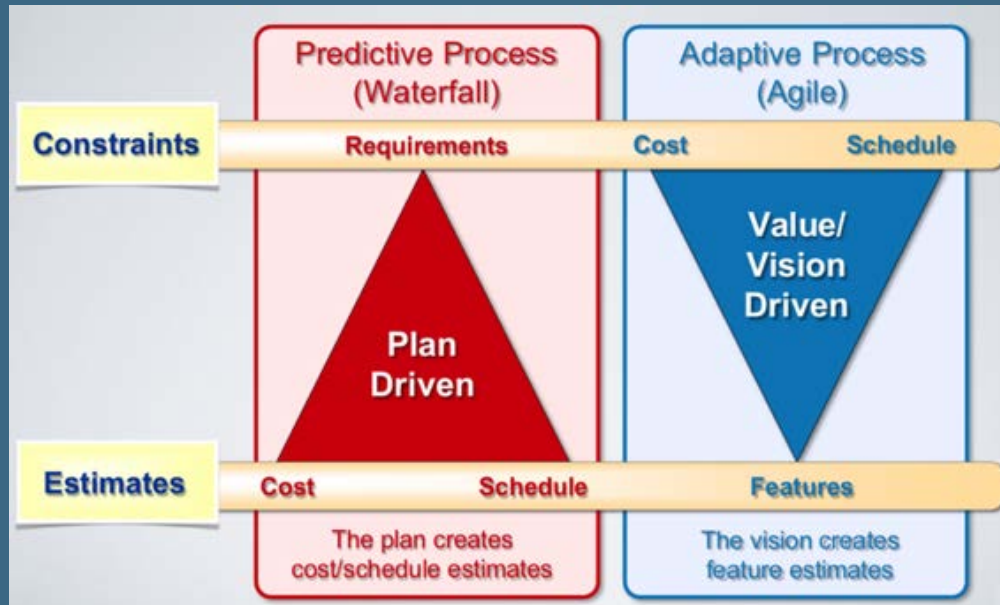
### **RULE 1.5: FEES AND EXPENSES**

- Manage client resources







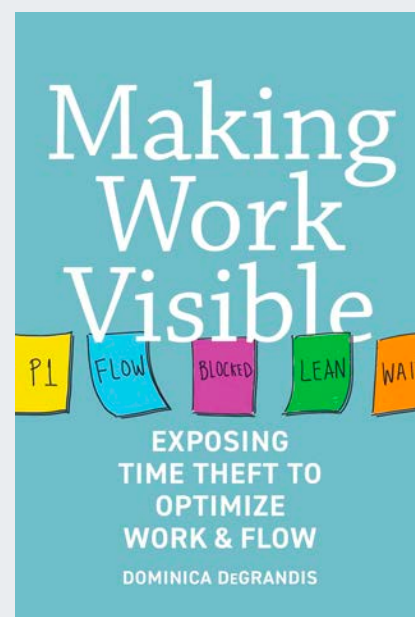


<http://iq3group.blogspot.com/2012/12/solving-data-governance-by-scaling.html>



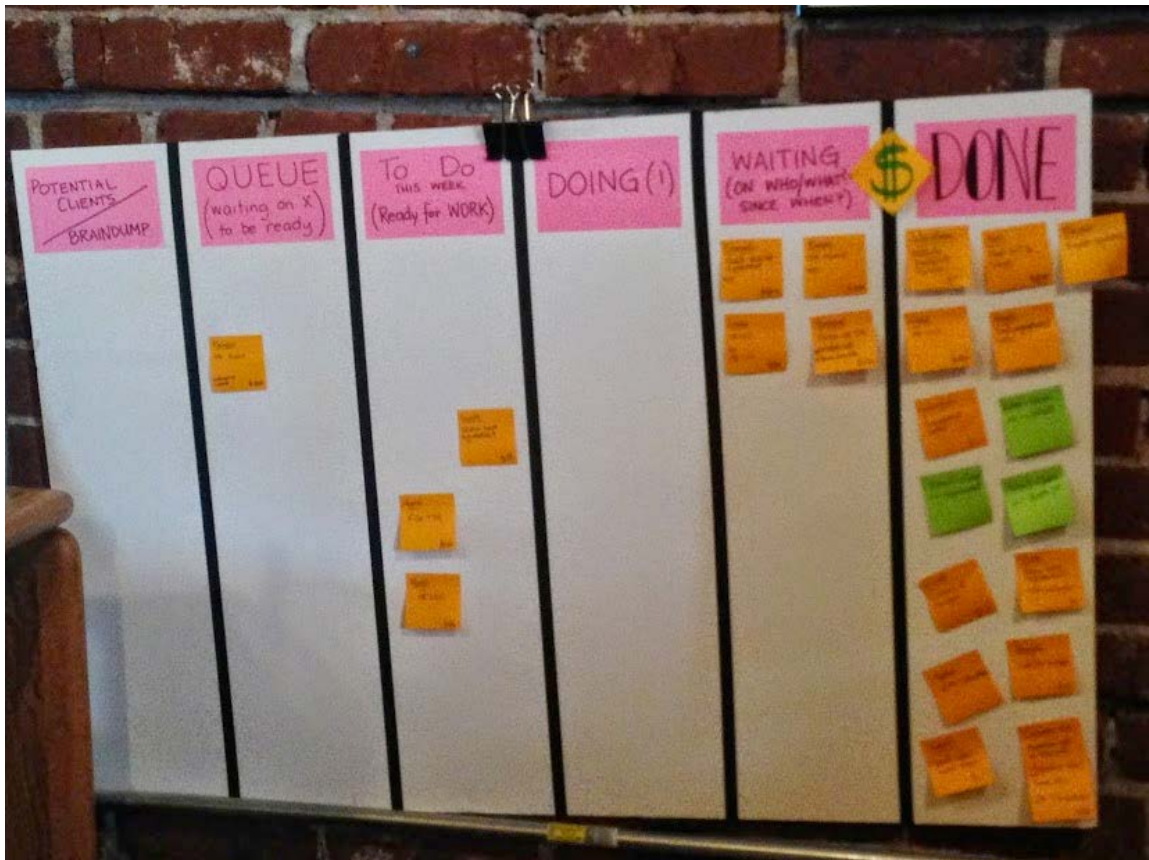
## 5 Steps of Kanban

- Make the work (& workflow) visible
- Limit Work In Progress (WIP)
- Make Policies Explicit
- Measure & Manage Flow
- Improve, Iteratively, with Data





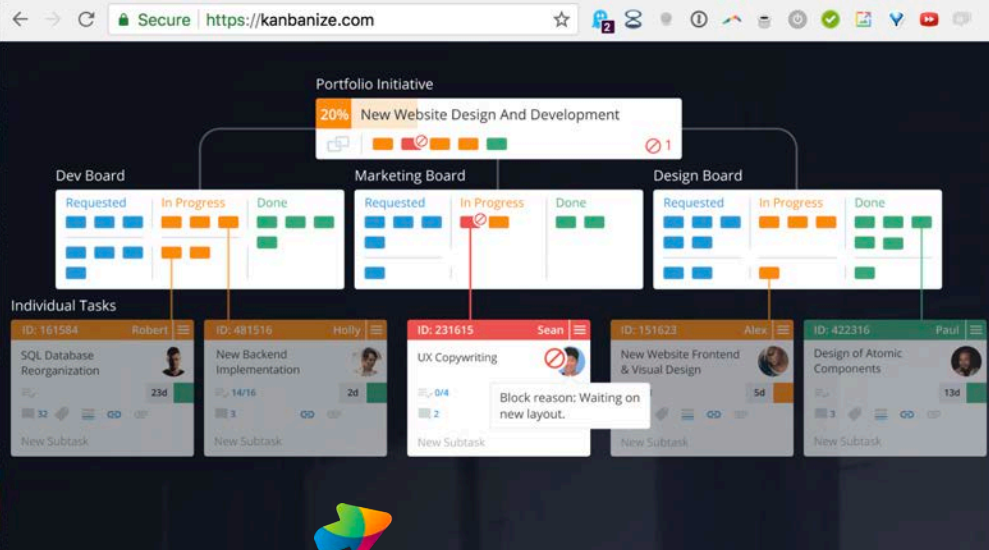
I have seen the  
future of law  
practice, and it looks  
like...











Portfolio Initiative

20% New Website Design And Development

Dev Board

Marketing Board

Design Board

Individual Tasks

ID: 161584 Robert SQL Database Reorganization

ID: 481516 Holly New Backend Implementation

ID: 231615 Sean UX Copywriting

ID: 151623 Alex New Website Frontend & Visual Design

ID: 422316 Paul Design of Atomic Components

Block reason: Waiting on new layout.

kanbanize

## Why Kanban Software?

You need the BIG picture of what's going on across your organization. You want a predictable workflow and up to 3x FASTER delivery to market. There is NO TIME TO WASTE on status reporting and tracking down dependencies.

# Benefits of Kanban

- Visual Systems keep work organized and status easily accessible.
- “Definition of Done” policies document quality standards and increase consistency.
- WIP Limits force acknowledgement of capacity and help prevent overburden.
- Increases to the Flow of work help increase capacity while maintaining high quality standards.
- Queue and/or Waiting columns help manage external dependencies.

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**To-Do**

**Doing**

**Done**

**Convince you  
to build a  
kanban board**

**Discuss the  
Basics of  
Project  
Management**

**Address the  
Front 5 Ethics  
Rules**



# Productivity Kanban (aka Personal Kanban)

**Backlog**

**Queue**

**To-Do**

**Doing**

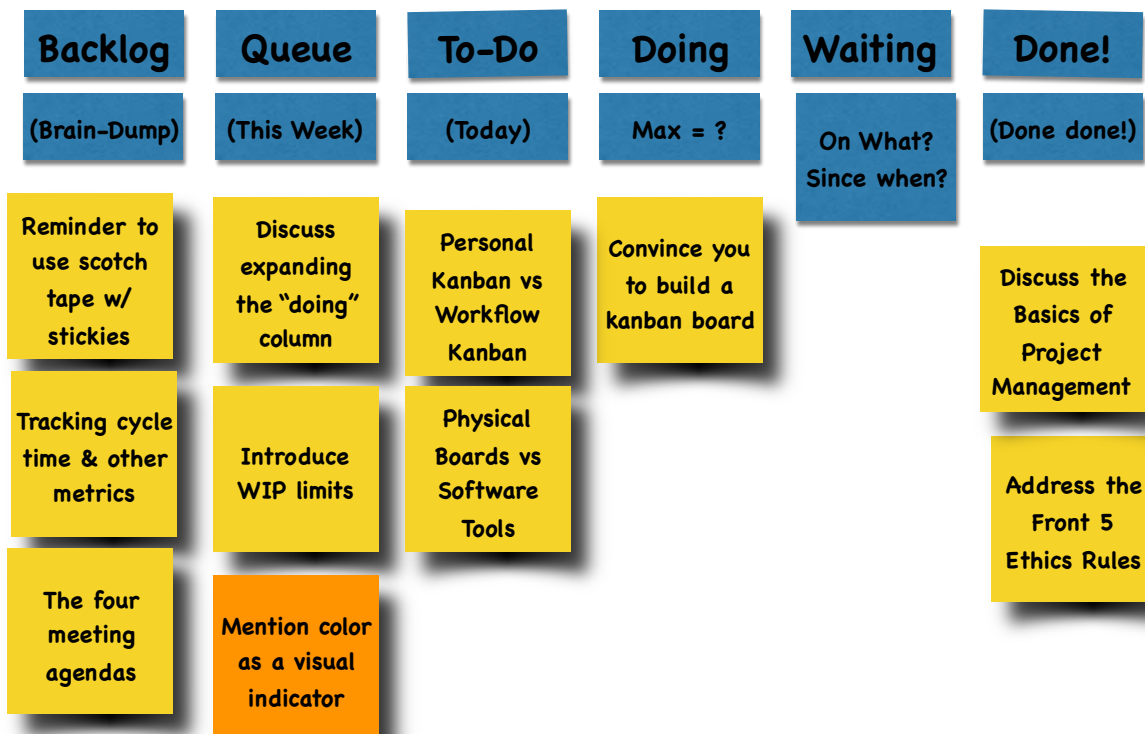
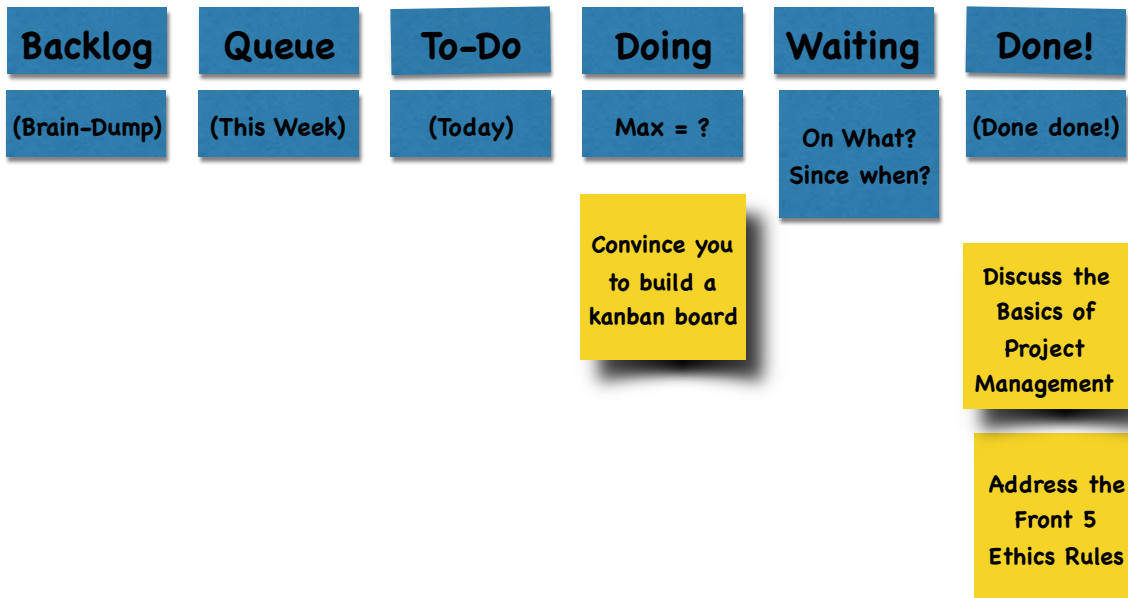
**Waiting**

**Done!**

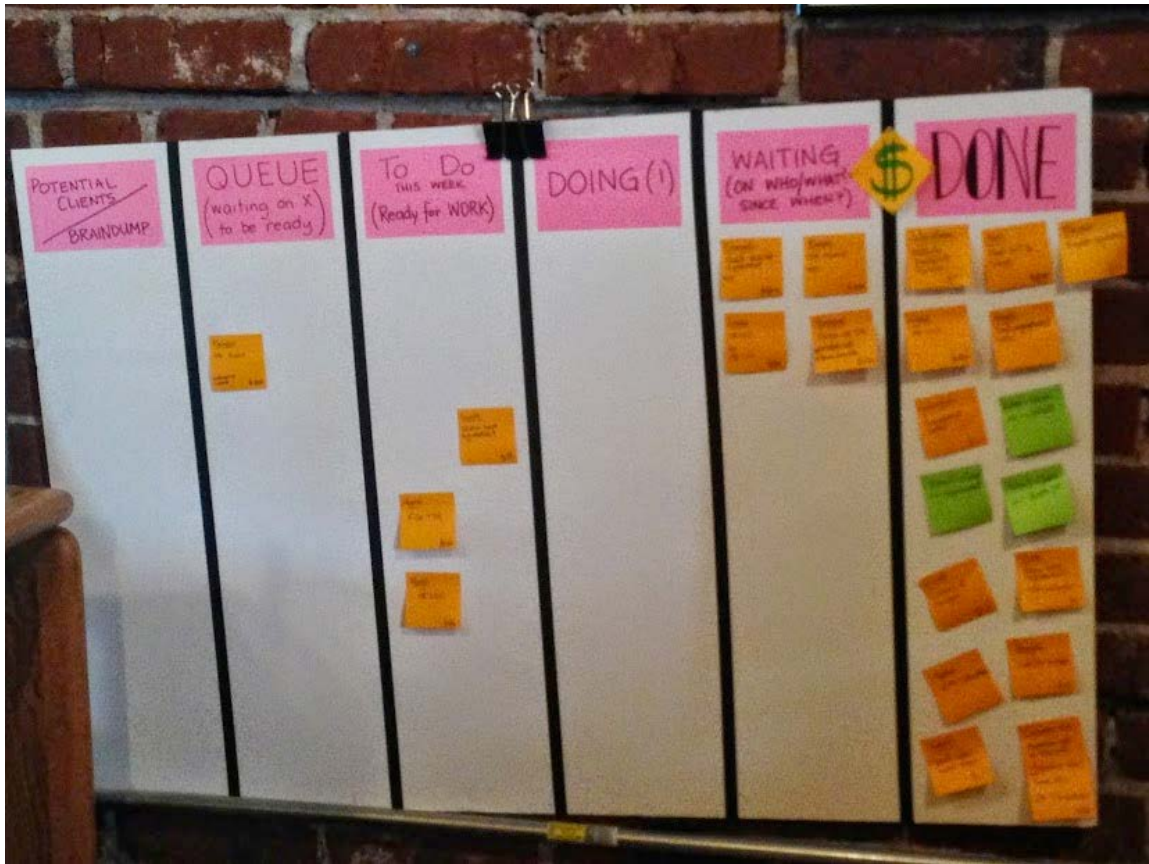
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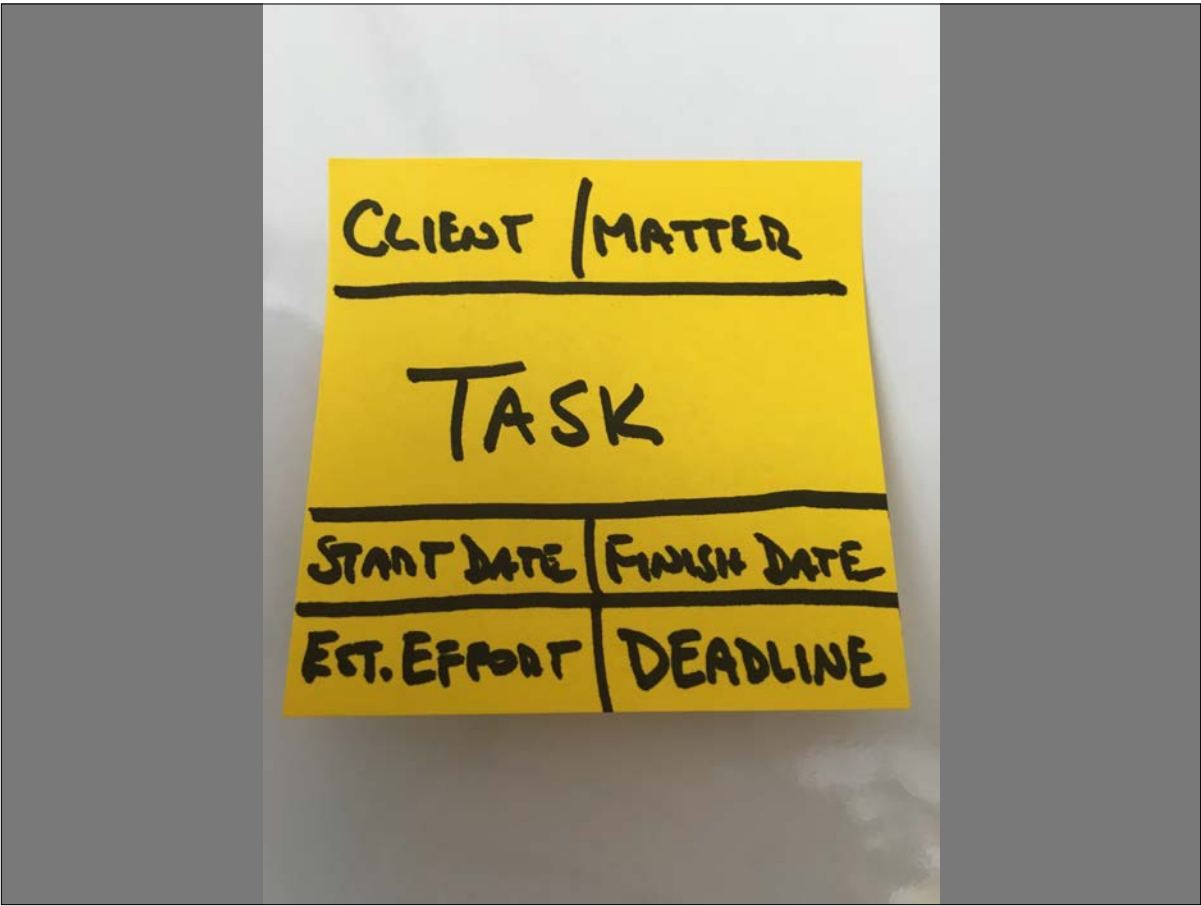
**Greg McLawsen** @mclawsen · Oct 16  
 One short chat w @JEGrant3 and my law firm starts to look like this. #agileattorney  
[#SWlegal pic.twitter.com/S5sVJ98lnp](https://twitter.com/S5sVJ98lnp)

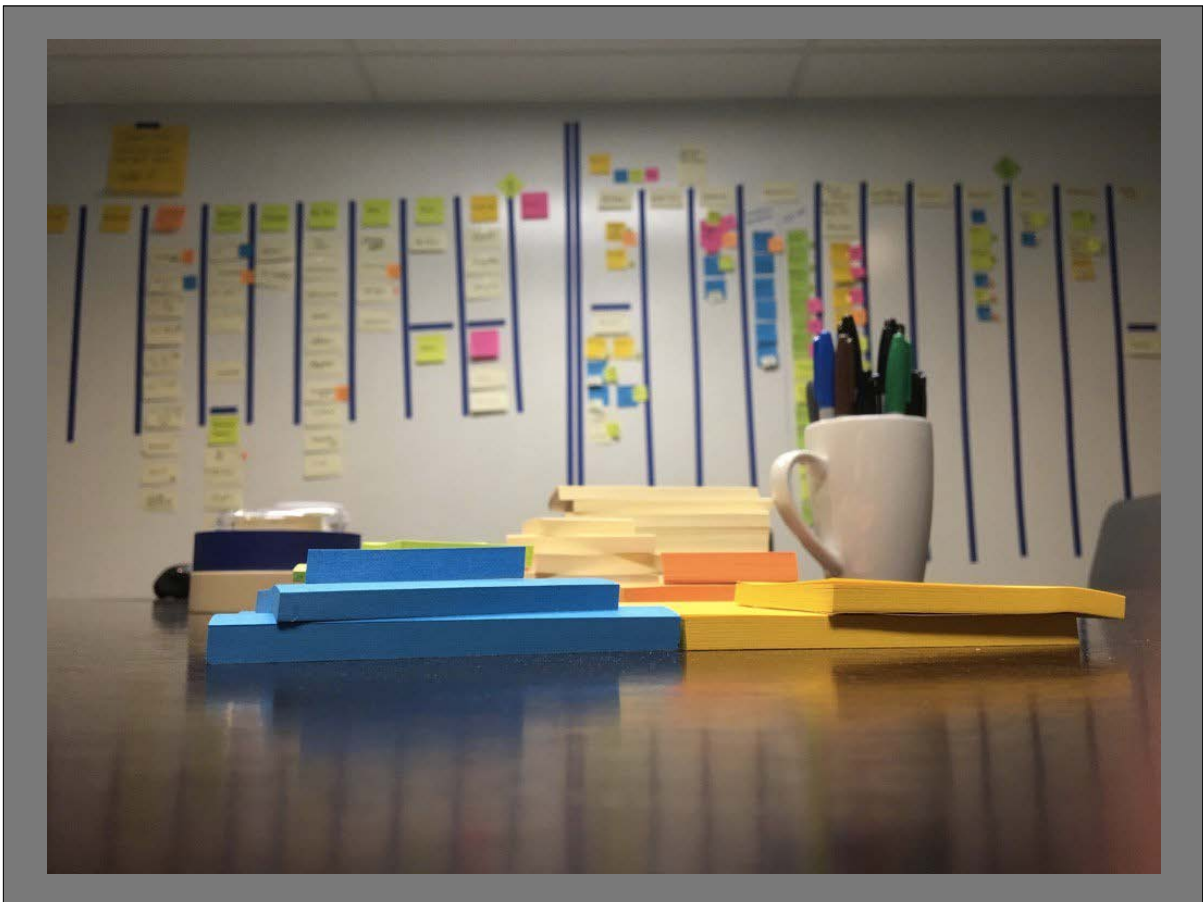
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# Workflow Kanban





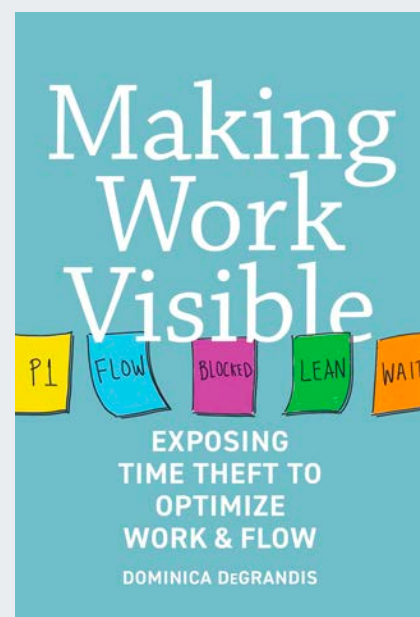




# Walls > Software (At least at first)

## 5 Steps of Kanban

- Make the work (& workflow) visible
- Limit Work In Progress (WIP)
- Make Policies Explicit
- Measure & Manage Flow
- Improve, Iteratively, with Data





**Quality Defined »**  
**Standardization »**  
**Consistency »**  
**Balanced Loads »**  
**Capacity »**  
**Flow »**  
**Efficiency**

# Using Legal Project Management to be an Agile and Ethical Attorney



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