

Legal Project Management: COMMUNICATION BASED on a “NEED TO SHARE”

Aileen R. Leventon, JD, MBA

President and Founder
QLex Consulting Inc.

www.qlexconsulting.com

Cell: (917) 860-7043

aileen@qlexconsulting.com



James R. Buckley, JD

Senior Advisor and
Consultant

www.qlexconsulting.com

Cell: (310) 489-9266

james@qlexconsulting.com



Legal Project Management: COMMUNICATION BASED on a “NEED TO SHARE”

By Aileen R. Leventon and James R. Buckley¹

Legal Project Management (LPM) is a systematic approach to good client service, teamwork, and economics. It is the organization of common sense into a robust, reliable management strategy. Our formulation of LPM is based on a set of “First Principles,”² the articulation of objectives, constraints, and “success,” and the creation of a matter work plan. But if LPM is really that straightforward, why is it so controversial? Our White Paper addresses this core albeit uncomfortable issue: widespread, inadequate communication.

Given the ever-changing dynamics of legal matters, it is necessary to skillfully balance objectives, constraints, and stakeholder demands with agility and skill. But even a highly nimble team – one that adeptly manages uncertainty and complexity – will fall if communication is inadequate. The timely delivery of information is the life-blood of a legal matter and a formal communications plan is its circulatory system. To achieve and sustain a Shared Understanding³, which grows out of such effective communication, the legal team needs to implement a practical strategy to share information about real-time developments and changes with appropriate stakeholders throughout the matter lifecycle. A formal communication plan allows the initial Shared Understanding to evolve – instead of disintegrate – with the changing circumstances of the matter.

Implementing LPM tools allows you to effectively manage the many moving parts of any matter. This White Paper outlines the elements of a formal communication plan and provides examples of simple, effective project management techniques.

Overcoming the “Need to Know” Mentality

Legal team leaders frequently tend to treat information in a hierarchical way, with the sharing of even basic information on a “need to know” basis. Project management generally, and LPM in particular, is fundamentally grounded in a “need to share” perspective. That is, each participant across diverse teams must understand context at a level of detail commensurate with his or her role. [In some teams this may require a higher level of disclosure and collaboration than is presently the norm.](#)

Internal and external alignment is needed to be effective, i.e., within the legal team and between the team and its client. To test for alignment, ask your team the following core questions:

1. **Why** are we handling this matter for this client? Why is it important to the client? What is the business goal of the legal work?
2. **What** work will accomplish the goal? What work will specifically not be done? When must work be done and in what sequence? What are the hard deadlines and what timing is dependent on unknown information?
3. **How** do we manage the work based on constraints and requirements of the matter, such as budget, strategic importance, client mandates, or risk management protocols?
4. **Who** is involved in the work and what are each person’s roles and duties? Who is ultimately accountable for the work, who is responsible for each subproject, and who must be consulted or informed about decisions and statuses?

Ready, consistent, and succinct answers to these questions by the legal team and the project stakeholders are markers of good alignment and a strong Shared Understanding. Effective communication will sustain this alignment across the team – both from the outset and throughout the evolution of the matter.

“Need to Share” Drives a Communications Plan

In a small matter communications occur informally, as hallway conversations, impromptu meetings, and emails among a few team members. Even when the matter and the team grow in size and complexity, the pathways of communication tend to remain the same. However, it is precisely at this point that the team needs to communicate with greater intention and formality.

At the most basic level, those connected with the matter need to be updated about how it is progressing – some individuals requiring day-to-day, tactical updates and others requiring information that supports their oversight roles. So, how does the team leader decide what to communicate beyond status reports and who should receive which information? Fortunately, there are ready frameworks and tools for answering these questions, which we will explore soon. Managing a matter means continually refocusing the team’s attention on two key areas:

- The **client’s business objectives**. Do the objectives continue to be viable, have they changed, or should they be modified?
- The **scope of the legal work**. What exactly needs to be done to achieve the client’s objectives within the given constraints (e.g., expense and timeframe)?

While it is natural for circumstances to change as a matter progresses, it is crucial for these changes to trigger communication. As new facts and legal issues emerge, the team needs to understand how to adjust their execution of the work to remain within the agreed-upon constraints. If this is not possible, then stakeholders must be consulted to either grant relief from the original constraints or to modify the original objectives to develop new, realistic constraints

Following these steps creates internal alignment around goals and drives specificity in external communications from content to timing.

Building Your Communication Plan

It is essential to proactively identify recipients and providers of information and the way in which these stakeholders are answerable in the context of the matter. This is addressed in a *communication plan*, a document that articulates how the team communicates, who communicates to whom, and what the preferred mediums are for communication. A communication plan is distinct from an ad-hoc or crisis-driven explanation of how your team negotiates information, as it is deliberately considered and designed at the beginning of a matter. There are typically four classes of stakeholders in a communication plan:

- **Responsible:** These individuals are responsible for a) completing all assigned work; b) utilizing effective two-way communication; c) informing the team leader of work progression; and d) understanding and carefully monitoring how their work intersects with or is relevant to others' work.
- **Accountable:** This individual ultimately bears the weight of the success or failure of the matter and is accountable for the totality of the project. There is only one person who is accountable, while many may be “responsible” or play other roles. Throughout the course of the matter, this person must receive regular updates from those who are “responsible” and respond to updates with timely, specific, and clear feedback. Changes that impact the project plan, particularly changes to the Shared Understanding, are at the core of these communications.
- **Consulted:** These are individuals (often within the client organization) who have veto rights. They are consulted in advance to determine which actions have impact on project constraints. Likewise, they must be consulted about the project's evolution and be given a meaningful opportunity to drive the development of objectives, constraints, and assumptions (i.e., the Shared Understanding).
- **Informed:** These individuals are directly affected by or have related interests to the matter. Those who are “informed” simply need to be kept abreast of progress so they can adjust their activities and expectations. They may receive information after an event occurs.

To depict these roles and responsibilities it is useful to construct a *RACI Chart* (an acronym for the four classes of stakeholders described above), which is a matrix that matches a) major project activities with relevant stakeholders and b) each person's involvement in the communication plan. The RACI Chart is a common project management tool. It should be created in the first instance by the project manager or team leader and, in larger projects, each subproject leader may organize a separate RACI chart for an area of responsibility. Note that lawyers can

perform multiple RACI roles for various parts of the same matter. For example, if you are running the e-discovery portion of a litigation matter, you may be “responsible” for responding to e-discovery; simultaneously, if the law-and-motion team is litigating a protective order concerning e-discovery, it is likely that you will only be kept “informed.” Consider how this applies to all members of the team, including stakeholders who must be notified about status or consulted regarding disrupted activities due to pending litigation.

Below is an illustration of a RACI Chart for a transaction. (Note that this particular chart is called RASCI because it includes an optional role, “S,” for support.) The “What” column lists key phases. Depending on the complexity of the matter, each phase may require a separate RACI chart; likewise, if it is necessary to work at a more granular level, activities can be further unpacked.

RASCI Chart: Links the “who” with the “what” (resources + scope)

WHAT	WHO			
	Relationship Partner	Junior Partner	Mid-level Associate	Junior Associate
Conduct due diligence	I	C	A/R	R
Structure transaction	A/C	R	I	S
Negotiate transaction	A/C	R	R	S
Closing	I	A/C	R	S
Client Communications	A/R	R	I	S
Post-closing	A/i	C	S	R

Associate activities with people and their roles

R = Responsible **A** = Accountable **S** = Support **C** = Consulted **I** = Informed

Each activity must have someone who is Accountable and only one person. Others may have multiple roles

The formal communication plan is a map that outlines who will receive and provide communication, the content that will be exchanged, the desired frequency, form, and flow of information, and the events that trigger communications. This can be summarized in a simple table:

Example Communication Plan

Who	With Whom	What	When and How
Lead partner	Client	All client communications will be handled by the lead partner. In case of emergency, if the lead partner is not available, the senior associate may contact the client	Monthly reports by email Phone calls and face-to-face meetings when needed
Senior associate	Lead partner	Routine follow-up items: <ul style="list-style-type: none"> • Accomplished last week • Planned next week • Issues / obstacles / risks • Meeting schedule Material developments: <ul style="list-style-type: none"> • Adverse events • Delays to schedule • Changes to deal terms • Cost overruns 	Routing follow-up: Weekly email summary every Friday Material developments: Meeting or phone call ASAP
Junior associate	Senior associate	Status of work in progress New issues / obstacles / risks	Daily 5-minute meeting or call
Lead partner	Entire team	Internal team meeting: Post-matter “lessons learned” evaluation (what can we do better?) Client team meetings: Lessons learned evaluation meeting	Face-to-face meetings

A formal communication plan paves the way for pertinent information to flow systematically and reliably throughout the course of a matter. When a well-structured plan is *executed with discipline*, it pays dividends. First, it reduces the possibility of surprises or unnecessarily duplicative work, which is responsible for busting budgets and disrupting fee structures. Second, it preserves a Shared – and continuously evolving – Understanding among all

stakeholders. This Shared Understanding validates the work and inspires the team to satisfy their client.

Practical Pointers

With these concepts in mind, below are several traditional project management tools. Note how you can use these tools to propel communication at every stage of the matter.

Early Planning

From the outset, the team needs to a) commit to getting everyone on the same page, b) document a strategy about who must be involved in, be consulted about, or give approval to the plan, and c) record the formal communication plan itself. The following tools are immeasurably useful in the early stages:

- **Kick-Off Meeting:** The team gathers to discuss the scope and objectives of the matter and to set the tone for how the matter will be managed. The ground rules – e.g., how the legal team will function and relate to each other and the client – are clearly articulated. Relevant client contact is disclosed to the team.
- **Charter (or Project Charter):** This is a simple memorandum, spreadsheet, table, or checklist that identifies stakeholders, objectives, constraints, assumptions, and work necessary to complete the project.
- **Description of Work (or Work Plan):** This is a formal outline or summary of the team’s approach to the matter. The Description of Work identifies broad categories of legal work and the key individuals’ roles and responsibilities (i.e., your RACI chart). As the matter evolves, this document must be updated, particularly at the beginning of a new work phase (e.g., after making a motion for summary judgment in a litigation or at the start and completion of due diligence in a transaction).
- **Timeline:** This highlights the schedule, sequence, milestones, and dependencies, which can be illustrated in either a graphic or textual format. The Timeline is a critical cross-check against the Work Plan and working assumptions reflected in the Charter.

These latter tools should be made available to the entire team, for example by posting them on the project’s SharePoint, case room, or intranet site.

Execution

Once your team is in execution mode, use the following communication tools to ensure that all appropriate stakeholders stay in the loop:

- **Status Reports:** Be sure to include an assessment about whether the matter is on track to achieve the client objectives. In particular, consider how changed circumstances affect goals, scope, time, and cost.
- **Client Communication Checklist:** This is a simpler, micro-level version of the Communication Plan, which focuses solely on how your team will communicate with the client. Be sure your team has this on hand, so they can consistently deliver information in the client’s preferred format.

Completion

As large, complex matters come to a close, it is important to make sure the client feels they received an appropriate return on investment. An assessment should address how the matter evolved, how constraints were managed, what insights were gained, and what lessons were learned. Conducting such an assessment alongside the client helps strengthen the relationship between the team and the client.

- **Closing Report:** A written or verbal summary comparing the matter outcome to the original scope of work. This acknowledges instances of how and why plans changed.
- **After-Action Review:** The goal of an After Action Review (AAR) is to extract lessons learned and export insights to relevant matters. AARs may be informal or formal and are best when the entire team identifies and analyzes both aspects of the matter that were successfully managed and interactions or phases that require improvement. Conducting an AAR is critical as it provides the opportunity to institutionalize learnings and insights.

These two examples, like all others in this paper, can be adapted to fit any matter in a simple, practical, and appropriate way. Whatever techniques you adopt must be tailored to your project and calibrated to fit the constraints of scope, cost, and time.

* * *

How many lawyers have lamented that others expect them to read minds or that there is a lack of understanding about context? How many clients are surprised by how long the work on a matter takes, by unanticipated demands suddenly thrust upon them, or by unexpected circumstances that increase acceptable costs?

These complaints are byproducts of the reality of ever-changing circumstances and the consequent erosion of a Shared Understanding. While the former is an intrinsic part of every matter, there is no reason for unexpected developments to cause the latter. This breakdown is due to ineffective communication rather than a lack of good work. The implementation of LPM and a “need-to-share” communication plan enables teams to transform challenging situations into relationship-building successes.

¹ **Aileen Leventon**, JD, MBA, is President of QLex Consulting Inc. Aileen specializes in applying business

James Buckley is a pioneer in the application of strategic legal project management. He writes and consults on the management of complex litigation. James developed his focus on project management while a member of the General Counsel’s leadership team at Lockheed Martin Corporation, serving as Vice President & Associate General Counsel specializing in environmental and other complex litigation. He is the author of the seminal 2005 series “*Escape from LawyerLand*,” published by the Association of Corporate Counsel, which illuminates novel practices in managing litigation. He is a graduate of USC Law School and has an undergraduate degree in chemical engineering.

² We summarize our First Principles as follows:

- The practice of law is about helping the client to achieve a business goal.
- The client’s goals must anchor legal strategy and ground the implementation of that strategy.
- The lawyers must function as part of a broader team addressing business considerations and balancing the needs of the matter’s stakeholders.
- *How* the work is done is often as important to the client as results: the lawyers’ work style should mirror the culture of the client organization by being goal-oriented, collaborative, accountable, transparent, and financially disciplined.
- Cost matters: The resources applied to legal work must be in proportion to the benefits being pursued or the risks being managed.

³ The “**Shared Understanding**” is the bundled set of objectives and real-world constraints for the project that are established by the client and the legal team in consultation with all appropriate stakeholders. It is a compact that evolves with collective consent as the matter progresses from start to finish.