**Annual Meeting 2011**
DENVER • OCT 23-26
Where In-house Counsel Connect

LEARN
SHARE
GROW

ACC Association of
Corporate Counsel

# *Outside Counsel Management:*
## *Project Management for In-house Counsel*

_Moderator:_       **Jenny Fletcher**, Sutherland Asbill & Brennan LLP
_Panelists:_       **Roberta Lang**, Whole Foods
                  **Mark Wolf**, FMC Technologies

*Agenda:*

1.  Introductions

2.  Overview of Legal Project Management

3.  Sharing Experiences

4.  Breakout Discussion

5.  Sharing "Best Practices"

Annual Meeting 2011
DENVER • OCT 23-26
Where In-house Counsel Connect

LEARN
SHARE
GROW

ACC Association of Corporate Counsel

1.  Introductions

    •   Moderator

    •   Panelists

    •   Table Facilitators

2. Overview of Legal Project Management

A. Scoping

B. Budgeting

C. Team Planning

D. Execution and Management

E. Review and Assess

Annual Meeting 2011
DENVER ● OCT 23-26
Where In-house Counsel Connect

LEARN
SHARE
GROW

ACC Association of Corporate Counsel

A. **<u>Scoping</u>** – a conversation between inside and outside counsel about the specifics of the legal matter, followed by a written document.

- What is the expected outcome?
- What are the phases, tasks, deliverables?
- What is the expected timeline?
- Who is handling what?
- What are the unknowns?
- Where is scope creep most likely to happen?

Annual Meeting 2011
DENVER • OCT 23-26
Where In-house Counsel Connect

LEARN
SHARE
GROW

ACC Association of Corporate Counsel

B. **<u>Budgeting</u>** – a conversation and general agreement between inside and outside counsel about the legal fees associated with the matter, including assumptions, known risks, and extra room for unknown risks.

- Be as specific as possible (who is doing what, how long will it take and calculate cost associated with each task or deliverable).

- List all known assumptions (*i.e.,* # of depositions)

- Set regular intervals to review the budget (catch scope creep and overruns early).

- Agree ahead of time how to handle a change in the budget.

Annual Meeting 2011
DENVER OCT 23-26
Where In-house Counsel Connect

LEARN
SHARE
GROW

ACC Association of Corporate Counsel

C. **<u>Team Planning</u>** – a conversation between inside counsel and outside counsel on who should handle the different aspects of the matter.

- The foundation for team planning is basically decided in the scoping phase.

- Start with a kick-off meeting to describe the matter, primary responsibilities, deliverables and timeline.

- Highlight priorities, potential deal-breakers and milestones.

- Decide on regular intervals and format for status updates.

- Determine a communication strategy (who will communicate with whom and how often).

**Annual Meeting 2011**
DENVER • OCT 23-26
Where In-house Counsel Connect

ACC Association of Corporate Counsel

LEARN
SHARE
GROW

D. **<u>Execution and Management</u>** – tracking the progress of the legal matter

- Determine a process for tracking tasks and deadlines (*i.e.* status meetings, use of spreadsheets).

- Identify tools and templates that will save time.

- Create an 'Issues' list.

- Check in with team members.

- Address problems early.

E. **<u>Post Project Review</u>** – a conversation between inside counsel and outside counsel on what went well and what we can all do better next time.

- Should be done immediately after every matter.

- Include pertinent team members.

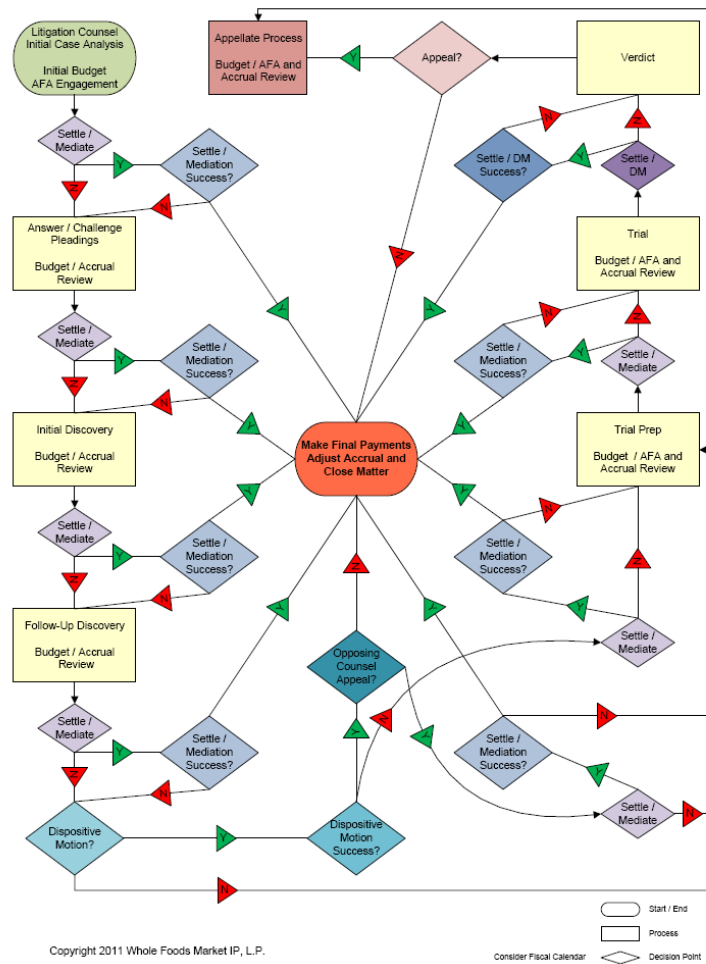- Document what is learned for future reference.

- Share it with the team.

# 3. Sharing Experiences

# 3. Sharing Experiences – Whole Foods



Litigation Matters Flowchart

Annual Meeting 2011
DENVER • OCT 23-26
Where In-house Counsel Connect

LEARN
SHARE
GROW

ACC Association of Corporate Counsel

# 4. Breakout Discussion

# 5. Legal Project Management Best Practices

## 6. "Hot Washing" or Post-Project Reviews with FMC

Review/
Lessons Learned

Plan/Avoid

Execute/Manage/Resolve
Efficiently

## Strive For Continuous Improvement

Annual Meeting 2011
DENVER • OCT 23-26
Where In-house Counsel Connect

ACC Association of Corporate Counsel

LEARN
SHARE
GROW

# 6. "Hot Washing" or Post-Project Reviews with FMC

After Action Process:

1. <u>Substantive</u> - what can we do to ensure we don't end up here again (e.g., product changes, warnings, service issues)

2. <u>Procedural</u> - what did we learn from process (internally by us or externally by counsel/vendors) to do better next time

# 6. "Hot Washing" or Post-Project Reviews with FMC

*Real Life Example:*



- Facts: product testing fatality w/o using protection barriers
- Result: pre-litigation settlement w/spouse and minor children for $394K and $40K in legal fees/costs
- Procedural: early and pro-active structured annuity discussions
- Substantive: use of barriers for *all* testing

Annual Meeting 2011
DENVER ● OCT 23-26
Where In-house Counsel Connect

LEARN
SHARE
GROW

ACC Association of Corporate Counsel

# 6. "Hot Washing" or Post-Project Reviews with FMC

**What gets in the way?**

- We're too busy – and this takes time
- I've got fires to put out
- Every situation is unique
- It's too hard
- It's against our nature (as lawyers)

Surviving in a law department calls for skills you didn't learn in law school. Let the consultants at Altman Weil show you how to control costs, manage practices, and play a strategic role in your organization's success.

Altman Weil, Inc.

STOP THINKING
LIKE A LAWYER.

Annual Meeting 2011
DENVER ● OCT 23-26
Where In-house Counsel Connect

LEARN
SHARE
GROW

ACC Association of Corporate Counsel

# 6. "Hot Washing" or Post-Project Reviews with FMC

**Making it work**

- <u>What</u> – search for incremental improvement – capture what worked, fix what didn't
- <u>Where</u> – in person or virtual
- <u>Who</u> – the team that was involved (internal, external, business team)
- <u>When</u> – as soon as it's done
- <u>How</u> – project leader goes first, retain in matter management system afterwards

# 6. "Hot Washing" or Post-Project Reviews with FMC

**The FMC Hot Wash Process**

- Say it.
- See it.
- Share it.
- Decide it.

Annual Meeting 2011
DENVER ● OCT 23-26
Where In-house Counsel Connect

ACC Association of Corporate Counsel

LEARN
SHARE
GROW

# 6. "Hot Washing" or Post-Project Reviews with FMC

**Say it:**

- At start of project tell your team what you're going to do
- Tell them why
- Tell them how
- Tell them it's important

# 6. "Hot Washing" or Post-Project Reviews with FMC

**See it:**

- It's not about revolution
- It's all about incremental improvement
- It's not about keeping notes
- It's all about awareness
- It's not about blame or fame for the past
- It's all about moving forward for the future

# 6. "Hot Washing" or Post-Project Reviews with FMC

**Share it:**

- Here's the fun part
- Meeting – live or virtually
- Two sheets to the wind
  - What Went Well ("WWW")
  - Take A Look At ("TALA")
- Brainstorm
- Facilitate
- Capture

Annual Meeting 2011
DENVER ☀ OCT 23-26
Where In-house Counsel Connect

LEARN
SHARE
GROW

ACC Association of Corporate Counsel

# 6.  "Hot Washing" or Post-Project Reviews with FMC

**Decide it:**

- Analyze
- Synthesize
- Decide what to keep, what to change
- Distribute and publish
- Monitor execution

## Hot Wash - Today's Meeting

| What Went Well ("W³") | Take A Look At ("TALA") |
|---|---|
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

FMC Technologies

9

We put you first.
And keep you ahead.

25