



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



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



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Agenda:

1. Introductions
2. Overview of Legal Project Management
3. Sharing Experiences
4. Breakout Discussion
5. Sharing “Best Practices”



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1. Introductions

- Moderator
- Panelists
- Table Facilitators



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2. Overview of Legal Project Management
 - A. Scoping
 - B. Budgeting
 - C. Team Planning
 - D. Execution and Management
 - E. Review and Assess



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A. **Scoping** – 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?



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B. **Budgeting** – 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.



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C. **Team Planning** – 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).



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D. **Execution and Management** – 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.



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- E. **Post Project Review** – 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.



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ACC Association of
Corporate Counsel

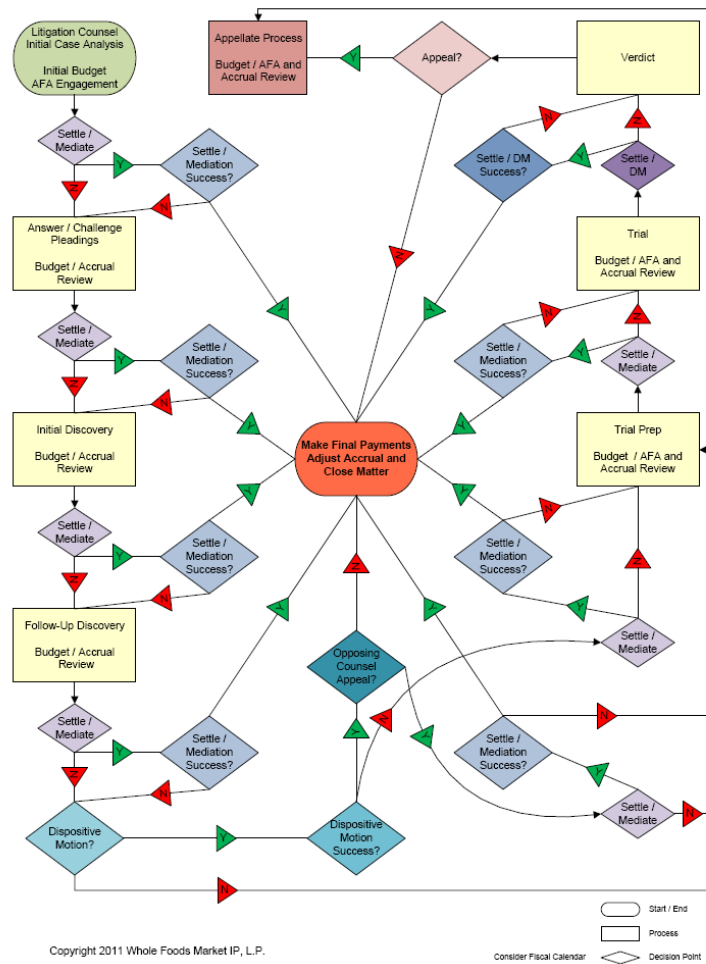
3. Sharing Experiences





3. Sharing Experiences – Whole Foods

Litigation Matters Flowchart





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4. Breakout Discussion





5. Legal Project Management Best Practices

ABC Corporation

Matter Information

- Project Schedule
- Project Team
- Project Documents
- Issues & Risks
- Team Discussion
- Reports

Other Information

- Ask Sutherland
- Elite Webview
- CompuLaw

Recycle Bin

General Project Information

ABC Corporation

Client Matter 28668-0001

Responsible Partner Fletcher, JW

Date Opened June 1, 2010

Project Scope Information

Assist Client in potential claims related to Project One by providing that the company performed responsibly as Owner according to contract requirements in the matter.

Project Charts

Matter Name

Project Completion (%)

Percent Used (%)	Schedule	Spent
	37.00	53.88

Task Assignments Display - Links to tasks assigned to you

Task Name	Sched	Duration
Initiation	✓	5.13d
Case Assessment, Dev	✓	124.63d
Pre-Trial Pleadings and	✓	10d
Discovery	✓	99d
Trial Preparation and Tr	✓	23d
Trial and Hearing Atten	✓	19.00d
Appeal	✓	1d

Project Documents

- Matter Name
- _Correspo
- _Email 28668-0001
- _Pleadings 28668-0001
- _Depositions 28668-0001
- _Discovery 28668-0001
- _Experts 28668-0001
- Contracts and Agreements 28668-0001
- Due Diligence and Research 28668-0001
- Email and Voicemail [28668.0001]
- Faxes [28668.0001]
- Matter Documents 28668-0001
- Matter Management 28668-0001
- Obsolete 28668-0001
- Scan Documents 28668-0001

Budget versus actual schedule and cost graphic and digital display (derived from Elite actuals)

	Budget	Actual
Costs	\$850,000.00	\$500,502.00
Hours	2250.83	759.00

Last Updated: 11/9/2010

Matter description and project scope - imported from Elite and Microsoft Project

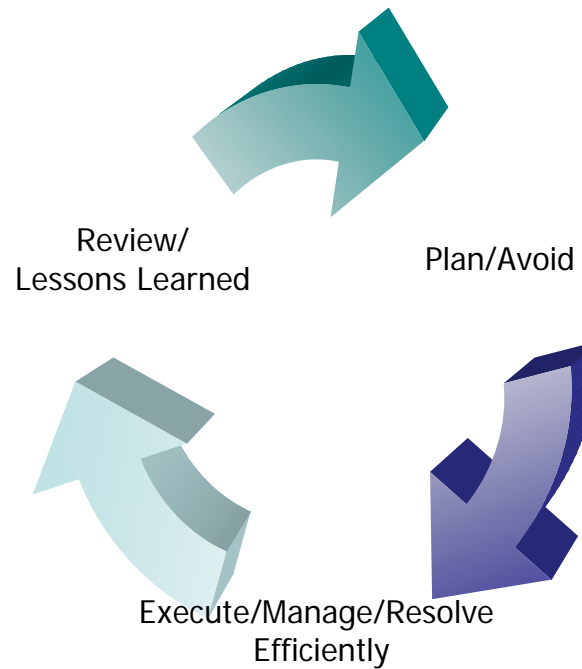
Schedule view - displays snap shot view of the schedule summary page

Matter specific Navigation Menu - Links to commonly used features of the Dashboard and Sutherland Quick Links

Matter documents - linked to FileSite folders



6. “Hot Washing” or Post-Project Reviews with FMC



Strive For Continuous Improvement



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6. “Hot Washing” or Post-Project Reviews with FMC

After Action Process:

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





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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)



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STOP THINKING
LIKE A LAWYER.



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6. “Hot Washing” or Post-Project Reviews with FMC

Making it work

- What – search for incremental improvement – capture what worked, fix what didn’t
- Where – in person or virtual
- Who – the team that was involved (internal, external, business team)
- When – as soon as it’s done
- How – 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.



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



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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



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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 ("W ³ ")	Take A Look At ("TALA")