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Legal Project Management 101 (or A Primer on Legal Project Management)

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Project management is the application of generally recognized knowledge, skills, tools, and techniques to meet project requirements and achieve project objectives. Whether you are working in-house, at a law firm, or you have hung out your own shingle, project management is an important element of the business of law. This article provides an overview of the project management basics.

Defining the Project

A project is a *temporary* endeavor (meaning it has a definite beginning and end, e.g., a trial begins with closing statements and ends with the judge's decision) that creates a *unique* product, service, or result. Most legal matters are projects and should be managed accordingly. This is true even for legal matters that your organization might handle frequently. Consider, for example, an employee who claims she was wrongly terminated by her employer. The law may be the same, but the "uniqueness" may relate to the specific point in time implicated by the allegations, when the claim is raised, the employees involved, the lawyers who are handling the matter and their current bandwidth, or the resources of the company at that time.

Alternatively, consider the unique components of a proposed merger. The due diligence process may be identical to the process used on prior deals, but each deal is, nevertheless, unique because nothing exists within the same space and time. For example, "uniqueness" may include the specific point in time at which the acquisition will occur, the potential target, both companies' financials, risk appetites, and the attorneys working on the matter and their current bandwidth.

Key Players

There are five types of "players" on a project. First, there will be a Project Manager. This is the person assigned by the performing organization to lead the team responsible for achieving the project objectives. Second, there are the members of the Project Team who will assist the Project Manager in executing the project after it is initiated. Third, there is a Project Sponsor, who is responsible for providing resources and support for the project. The Sponsor is accountable for enabling the Project's success. Fourth, there are the project's customers or users who ultimately approve of or manage the project's service or result. Finally, there are Stakeholders, who include any interested person or entity, either internal or external to the organization, that may affect, be affected by, or perceive itself to be affected by a decision, activity, or outcome of a project. Relevant stakeholders on a legal

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matter, therefore, may include not only in-house counsel and outside counsel but also the community impacted by the issue, government agencies, and customers.

The Project Management Framework

Project Management is accomplished through the appropriate application and integration of roughly 50 processes, categorized across five phases – or “Process Groups” – and relating to ten subjects – or “Knowledge Areas.”

Five Process Groups in the Project Lifecycle

The five Project Management Process Groups for every project are: (1) Initiating, (2) Planning, (3) Executing, (4) Monitoring and Controlling, and (5) Closing.

1. Initiating

The **Initiating Process Group** is the stage at which a new project is defined, a business case is developed, and the project manager receives authorization to start the project. The primary “output” of this process group is the **Project Charter**, which formally recognizes the project and authorizes the project manager to use resources to begin project activities. The level of additional detail in a Charter can vary. Generally, the Charter should document the statement of work, billing requirements, attorneys who will work on the matter, milestones, in addition to any known project constraints, assumptions, and risks.

2. Planning

The **Planning Process Group** includes those processes required to establish the project’s scope, objectives, and plan for achieving those objectives. Notably, this is the only process group where activities are performed in a sequential order. Activities include:

1. Develop **project management plan** (see Figure 1)
2. Determine **detailed requirements**
3. Create project scope statement
4. Create **Work Breakdown Structure** (WBS)
5. Create network diagram
6. Estimate resource requirements (e.g., how many people and what skillsets are needed?)
7. Estimate time and cost
8. Determine critical path
9. Develop schedule
10. Develop budget
11. Determine quality standards, processes, and metrics
12. Determine all roles and responsibilities
13. Plan communications
14. Perform risk identification, qualitative and quantitative risk analysis, and risk response planning
15. Prepare procurement documents
16. Create change management plan
17. Develop realistic final project management plan and performance measurement baseline
18. Gain formal approval of the plan by management, sponsor, project team, and other key stakeholders
19. Hold kickoff meeting

The below Figure identifies all documents that should be included in your Project Management Plan. The documents in blue represent the performance measurement baseline.

Figure 1.

PROJECT MANAGEMENT PLAN	
1.	Change Management Plan
2.	Communications
3.	Configuration management plan
4.	Cost baseline
5.	Cost management plan
6.	Human resource management plan
7.	Process improvement plan
8.	Procurement management plan
9.	Scope baseline: Project scope statement, WBS, WBS dictionary
10.	Quality management plan
11.	Requirements management plan
12.	Risk management plan
13.	Schedule baseline
14.	Schedule management plan
15.	Scope management plan
16.	Stakeholder management plan

3. Executing

The **Executing Process Group** is where the work is performed according to the project management plan. At this stage, it is important to maintain stakeholder buy-in on the project management plan.

4. Monitoring and Controlling

The **Monitoring and Controlling Process Group** includes tracking, reviewing, and regulating the progress and performance of the project. Change management is a key process in the M&C group and involves identifying required changes to the project (e.g., expanding the scope of an internal investigation to a larger group of employees based on new facts) and initiating the corresponding changes after obtaining the requisite approvals.

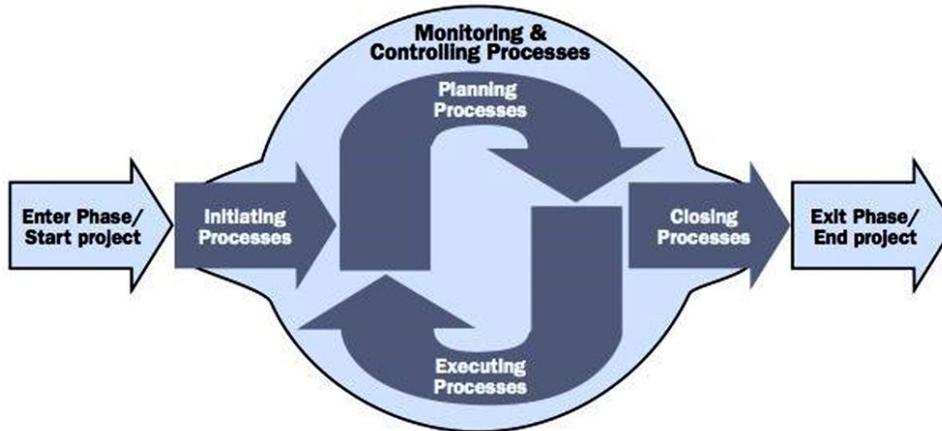
5. Closing

The **Closing Process Group** contains the processes necessary to finalize all project activities, including a formal and deliberate close-out process.

As the Figure below illustrates, the project lifecycle is both linear *and* cyclical. This is because, although the processes are typically performed sequentially, a hallmark of Project Management is the emphasis on continuously evaluating and incorporating feedback as the project matures, new information is discovered, and events change. This is a point that most attorneys can appreciate – for example, the initial scope of work for an internal investigation can change significantly only after a

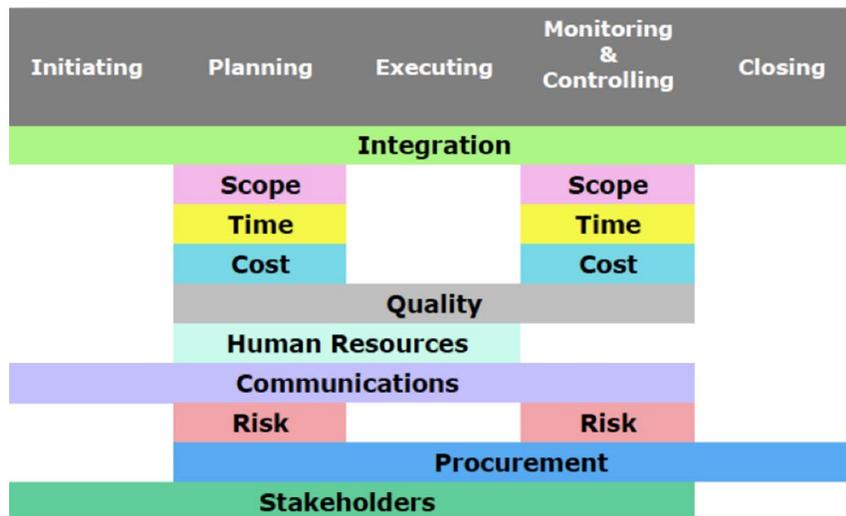
day of employee interviews. Where the scope of work balloons, other aspects of the project – such as cost or schedule – are affected. Project Management simply formalizes the processes and procedures for evaluating and adjusting the plan as needed.

Figure 2: Project Management Process Groups¹



Ten Knowledge Areas

Each of the ten Knowledge Areas include a set of concepts, key terms, and activities specific to that particular area. A holistic understanding of the significance of and the relationship between each of the ten Knowledge Areas is the underlying strength of a trained Project Manager. Failure to properly plan for and manage one of the ten areas could lead to rework, increased costs, schedule delays, and low customer satisfaction. The Figure below illustrates the interaction between each of the Knowledge Areas across the five Process Groups.



¹ Project Management Institute (PMI), A Guide to the Project Management Body of Knowledge (PMBOK Guide) (5th ed. 2013).

1. Integration Management

Integration Management includes the processes and activities necessary to coordinate and harmonize the processes and activities of the other nine Knowledge Areas throughout the project lifecycle. This is the project manager's primary area of responsibility and tends to be high-level work rather than the more detailed work in the other nine Knowledge Areas. Integration Management involves:

- Develop Project Charter
- Develop the Project Management Plan
- Direct and manage the project work
- Monitor and control the project work
- Perform integrated change control
- Close the phase or project

2. Scope Management

Scope Management ensures that the project includes *all* the work required, and *only* the work required, to complete the project successfully. Tasks in Scope Management include:

- Determine how you will execute and control scope management
- Collect requirements and define scope
- Create **Work Breakdown Structure** (WBS)
- Develop realistic plan and performance metrics
- Manage and control scope

Project requirements are the conditions or capabilities that are required to be present in a product, service, or result to satisfy a contract or other formally imposed specification. Collectively, the project requirements make up the scope of a project (i.e., “all the work required, and only the work required, to complete the project successfully”). Poor requirements management is a leading cause of project failure, second only to changing organizational priorities.²

3. Time Management

Time Management includes the processes required to manage the timely completion of the project. Tasks in Time Management include:

- Plan how the schedule will be managed
- Define the activities necessary to achieve the project objectives
- Identify dependencies and sequence activities
- Estimate activity resources required to achieve the activities as sequenced
- Estimate the duration for each activity
- Develop a schedule
- Monitor and control the schedule

² PMI, PMI's Pulse of the Profession: Requirements Management--A Core Competency for Project and Program Success 2-3 (Aug. 2014), available at <http://www.pmi.org/-/media/PDF/Knowledge%20Center/PMI-Pulse-Requirements-Management-In-Depth-Report.ashx> (last visited Aug. 8, 2017). (The report adds that: “When counting the number of causes of project failure, you need more than one hand. But the leading culprits will always include scope creep, poor communication, lack of stakeholder involvement and inadequate support from the executive sponsor. And all of these problems share something in common: they involve or impact requirements--the process of identifying, defining, documenting and managing the solution a successful project must deliver.”).

4. Cost Management

Cost Management includes the processes and activities necessary to estimate project costs with a high degree of accuracy and ensure that the project is completed within the approved budget. Tasks in Cost Management include:

- Plan how the costs will be managed
- Estimate costs based on the schedule, available resources, project constraints, and any other relevant data
- Determine the project budget
- Control costs according to the budget

5. Quality Management

Quality Management includes the processes and activities that determine quality policies, objectives, and responsibilities so that the project will satisfy the needs for which it was undertaken. This requires:

- Planning quality management
- Performing quality assurance
- Monitoring and controlling quality

6. Human Resource Management

Human Resource Management refers to the processes necessary to organize, manage, and lead your legal team. In the planning stage, the primary tasks include defining roles, responsibilities, and a reporting structure. Once the project is underway (*i.e.*, the executing phase), tasks include:

- Acquiring the final team
- Managing the team
- Evaluating team and individual performance
- Holding team-building activities
- Recognizing and rewarding accomplishments
- Use issue logs and manage conflicts
- Formally release individuals to work on other matters after their work is completed

7. Communications Management

Communications Management refers to the processes necessary to identify the information that needs to be shared and to whom, when, and how it will be shared. Tasks in Communication Management include:

- Plan project communications
- Manage communications
- Control communications

When planning Communications Management, consider the following:

- Information to be communicated and reason for distribution of information
- Time frame and frequency of communications
- How information will be communicated and to whom (e.g., language, format, content, and level of detail)

- Persons responsible for communications, including who is authorized to release confidential information, file information with the court, speak to outside counsel, etc.
- Resources allocated for communications (time and budget)
- Escalation process for issues (time frame and management chain)
- Method for updating and refining this plan as project progresses
- Communication constraints (e.g., regulation, technology, or organizational policies)

Remember that guidelines and templates increase efficiency and ensure the team follows the communications plan. Therefore, to the extent that you have or can create guidelines and templates, they should be organized and disseminated to the appropriate individuals.

8. Risk Management

Risk Management refers to the processes of conducting risk management planning, identification, analysis, response planning and controlling risk on a project.

- Address risk proactively and consistently throughout the project
- Plan risk management: Scale to project - Ensure that the degree, type, and visibility of risk management is commensurate with both the risks and the importance of the project to the organization
- Identify risks
- Perform qualitative and quantitative risk analysis
- Plan risk responses
- Control risks

The objective of risk management is to “increase the probability and impact of positive events, and decrease the probability and impact of negative events in the project.”³ While the specific risks often are unique to the project, risk management should be a high priority throughout the lifecycle of all projects.

9. Procurement Management

Procurement Management refers to the processes necessary to purchase or acquire products, services, or results needed from outside the project team. The Procurement Management Plan describes how a project team will acquire goods and services from outside the performing organization, and how the procurement processes will be managed from developing procurement documents through contract closure. Both corporate counsel and their law firm counterparts should have their own Procurement Management Plans even with respect to the same matter. For example, corporate counsel might develop a Procurement Management Plan that addresses the requirements for hiring outside counsel; in contrast, outside counsel’s Procurement Management Plan might address hiring e-Discovery consultants, expert witnesses, or contract attorneys. As a general matter, these plans might include guidance on:

- Factors considered in making the procurement decision (e.g., law firm must demonstrate a commitment to hiring diverse candidates or proposed team must have litigated a similar matter before the Court of Federal Claims).
- Identify potential vendors / firms that might be eligible for the procurement.

³ Project Management Institute (PMI), A Guide to the Project Management Body of Knowledge (PMBOK Guide) 273 (5th ed. 2013).

- Contract types to be used.
- A list of procurement risks and solutions to manage those risks (e.g., risk can be shifted to outside counsel through the type of contract).
- Constraints and assumptions that could affect planned procurements.
- Approach for managing multiple vendors (e.g., identifying a central point of contact or scheduling a recurring tag-up meeting).
- Change control processes to ensure contracts or purchase orders are within scope.
- Defining procurement metrics for monitoring contracts and evaluating vendors throughout the contract and at project close-out.
- Process for make-or-buy decisions and ensuring the decision points are integrated in the project schedule as well as overall cost estimates
- Developing and maintaining a [work breakdown structure](#) (WBS).
- Standardizing procurement documents and the format for the statement of work.

■ **Practitioner's Note:** This is an area often overlooked by both buyers and sellers, but investing time to negotiate a standard document with your key suppliers is one of the easiest ways to increase efficiency and quality in procurements. Once a vendor's or firm's services are needed, the matter is often time-sensitive, if not an all-hands-on-deck emergency, and you may not be able to afford the time to negotiate terms. As a result, you risk having to forego the most qualified vendor for one that is ready to start work immediately.

10. Stakeholder Management

Stakeholder Management includes the processes required to:

- Identify any person or entity, either external or internal to the project team's organization, who may affect, be affected by, or perceive itself to be affected by a decision, activity, or outcome of a project.
- Analyze their expectations and their impact on the project
- Develop a plan to achieve the desired level of engagement for stakeholders
- Monitor and control stakeholder engagement accordingly

Final Thoughts

If you have made it this far, you now know enough to be dangerous. What I mean is that you have a basic understanding of the Project Management vernacular and framework, but we have only grazed the surface. Similar to attorneys, project managers need not only formal training but also boots-on-the-ground experience – training provides the tools, experience teaches you how to *use* the tools. This means implementing (and oftentimes experimenting) with various PM tools and processes to deliver real-world projects that satisfy the project requirements on schedule and within budget.

If your organization is new to Project Management, start small – perhaps you start by negotiating a standard vendor agreement or you focus on properly closing-out your next legal matter with a team de-briefing and documenting lessons-learned. But, do not try to do it all at once. Think of Project Management like Home Depot – it has every tool, material, and resource needed to build and

decorate countless houses, but just as you would not buy every brand of hammer sold when one will do the trick, the same is true for Project Management. The degree to which you use Project Management on legal matters should scale according to your organization’s needs, your project team’s size and style, and the complexity of the legal matter.

Appendix 1. Project Charter Template

This template was prepared by Melinda Biancuzzo.

Client Name / No.: _____		Matter Name / No.: _____	
Project Sponsor: _____		Budget: _____	
Managing Partner: _____		Fee Terms: _____	
Project Team	Attorney name, level, rate, and role		
Other Stakeholders	E.g., Regulators, third-party claimants, opposing counsel, employees involved in the matter		
Problem Statement	State the legal issues and the reason why the vendor / firm is being retained, e.g., the Federal Trade Commission is bringing an enforcement action against the Company and the company needs outside counsel with experience dealing with this regulator.		
Objective / Business Case	E.g., Bet-the-company litigation versus settling a contract dispute with minimal publicity		
Scope	Identify work to be performed in addition to work <u>not</u> within scope.		
Requirements	Project requirements should include change control process (e.g., individuals authorized to approve changes to the project that impact cost, schedule, and scope).		
Risks	Uncertain event(s) or condition(s) that, if realized, have a positive or negative effect on one or more project objectives		
Constraints	E.g., Deadline for filing a claim before the statute of limitations runs or set budget		
Assumptions / Exclusions	At a minimum, this section should document the anticipated scope of work and level of effort upon which staffing/cost/schedule estimates were based, e.g., number of interviews/depositions.		
Initial Schedule	Milestones / Deliverables	Start Date	Due Date
Notes / Lessons Learned	Updated throughout project life cycle and finalized at project completion.		
APPROVALS			
Signatures			
Revision History			

Appendix 2. Work Breakdown Structure (WBS) Dictionary Template

This template was prepared by Melinda Biancuzzo.

Control Account ID #	Work Package Name / #	Date of Update	Responsible Attorney(s)
Work Package Deliverable Description:			
Work Involved to Produce Deliverable:			
Acceptance Criteria:			
Assumptions and Constraints:			
Quality Metrics:			
Risks:			
Resources Assigned:			
Duration:	Schedule Milestones:	Due Date:	
Interdependencies: (Before and after this work package)			
Approved By: Project Manager _____ Date: _____			