

Overcoming Resistance to Legal Project Management

A List of Suggestions for Law Firm Project Management Champions

By Gary Richards, Principal, LegalBizDev (July 2015)

“The difficulty lies not in the new ideas, but in escaping from the old ones.” – John Maynard Keynes

It is natural for people to resist changing their normal way of doing things, and many lawyers resist the mindset change required by legal project management (LPM).

This list was written for internal LPM champions who see the value of LPM to their firm. It reviews six common objections to LPM. Each is followed by questions and statements that could be used to guide a conversation to overcome resistance.

1. Clients don't always know what their objectives are.

- Do you have a list of typical questions you ask to help a client define their objectives?
 - Asking relevant questions shows the client that you are interested in what is important to them.
 - Your questions can also help the client think about issues they normally don't consider.
- Do you and your client draft a written statement of objectives for discussion and mutual agreement?
 - Without clear, agreed upon objectives that the client is willing to pay for, you are more likely to have trouble agreeing at the end of the matter on what should have been done and what will be paid for.
 - It's easier to discuss client objectives if they are written.
 - It's easier to mark up a draft during a discussion than to take notes without a draft for reference.
- Do you seek to determine whether other decision makers or stakeholders in the client's organization share those objectives once defined?
 - A written statement of matter objectives is handy for your client contact to use in his/her internal discussions.

2. Planning is often a waste of time. My cases evolve so quickly and have so many surprises that things never work out the way I expect. Besides, I don't have time to plan and budget.

- Does the fee incurred ever exceed your quoted budget estimate?
 - Matter plans and budgets allow more accurate fee estimation.
- How do you tell if you are ahead or behind in work on the matter?
 - Matter plans help you to monitor progress.
- What would suffer if you spent 30 minutes planning your next matter immediately upon accepting the representation?

- Planning time is frequently billable since the client benefits from increased efficiency, thoroughness, timeliness, etc.
- ❑ Do you ever run into:
 - Last minute crunches?
 - Missed deadlines?
 - Unavailable staff because they are already committed to another matter?
 - Task-level matter plans help avoid all three of these problems.
- ❑ Were there ever any problems with scope creep after you started work?
 - It is easier to show that the newly required work was not included in the initial plan/fee estimate if, in fact, an original plan/budget exists.
 - Otherwise, the client may feel it is legitimate to say something like “You are the expert... I thought you would have foreseen this!”

3. My clients don't require budgets.

- ❑ Do they just pay in full whatever you bill them? Or is there sometimes pushback on fees?
- ❑ Do you ever have conversations with clients that include fees?
 - Those discussions go better when you have a basis for your estimate, such as a matter plan and a clear scope statement.
- ❑ How do you determine what fee and/or timing to tell the client in the engagement letter?
 - At some point very early in the engagement, clarifying the fee expectation is important.
- ❑ Do your initial fee estimates ever prove to be too low?
 - If yes because of scope increases: It is easier to show that the newly required work was not included in the initial plan/fee estimate when an original plan/budget exists.
 - If yes is because of simply underestimating: Matter plans allow more accurate fee estimation. Discussing the plan with clients can help shake out exactly what should be included in the work to accomplish their objectives.

4. I have done this kind of work for years. I know how to provide my services.

- ❑ Of course I recognize that you would not be working in the firm if you had not been successful for years. But competitors are becoming more efficient and we want to stay ahead of them.
- ❑ Do you ever have any tasks you have delegated either come in late or get completed differently from what you expected?
 - Matter plans improve the clarity of delegated work and the likelihood that it will be performed successfully.
- ❑ Do clients ever push back on fees or require write-offs to keep them happy? If so, how do you handle that?

- Matter plans and communication plans help avoid fee surprises and related client dissatisfaction.

5. My problem is that there is just more work to do than I can handle.

- Is it possible that you could delegate more of the tasks you are now doing that don't require your level of skill knowledge and training?
 - If yes: Having a solid matter plan/budget makes it easier to identify and hand off tasks that could be done by others.
 - If no, there's no one to delegate to: If you ask and are refused, then you have data to provide management about the need for more staffing. If you don't ask, then vital information is being hidden from the firm, and client service may be suffering.

6. If I become more efficient, won't my hourly revenue drop?

- Is it possible that competitors could take the work away by offering the same quality for lower fees, due to greater efficiency?
- Is it ethical and/or a good business practice to have the client pay for your lack of efficiency?
 - When you are able to show that you are you efficient, it increases the likelihood of additional business and referrals from that client.
- Do you already have all the new business generation that you can handle?
- If you reduce the time it takes for you to deliver quality services to a client, you can invest that "found time" in seeking new business or other activities.

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225 Franklin Street, 26th floor
Boston, MA 02110
800-49-TRAIN
www.legalbizdev.com
info@legalbizdev.com