



# Creating a “Communication Engine” through Legal Project Management

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Communication lapses are far more than simple misunderstandings or irritations: in the highly complex world of the modern legal transaction, they can derail a major project and fatally damage the lawyer-client relationship. Legal project management practices and principles can revolutionize the way lawyers and clients talk to each other and among themselves.

*“What we’ve got here...  
is a failure to communicate.”*

— Prison boss Strother Martin to inmate Paul Newman  
in *Cool Hand Luke* (1967)

**A**s communicators, most lawyers — especially those in law firms — tend to think they stand at the apex of the human communication food chain and that they are far superior to non-lawyers in their communications skills. If you’re not sure, just ask them.

Ask their clients, however, and a far different picture emerges. In every survey of client dissatisfaction we’ve seen for decades, the first and loudest client complaint is about their lawyers’ communication — or the lack of it. What’s the gripe? Over and over, three themes emerge: “My lawyers are unresponsive.” “I never know where things stand.” “My lawyer tells me what he wants to tell me, not what I need to know.”



Few of clients' frustrated gripes allege analytical deficits or shortcomings in legal judgment or quality of expression. In general, clients believe their lawyers know their stuff and can articulate it adequately, if perhaps too verbosely.

### RECIPE FOR COMMUNICATIONS FAILURE: NO CONTEXT

For such smart people, lawyers — both in law firms and in-house — tend to be pretty simplistic when asked to describe the “communications context.” The law firm talks to the client, and vice versa, right?

This over-generalized model tends to foster the misconception that communication pathways are elementary: “What did the client say about the

bill?” “Give the law firm a call and tell ‘em we need that contract draft today.” See? Simple. Linear. Us and Them. Just a matter of the people on one side of the wall lobbing messages over to the people on the other side.

During Legal Project Management (LPM) training, we teach that to avoid dropped balls, disconnects or unhappy surprises, one of the crucial rules for success is: “Keep all of the stakeholders in

the loop, all of the time.” Why? Because too often, as Jim Benson writes in *Personal Kanban*, “We are told to do work, but don't understand why. We crave and deserve context. *Without context, just being told what to do is a communication failure.*” (Emphasis added)

This truism comes as a big surprise to many experienced lawyers who tend to keep their plans, strategies and tactics locked up in their heads. They manage projects using a hub-and-spokes approach, where they are at the hub and all the other players are arrayed around the perimeter of the wheel (often, they don't know what those other players are actually doing or how their work interrelates). “Why does everybody need to know everything?” these overcontrollers say. “All that communication just takes up a lot of my time. I'm in control; I know what's going on. That's all that matters.”

We interview a lot of associates, and they tell us that most of the time, their comprehension of all the moving parts, as well as the role they play as cogs in the machine, is spotty and incomplete. They are rarely let in on overall strategy or the critical phases of a legal project. They don't know what

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steps are upstream and downstream of their positions, and they can't flag the ground-level inefficiencies or goof-ups they see because they don't appreciate the cumulative impact on the whole project.

As Benson puts it: “Lack of context creates waste, resulting in long work days, poor planning and the inability to keep commitments.” Sound like any law offices you know?

### UNBUILDING WALLS

This context problem is no less true when one approaches the law firm-client barrier. And let's be frank, it's a barrier. On both sides of the wall, most players perceive a communications wall — or even a minefield — between law firms and clients.

Let's deconstruct that context. Just who or what are we referring to when we speak of “the client”? This bucket phrase can include a whole raft of players, including the company (“We represent Allied Widget”), the general counsel, the assistant general counsel, the associate general counsel, staff attorneys, paralegals and legal assistants.

And that's just the lawyers. What about other vitally interested stakeholders, such as the CFO, the business unit head, the financial chief for the business unit, the procurement department, and the chief compliance officer (not to mention the administrative assistants for all these players)?

Things aren't much simpler on the law firm side. Here, the *dramatis personae* may include the relationship partner, the client team leader, various expert partners (e.g., tax, ERISA), counsel, senior associates, junior associates, and various paralegals.

Here too, we may see lots of non-lawyer participants, like financial analysts, the CMO, or the IT experts. The firm also may have numerous lawyer and non-lawyer players outside its walls: local and correspondent counsel, e-discovery vendors, legal process outsourcing vendors, software vendors, the firm's PR company, and various consultants.

Ah, but we're still not done. Think of all the other stakeholders who touch the communications context in myriad ways. Opposing counsel. The court.

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Local, state and federal regulators. The media. When you tally up all the potential communication pathways among all these stakeholders, you see that communication is not simply a matter of “The law firm talks to the client.” True, some of these connections are more important and more frequent than others, but a communication failure in any one of them can wreck the entire train.

### JUMPING THE TRACKS

**T**ake this true-life example: A seriously overstretched associate general counsel calls up a junior associate at the firm: “Look, you’ve done a terrific job in your work for us, and I’m really in a jam. Can you take over handling X, Y and Z for me?” The associate, flattered by the praise and client trust, eager to further develop the client relationship, and glad for a few more billable hours, steps up readily. The pattern escalates: good work begets more

panicky can-you-save-me phone calls. The additional work is done timely and well, and all is sweetness and light between “the law firm and the client.”

The relationship partner looks at the pre-bill, sees \$120,000 of unexpected billable time falling outside the project plan, and is told by the associate, “The client asked for it and is happy with the work.” The partner sends the general counsel a bill with the additional amount. The GC goes ballistic, flatly refusing to pay “this outrageous overcharge.” When the relationship partner cites the AGC’s apparent authority to authorize the additional work, the GC

says, “I’ll take care of my #%&@! AGC, but your associate never should have taken on this work without checking with you. You failed to manage your troops, and we won’t pay this.” The firm ended up writing off over \$100,000.

### THE PLAN, BOSS, THE PLAN

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For this to happen, communication, both within a law firm team and with the client team, can never be taken for granted. In important matters (and which matters, in the client’s eyes, are not important?), communication must be planned.

In our LPM workshops, we invariably ask: “How many of you have ever even seen a written communications plan?” At most, we’ll see two or three hands from lawyers, usually those whose clients employ or demand communication planning processes.

When we ask, “How many of you have actually written a communications plan?”, we generally see fewer hands go up. In other words, even in bet-the-company litigation or major transactions, communication is done by default. And the default position is, “We’re all smart lawyers here, and we know how to communicate. Why belabor the obvious?”

A communications plan is not just make-work or overkill; done well, it does not belabor the obvious as much as it identifies the ways to share vital information.

### THE COMMUNICATIONS PLAN

**A** good communications plan spells out and anticipates roles, modes, content and timing. That is, before a project or engagement starts, everyone involved should be able to consult some kind of information source somewhere that contains the following fields of current information:

- names, titles, roles and contact information of all stakeholders, both on the client side and law firm side;
- project objectives and deliverables;
- project phases, tasks and timeframes;
- the type and form of information each stakeholder requires;
- the frequency with which each stakeholder needs to receive information essential to his or her roles and responsibilities;
- the mode or method by which communication will take place; and
- warning signals and alarm bells defining what kinds of events will trigger emergency or extraordinary responses from the project team.

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Even the best communication plans are not self-executing. The existence of a written planning document or set of software entries will not ensure that real people actually do real communicating.

When describing real-life communication pathways, good plans therefore must accommodate the different levels of formality, familiarity, friendship

and history that may mark communications among different stakeholders. Put differently, an effective plan is a living document that serves to guide the actual people involved; it is not an impersonal blueprint or a follow-the-dots protocol.

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#### WHO CREATES THE PLAN?

**W**ho should prepare the communication plan? As the party receiving money for the delivery

of legal service, this responsibility customarily falls on the law firm, although the firm may use templates or forms the client uses or approves.

But which members of the firm create the plan? The obvious candidate is the project manager for a particular engagement, but that title is used very differently in different situations. Sometimes the project manager is the relationship partner or client team leader. Sometimes it's a younger partner, the implementer of the grand strategies that the relationship partner and client negotiate. Sometimes the project manager is an associate, in which case the role is primarily a matter of implementing others' orders or tracking progress. And sometimes a non-lawyer is designated project manager, the title denoting nothing more than an "administrivator" of details and schedules.

The ideal answer is that the plan is formulated by someone with big-picture knowledge and experience, aided and abetted by all the team members. A communication plan should be a collaborative process to get all players in the loop.

#### CREATING BETTER TOOLS

**G**enerally, complex legal projects can be managed better when all stakeholders can access the same information (and update information) as their individual needs and schedules dictate. Although numerous face-to-face meetings are wonderful for *esprit de corps* and consensus-building, generally they represent an inefficient way to communicate,

and therefore should be reserved for project points when human interaction either is absolutely indispensable or is clearly the fastest and most efficient way to swap information.

Quantum advances in planning and communication software — whether developed internally or sourced from a proliferating list of vendors — now permit seamless integration of task scoping and planning, critical path definition, budgeting, monitoring progress, and all communications interactions.

Happily, the days of separate strategic plans, tactical plans, team selection plans, budgets and communication plans are behind us. The LPM trend has spurred development of some terrific integrated templates and dashboards. The best of these are easy to use, elegantly formatted, fully integrated, and totally self-populating: information added in one template field automatically updates relevant related fields in other parts of the project plan.

While it would be inappropriate for us to name the players at the head of the user-friendly planning and communications software class, we can vouch for the impact these marvelous new communications tools have when introduced to previously skeptical software users: the lawyers who kept reminding us that law is practiced by people, not by software. At rollouts of cutting-edge templates and integrated dashboards at several firms, the response is similar: "Wow. That is awesome. *I can do that.*" •

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