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How Alternative Legal Service Providers (ALSPs) add value **through project management**

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The growth of Alternative Legal Solution Providers (ALSPs).

The recent growth of Alternative Legal Service Providers (ALSPs) has been driven by value found in the disaggregation of legal process and legal advice. The former lending itself in many instances to Managed Legal Services or Managed Legal Projects (MLPs).

As a solution for organisations, MLPs offer the opportunity to extract and outsource a specific legal process, or group of processes, and focus their delivery through a multi-disciplinary and dedicated team. A key component of such multi-disciplinary teams is project management, and this whitepaper highlights the value such engagements derive from a robust project management framework.

> *"It's not enough to be busy, so are the ants. The question is, what are we busy about?"*
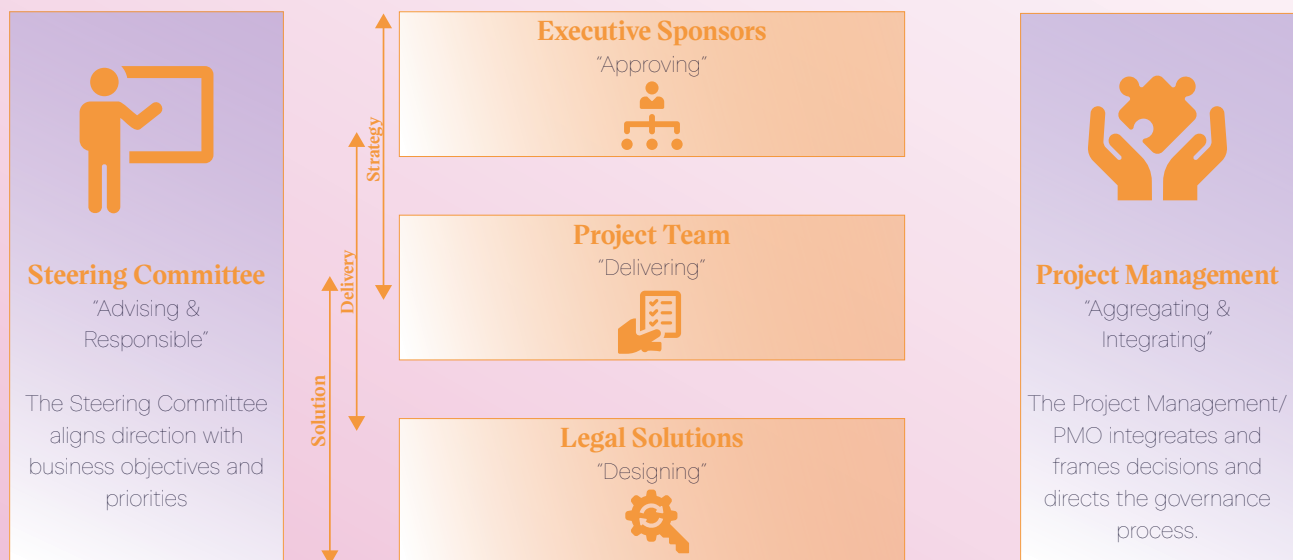> **– Henry David Thoreau.**

As the quote suggests it is not enough to have people doing work, it needs to be the right work, at the right time and for the right reasons. This is where project management comes in.
MLPs tend to be implemented to deliver legal services with a combination of large scale / volume, high operational complexity and high operational risk. Applying project management principles and techniques to deliver these services can improve the overall management of cost, risk, time, quality and resourcing. To better understand how we will delve into the following areas:

1. Decision making
2. Process optimisation
3. Risk mitigation
4. Resource allocation and utilisation
5. Continuous improvement

Decision Making.

Establishing an efficient route to effective decision making is not an easy task. When setting out on a new project a focus on project governance is a key driver for success. Project governance will define decision making procedures and the required information / metrics and stakeholder communications. A strongly defined governance structure will:

- provide informed and insightful executive reporting (mix of qualitative and quantitative)
- define clear roles and responsibilities in the governance hierarchy
- ensure decision making is taken at right times and by right people through defined delegated responsibility and escalation criteria
- deliver proactive communication and ensure engagement of all stakeholders

Steering Committee

"Advising & Responsible"

The Steering Committee aligns direction with business objectives and priorities

Executive Sponsors
"Approving"

Project Team
"Delivering"

Legal Solutions
"Designing"

Strategy

Delivery

Solution

Project Management

"Aggregating & Integrating"

The Project Management/ PMO integreates and frames decisions and directs the governance process.

All too often in MLPs, governance and the enablement of decision making is largely overlooked. This is due to the process heavy nature of the delivery and a perhaps ill-informed view that it will run as business as usual. But there is real value to be found in implementing a governance structure that enables informed decision making.

During a property asset due diligence for example, it can be hugely beneficial to layer quantitative data analysis into project reporting to identify potential issues and make decisions on remedial actions. Although this example is a largely process driven exercise in gathering and reviewing documentation and data, there can be opportunities to gain efficiencies through good project governance. Stratifying the portfolio of assets based on key characteristics can provide valuable insights into the likely success of the core process – the "happy path". This is achieved by identifying cohorts where the happy path will not achieve success, allowing decisions to be made to shift efforts to deviations of the standard process where necessary – the "exception or unhappy path". This can only be achieved through a robust project management and governance layer that embeds data analysis at the core of its decision making.

Process Optimisation.

Project managers will naturally seek to define the project objectives up front – the what, ensure these are aligned to a business need – the why, and produce a baseline plan – the when. What is often overlooked though, is the focus project management gives to the framework and processes that will be implemented to deliver the project – the how. By affording this the attention it deserves, wasted time and cost can be greatly avoided in the delivery of the project.

"Building the plane while you fly it" may be an accepted concept in fast-paced Silicon Valley environments where speed to market is key and "ship-it, fix-it, ship-it again" is a way of life. However, in the delivery of legal and compliance services there is considerably more risk involved in the production of unfit or prolonged deliverables.

Having a defined delivery framework and associated operational processes is key to successful MLPs.

Let's take for example a large-scale e-Discovery project. A playbook defining the review workflow up-front will ensure that each document is adequately reviewed, and quality assurance review parameters can be agreed and embedded in the workflow. This will avoid the risk of re-review at the latter stages of the project. Effective project management here will also seek to define the data architecture pre-review, ensuring that the required data for production (e.g., relevance, privilege status, subject categorisation, metadata) is captured once and, critically, at the time of review.

This is not to say however, that MLPs cannot be innovative in their approach, and it is certainly possible to introduce alternative project management methodologies to the delivery of MLPs. For instance, an e-Discovery project could benefit from the adoption of Agile methods traditionally used in software development.

A backlog of items sought to be investigated through e-Discovery could be iteratively worked through, with the project manager controlling the prioritisation of items, introducing new items as lines of enquiry become more developed, and managing the assignment of investigation items through daily scrum meetings.
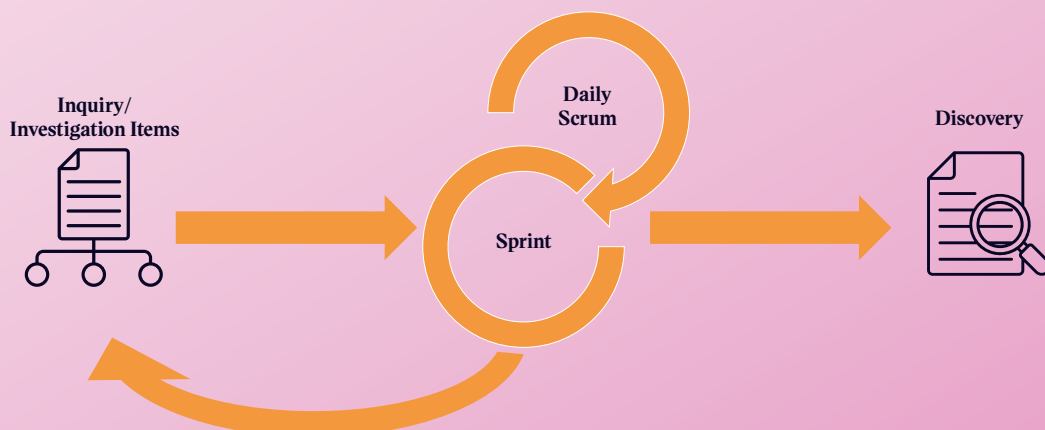
Risk Mitigation.

What can go wrong? Good project managers understand that projects are often subject to uncertain factors and, whilst it would appear to represent a negative train of thought, ironically keen consideration of what could go wrong during a project is a practical and pragmatic approach to navigating such uncertainty.

Risk management is the process of identifying potential risks, evaluating risks, and implementing steps to influence risks through mitigating actions and / or contingency planning. To deliver this as part of any project a risk framework should be defined. This will detail the processes, tools, reporting and governance necessary to effectively manage project risks.

1	**2**	**3**
RISK IDENTIFICATION	**RISK EVALUATION**	**RISK HANDLING**

MLPs are just as susceptible to uncertainty and risk as other projects and can benefit greatly in implementing a risk management framework as part of their project management solution by:
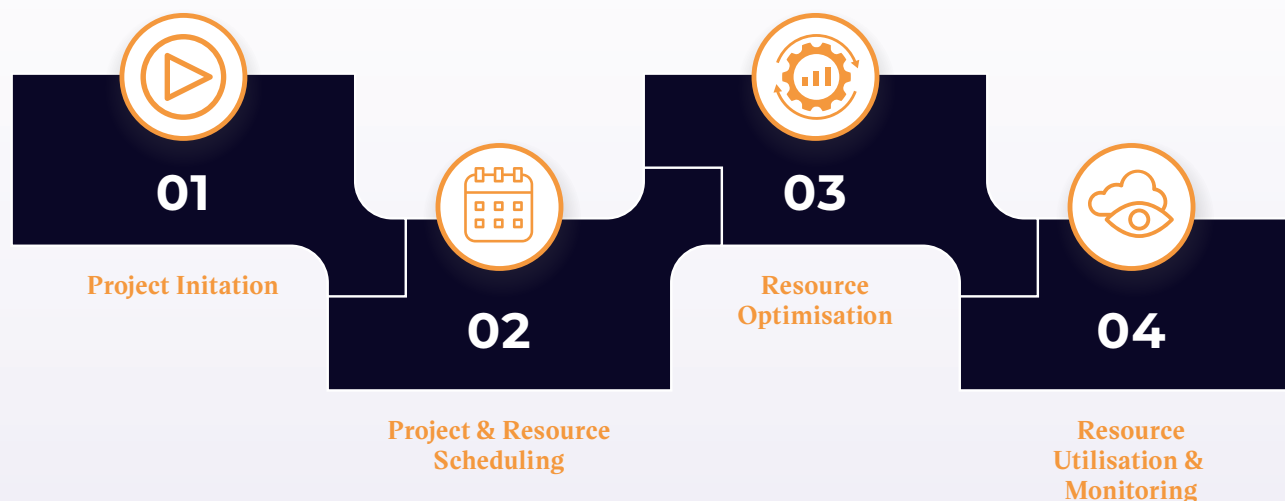
- helping the team act promptly on threats to delivery before they grow
- providing clear ownership for actions towards mitigation/resolution/contingency
- enabling resolution progress to be monitored, to help ensure timely resolution
- providing a clear and reliable method for escalating concerns
- providing defined processes and tools (RAID register, risk forum, reporting templates etc)

An effective project management function will seek to embrace risk and be proactive in dealing with it. This will see the initial question evolve from simply "what can go wrong?" to "what can go wrong and what can / will we do about it?".

If, for example, we were to undertake a contract review project; this could be assisted through a technology review platform. However, there is a risk that older scanned documentation may fail OCR (optical character recognition) and therefore would require manual review. To mitigate this a representative sample of contract documentation based on vintage (as the likely driver of un-readable documents) could be processed initially. This would identify potential OCR issues and those vintages that they relate to. The project could then proactively plan for manual review of the associated documents as opposed to needing to be reactive to this issue arising later in the project.

Resource Allocation & Ultilisation.

All projects need resources to complete tasks and managing resources effectively is key to the success of projects. Project managers will be responsible for allocating resources to specific tasks and monitoring this throughout the project to ensure the optimal use of resources.

01 Project Initation

02 Project & Resource Scheduling

03 Resource Optimisation

04 Resource Utilisation & Monitoring

Very closely linked to process optimisation, at the outset of a project a project manager will define the operational processes and tasks required to deliver the project objectives. As part of this the project manager must identify the skills and experience required to deliver each task. Doing this will ensure the most efficient allocation of resources, aligning tasks with resource skills and experience.

In Discovery or contract review projects this up-front planning will enable the allocation of senior resources to Level 2 review or Quality Assurance tasks. There is an important correlation here to the efficient management of project financials with the optimum blend of junior to senior resources having a direct cost impact.

As the project progresses a productive project management function or PMO (Project Management Office) will monitor and track resource utilisation. This essentially measures the productivity of each resource against assigned tasks. This can enable early identification of process bottlenecks or issues and allow the project manager to re-allocate resources to mitigate.

Efficient and effective resource allocation and utilisation is not purely quantitative and good project management will afford equal consideration to core competencies and ensure that resources are allocated to tasks suited to their skills.

This approach allows law professionals to focus on the legal solutions and processes required to deliver the project without having to be distracted by project management activities not aligned to their core skillset.

Continuous Improvement.

Lessons learned is a key principle of project management excellence, representing the organisations and the project managers commitment to continuous improvement. After all, as the writer Paulo Coelho put it, "a mistake repeated more than once is a decision."

The lessons learned are the documented information that demonstrates what has and what has not worked during a project. Effective project management seeks to learn from project successes as well as failures.

STEP 1 — Identify

STEP 2 — Document

STEP 3 — Analyse

STEP 4 — Store

STEP 5 — Retrieve

Various tools can be utilised to facilitate lessons learned sessions such as "Stop-Start-Continue", "Stage Gate Reviews" and "Project Healthchecks". The project management framework will ensure that lessons learned are not confined to a review of previous projects during initiation and a retrospective review post completion.

Instead, lessons learned will be routinely captured and fed back into project delivery.

This can be further facilitated through quality assurance and will enable early identification of process issues and drive remedial activity.

As we seek to deliver many MLPs with the assistance of technology this approach provides real value. Often technology platforms require an element of custom configuration to, for example, workflows or data architecture.

A strong emphasis on continuous improvement and an ongoing lessons learned mindset will ensure the most effective use of technology by allowing the project to identify changes that could improve the efficiency of the processes. Scheduling regular touchpoints with the project team to capture lessons can identify valuable changes to how the technology is configured.

Conclusion.

In conclusion, whilst the aspects covered in this paper are not exhaustive to the benefits of good project management, the delivery of MLPs is greatly enhanced by an effective project management layer.

From the outset this will allow key project resources to focus on their strengths, removing the need for lawyers to play the role of project manager.

Projects will be clearly structured through scoping, planning, delivery and closure phases and will seek to find the most efficient path to success. Projects will be delivered in a controlled environment where scope is proactively managed allowing an agile approach to change and an effective path to scaling.

At a time when "do more for less" is a driving influence across all organisations the addition of project management to the delivery of legal services and processes offers valuable gains.

Contact us.

We would love to hear from you.

Thank you for reading our whitepaper, we hope you've found it helpful.

If you have any questions on its contents, or any general enquiries, please do not hesitate to get in touch.

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