



**2016 CLM Annual Conference  
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**“Litigation Management: Process Mapping and Project Management Strategies”**

**I. Why do I need a map?**

**Understanding Process Mapping and Legal Project Management**

Process mapping is a chart of workflow management that seeks to create transparent processes that can be easily assessed and adjusted to increase efficiency. Process mapping allows the insurer, insured and counsel to understand not only the goals or expected outcomes of the process but also the costs and steps required to reach the goal or outcome.

Legal project management is the application of project management to the control and management of legal matters. This involves the management of schedule, risk and cost in a more rigorous and structured manner than most law firms have done in the past. Legal process management is becoming an expected discipline for insurers and outside counsel faced with the need to be more efficient in the provision of services.

Process mapping and project management help weed out inefficiencies. Insurers and outside counsel face increasing pressure to expand the scope and volume of services while dealing with a shrinking or flat budget. Insurers and law firm are seeking new ways to improve efficiency, reduce costs and deliver added value to insureds/clients.

The benefits to process mapping and legal project management for an insurer are numerous. Utilizing these strategies can lead to greater predictability of legal fees and a more managed approach to legal work. It can lead to a more meaningful experience working with outside counsel, inside counsel and within the company. It can better demonstrate the value of the legal department to the company as a whole. Perhaps most importantly, it can lead to better adherence to the budget.

The outside counsel also sees benefits to the use of process mapping and project management. The benefits include greater profitability and greater client satisfaction. It can lead to improved client relationships and retention. A law firm can differentiate itself from competitors by the use of these strategies. A law firm with multiple offices or practices may benefit from more consistency across the board.

## **II. Making a roadmap**

Every situation needs a plan. A properly created plan should form the basis for active management of the case through its life span by meeting insurer/insured expectations and laying groundwork for more effective and efficient services. The plan should start with breaking the work down like breaking a puzzle into pieces and considering the type of resource needed to put together each piece together.

A schedule must be devised. The schedule should list the goals, activities and deliverables with anticipated start and finish dates. If the insurer/insured is involved in the decisions with regard to the scope of services, this should be noted in the scope of work document. The work should be broken down into components parts such as tasks and activities and the resources identified that are needed for each task. This allows counsel to develop more accurate budgets. Further, it can be used to manage the work and make certain no tasks are missed.

Who will perform the tasks and when? Consider the level of professional needed to complete a task, i.e., whether an associate attorney, paralegal, partner or legal assistant is required. Will outside assistance be required such as an expert or a vendor to assist with discovery? Should tasks be done concurrently or one after the other? Certain tasks may be dependent upon the completion of other tasks.

In process mapping and legal project management, one must consider the information needs of those involved and establish a means of communication that meets those needs and expectations. What does the insured/insurer need to know? Expect to know? What tasks or activities require preauthorization from the insurer or insured? What is the most efficient means to communicate? Many outside counsel typically do not communicate the necessary information on a timely basis to the insurer and/or insured. This process is designed to streamline the legal process and makes timely communication an integral part of the process.

There are risks in every case or matter that may have a positive or negative effect on resolving a matter. Project risks may include a dangerous venue, difficult judge, obstinate opposing counsel, or bad facts. These risks can affect the timing of a matter as well as its budget or schedule. It could even change the goal of the case. These risks should be identified and discussed prior to agreeing to a desired outcome of a case or even a budget.

Some risks cannot be identified at the outset of a matter. As such, there should be a constant process of reevaluation to identify any previously unknown risks. The risk should be analyzed in terms of its likelihood of occurrence and potential impact. There should be a full and frank discussion with the insurer/insured as to the potential of such risks and how to best account for those risks in the plan for the case.

### **III. How much will it cost to get there? Making a budget.**

Lawyers are used to providing budgets but not necessarily the detailed budgets needed in the new world of process mapping and legal project management. These budgets require details as to tasks to be done, resources required to perform those tasks, time to do the tasks and well as costs and expenses. Lawyers may find they are changing some of their old beliefs as to how things should be done and changing their behaviors to improve efficiency and efficacy.

To begin with, counsel should know the goal or intended scope of the assignment. Where do you want to go? Is this a case the insured/insurer wants to take to trial? Resolve early on a compromise basis? Conduct discovery and pursue dispositive motions? The expectation of the insurer/insured should define the budget as it should be tailored to meet those goals.

Once the scope of the matter is established, the next step is assembling a flow chart or diagram as to how to achieve the desired results. One must consider the assignment of resources and time estimates. Consideration should be given as to whether a partner should complete a task as he or she may accomplish the task more efficiently than a younger associate. While the partner rate may be higher, is it more cost effective for the partner or associate to accomplish the task? It is more cost effective to employ an outside vendor to accomplish certain tasks such as criminal checks or aspects of discovery like the collection of medical records?

A budget should be transparent and detailed. The more detail, the more confidence the insurer/insured will have that counsel has well defined goals and is controlling costs. Communication with the insurer/insured about the budget early on will help avoid problems later on. A well thought out budget should cut down on conversations about why a budget was exceeded or last minute requests to update a budget. In simplest terms, a good budget keeps clients coming back.

### **IV. Time to get on the road. Implementing the plan.**

Now it is time to execute the plan. This involves not only doing the legal work but managing the legal work. This requires a much more proactive approach from counsel. Is counsel following the plan that was put into place? Is counsel managing the expectations of the insurer/insured for efficiency?

There are times where circumstances change and the scope or sought after outcome of a matter has to evolve. Early communication with the insurer/insured is essential in such a situation. Don't just do the additional work and ask for forgiveness later. A full discussion of the changes required and the potential impact is vital. The outside counsel and insurer/insured should work together in determining any change to the desired outcome, tasks to be performed and costs.

Regular communication with the project management team is needed to keep control over the work and to meet expectations. This could involve weekly or monthly meetings in person or by phone. The frequency of the communications will depend upon the particular matter and its complexity. For example, a large construction defect case may require more frequent meetings than a premises liability case.

Throughout the execution of the plan, the supervising attorney should be monitoring the plan to make certain that tasks are being completed on a timely basis as well as comparing the projected budget to the actual time and expenses. This will allow counsel to timely communicate any alterations in the plan or the budget. Many law firms now have systems in place to allow them to track an initial budget versus an actual budget.

Regular reporting to the insurer/insured is a critical part of the execution of the plan for any matter. Any status report should include quantifiable measures of progress and confirm adherence to the original plan of action agreed to by the insurer/insured. The regularity of the reports should depend upon the preference of the insurer/insured as well as the need to timely update of any changes in the matter.

The objective of process mapping and legal project management is to provide the desired outcomes of the client utilizing efficiency and effective communication. This sort of transparency in the handling of the case will benefit not only the insurer/insured in its considerations of controlling outcomes and costs but in effectively managing the practice of law, controlling law firm costs and providing service that will distinguish counsel from other competition.