

Case Study: LPM Initiatives at Lathrop Gage



*A LegalBizDev white paper
By Jim Hassett and Jonathan Groner
November 2017*



www.legalbizdev.com
800-49-TRAIN

Executive summary

In November 2015, Lathrop Gage began an LPM initiative by signing up six lawyers for a two-month coaching program to identify actions that each lawyer could take immediately to improve client value and profitability. Based on its success, the firm has expanded the program to 25 lawyers to date, and supplemented it with many related efforts described in this case study.

One of the firm's most innovative steps was to form the new position of LPM Partner to assure continued progress in this critical area. While many firms have hired LPM Directors in the last few years, Lathrop Gage was one of the few to recruit someone like Dave Clark, a practicing attorney who had several decades of experience working for the firm. The benefit of this approach is that "it takes much longer to understand a particular firm's culture and operations than it does to learn the fundamentals of LPM."¹

Lathrop Gage also became the first firm to provide lawyers with LegalBizDev's electronic library of LPM tools. This enables lawyers to find exactly the information they need precisely when they need it, whether they are in their office, in a hotel room, or on an airplane.

This case study explains how Lathrop Gage's innovation culture is maximizing impact by applying the concepts outlined in our white paper "The Top Five Ways to Increase Legal Project Management Results"²:

1. Focus on changing behavior and solving problems;
2. Aim for quick wins to create internal champions;
3. Publicize successes within the firm;
4. Use just-in time training materials;
5. Assure continuous improvement by following up relentlessly.

It describes numerous examples of LPM behavior change and the benefits to Lathrop Gage clients in a variety of practice groups, including Intellectual Property, Banking and Creditors' Rights, Labor & Employment, Wealth Strategies, and Cybersecurity & Data Privacy.

1. Focus on Changing Behavior and Solving Problems

This is the most important of the five principles because, as noted in our white paper:

The key to getting started in changing behavior throughout an organization is to help lawyers solve the problems they face, such as living within a fixed fee budget or

¹ http://adverselling.typepad.com/how_law_firms_sell/2017/09/how-to-hire-lpm-staff-part-1-of-2.html

² <http://www.legalbizdev.com/files/White-Paper-Five-Keys-to-LPM-Results-Kx.pdf>

increasing realization. And the best way to do that is to first identify lawyers who are motivated to change, and then to coach them one-on-one to create quick wins.

The first steps that lawyers should take are often easy to identify. The hard part is getting them to do it.

Since completing his coaching, Tedrick Housh III, Chair of the Cybersecurity & Data Privacy practice group, has begun to use LPM in both client projects and litigation. The LPM format is a natural fit for corporate clients who engage Lathrop Gage to assess their data security and privacy policies, regimens and incident response plans. “We have spent a lot of time looking at all of our repetitive tasks,” he says, “to handle them more efficiently and make sure they are assigned to the right people.”

For each new litigation matter, his team uses an electronic timeline with all deadlines and events coming up, along with a detailed list of tasks for each pleading, discovery item or witness. This format, says Housh, “prompts regular meetings of our trial team and forces us to continually evaluate whether certain tasks have been done, and sometimes whether they are still worth doing.” As trial approaches, the form suggests more frequent points at which to engage the client in the case. “It’s certainly true that litigation is unpredictable,” Housh says, “but these tools have helped us even though we know that there will always be surprises.”

In another example, Douglas Link, an IP associate in the firm’s Boulder, Colorado, office worked with his coach to identify immediate ways in to improve his communication with clients. They developed a new engagement letter that spells out all possible steps that the firm might need to take in connection with a patent application. The new engagement letter defines the scope of representation by using task codes and provides future cost projections for the various tasks.

A third example comes from Courtney Conrad, a Kansas City-based partner in Lathrop Gage’s Wealth Strategies group. She and her group have been informally using LPM for years by creating standard forms that help it serve its estate-planning clients, saving time and money. “We have a checklist, basically an electronic binder, that is accessible to everyone in our group,” Conrad says. “It has all the elements that you need for most estate-planning matters. It’s now a Word document, but we will soon transition to a document assembly system that will be even better. Once an attorney enters the necessary names, amounts, addresses and so on, that system will produce the document. This approach can be used not just in estate planning, but in many other groups firm-wide.”

The final example in this section comes not from a program that was started by a LegalBizDev coach, but rather from coaching Dave Clark conducted with LegalBizDev’s support. Clark’s assumption of his new role as LPM Partner coincided neatly with the firm’s being retained by a major auto manufacturer to handle a large series of trademark matters. Travis McCallon, an IP team leader in the firm’s Kansas City, Missouri office, consulted with Clark during the early stages of this work, and together they worked on efficiency techniques to keep this new client happy and in the fold.

“This kind of trademark work has a lot of volume. Most individual cases are not too sophisticated, but there’s a lot to keep track of,” McCallon says. “We created an in-house matrix that gives us all the information in a spreadsheet – what has happened so far in the case and what will happen next. The spreadsheet includes the name of the alleged infringer, and it even includes a link to the content that constitutes the possible online infringement itself.”

McCallon says the Excel spreadsheet also spells out what the firm’s proposed next steps are in each case and contains a requirement for client approval before each step can take place. The client has full access to the spreadsheet and can “populate” the box for client approval, thus triggering correspondence from McCallon to the alleged infringer.

In addition, McCallon, with Clark’s input, has devised an internal checklist that his team uses to ensure that all key steps are being taken in any of these trademark infringement cases so the data is “right at our fingertips.”

As Clark summed it up, “Through the use of LPM principles, we developed a way to keep the client informed on a regular basis of what’s going on in the large number of trademark cases that we are handling at any one time. This permits the client to see the status of all the matters practically at a glance. It has made it easy for the client to understand what’s going on in each case and what the recommended courses of action are. The client has been extremely happy with this approach.”

2. Aim for Quick Wins to Create Internal Champions

The successes listed above, and many others, have begun to create a cadre of internal champions who are continuing to spread LPM within Lathrop Gage.

One broad example emerged from coaching several members of the firm’s Banking and Creditors’ Rights Practice Team. Several leading members of the team saw the benefits of using task codes to organize their work, convey the details of the work effectively to clients, and improve budgets.

Following Clark’s recommendation, the group implemented a task code pilot project in June 2017, requiring the use of firm task codes on all new litigation matters opened by that group. Clark worked with the firm’s accounting department to design and implement the task code project, created training materials on the proper use of the task codes by all attorneys and paralegals in the group, gave presentations on the pilot project at team meetings, and had a special training session for secretaries on the correct use of these task codes. In conjunction with this pilot project, Clark’s LPM team created an in-house spreadsheet tool to assist lawyers with creating and monitoring budgets utilizing litigation task codes. In addition, Clark and his team are working closely with a global business intelligence company specializing in legal and professional services firms to help it develop a robust matter planning and budgeting software program that will serve the firm’s long-term needs.

Throughout this coaching program, each lawyer focused on their “low hanging fruit,” the changes that would have the most immediate benefit to their practice. For example, Rick Bien, Co-chair of the Business Litigation Team and leader of the firm’s ERISA, Life, Health, and Disability Insurance Group, created a personal docket for keeping track of all matters – a single document to see the interrelationships between matters. For one large matter, he also created a RACI matrix, a simple chart that will increase efficiency and communications by clarifying the roles of team members in completing tasks and deliverables. It establishes the level of communications each team member should receive. RACI is an acronym for who’s *Responsible*, who’s *Accountable*, who should be *Consulted*, and who should simply be *Informed*. (For details, see page 217 in the fourth edition of the *Legal Project Management Quick Reference Guide*.) The result of thinking through that matrix was that it helped Bien decide when and how to communicate with the client’s GC and its business executive as the matter progressed.

Banking & Creditors’ Rights Litigation Co-Chair Wendi Alper-Pressman focused on delegating work more effectively so that each team member understands exactly what she expects, when it is due, and the estimated hours in the budget. Employment partner Bridget Romero focused on tactics to better use Statements of Work and Matter Planning Templates to clarify understanding of the client’s objectives at the start of a matter. Jill Waldman, another Employment attorney, is standardizing her procedures to set baseline budgets upfront for all significant matters, and tracking and monitoring costs as the matter proceeds.

Wealth Strategies partner Gretchen Gold drafted new procedures for vault usage, and had them reviewed and edited by a team of Lathrop paralegals. Then she met with Lathrop’s Records Department personnel and coached them on the scanning and indexing of documents in the vault, including naming conventions and sequencing. She also has begun drafting instructions to non-timekeepers who will be responsible for a quality checking process for scanning and bar coding documents in the vault.

In another example of her work as an internal champion, Gold successfully coached another partner how a task done at her higher rates could generate a client cost that was lower than the combination of that partner’s time/rates plus inexperienced associates/rates doing the same work.

3. Publicize Successes Within the Firm

Even in a firm that is as well attuned to LPM as Lathrop Gage, there will be some resistance by attorneys to the adoption of any new practice concept, including LPM. Internal publicity is one way of countering that resistance.

“There are always obstacles,” Clark says. “There are lawyers who say that they don’t need it or that clients don’t want it or that there’s not enough time to do it. There’s always going to be some resistance, and part of my job is to understand, for each lawyer and practice group, what problems they have in their practice, and what LPM tools or templates will help them. Lawyers have started to notice that LPM is being mentioned more and more by clients, and that has helped to encourage them to start adopting LPM principles and practices.”

To date, internal publicity has largely been informal, as lawyers have shared tactics that have worked.

For example, when Douglas Link completed coaching he began developing a standard checklist for each patent-application project that can be accessed by all members of the team and by in-house counsel for the client.

“The checklist is simply a list of all possible tasks for the project. It’s basically a shared Word document. We start with a basic checklist and then we develop an individualized checklist for each client,” Link says. “It happens that this is a very repetitive practice area, without a lot of unexpected events, so checklists work very well. You can use checklists and task codes to estimate costs and make the cost estimates more accurate. This is especially advantageous when the firm is working on a flat-rate basis.” As a result of Link and others acting as internal champions, the entire Boulder office, which is devoted to IP matters, is now using this checklist.

Similarly, McCallon reports that “Anyone on my team and anyone on the client’s team can find out where any matter stands and can generate a monthly report. Because we share this with the client, the spreadsheet is straightforward, professional and comprehensive.”

Over the next few months, one of Clark’s key goals is to help build further momentum for LPM by setting up formal mechanisms and a regular schedule to publicize LPM successes, focusing on the benefits both to clients and to the firm. This can be accomplished particularly well at partners’ meetings or through individual face-to-face or telephone conversations with partners.

4. Use Just-in-Time Training Materials

All examples in this case study reflect LegalBizDev’s emphasis on “just in time” training, which addresses individual problems as they arise. This can be contrasted to a traditional approach to LPM training which relies on workshops to educate people about the entire field, and then hoping they remember to apply the relevant concepts months or years later.

The just-in-time approach is most effective when it is supported by an extensive library of tools and templates that people can use when they need them. In most professions, just-in-time training materials have become the standard way to teach new skills. For example, when people need to use an unfamiliar feature of Microsoft Word, very few would consider taking a class or looking it up in a book. They simply find the exact information they need in online help, precisely when they need it.

Until this year, LegalBizDev’s library of tools and templates appeared only in a printed book: the *Legal Project Management Quick Reference Guide*, now in its fourth edition.

In 2017 we began offering firms licenses to the fifth edition, an evolving electronic library that can be accessed by any lawyer at any time whether they are in their office, in a hotel room, or on an airplane. This approach also makes it easier to update new tools every few months, and allows firms to customize our tools to their needs, and add their own templates to the library.

Lathrop Gage was the first firm to license this online library. As of the date this case study was written, five other firms ranging in size from 100 to 800 lawyers have licensed the electronic fifth edition.³

Even before these templates were placed on Lathrop Gage's intranet, Clark used the library in his coaching by emailing lawyers just the tools they needed in the form of short pdfs. For example, when Stephen Dexter, a lawyer on the firm's Banking and Creditors' Rights team, started a new bankruptcy matter for an existing client, the client wanted a phased budget which took into account the estimated costs of various litigation tracks the case might take. Clark emailed Dexter relevant tools from the library on planning and managing a budget and that made it easier for him to send the client the type of budget they requested, and to track costs as the matter proceeds.

In addition, Clark says, "One of the things that I do on a regular basis is to speak with team leaders and executive committee members to get an idea of what efficiency tools and templates we need. We have already developed some Lathrop-specific tools, and included them in the online library, and plan to develop many more." Given that LegalBizDev is also developing new tools every few months, this online library has become a living resource that gives every Lathrop Gage lawyer instant access to the latest advances in the field.

5. Assure Continuous Improvement by Following Up Relentlessly

LPM is not a simple set of procedures that law firms can put into place, and then move on to the next challenge. Instead, it is an ever-evolving set of techniques that requires consistent attention and support. In 2016, the firm decided to hire a full-time LPM Director, and consulted with LegalBizDev about the most effective way to conduct a search.

They ultimately agreed with the approach we outlined on our recent posts on "How to hire LPM staff,"⁴ including our recommendation that "It takes much longer to understand a particular firm's culture and operations than it does to learn the fundamentals of LPM... [Therefore], the best candidate may be someone who already works at your firm as a lawyer or a senior legal assistant...."

According to LPM Partner Dave Clark: "The firm decided to put the program in the hands of a partner who was already here, one who knows how our firm thinks. They asked me and I agreed. I set aside my full-time IP practice in order to implement LPM here at the firm. We felt it was very important to change lawyer behavior, and what better way to do that than to put someone in charge of the program who has been here more than 30 years and who knows all the lawyers and the pressures that they face on a daily basis? My partners know that I understand their needs and practices. My daily role is to help the lawyers provide value and increase efficiency. My previous role as an IP partner helps open doors."

³ http://adverselling.typepad.com/how_law_firms_sell/2017/03/six-law-firms-take-legal-project-management-just-in-time-training-to-the-next-level.html

⁴ http://adverselling.typepad.com/how_law_firms_sell/2017/09/how-to-hire-lpm-staff-part-1-of-2.html

An LPM director drawn from the partner ranks is much more likely to visualize the possibility of immediate efficiency gains in particular cases and practice groups on an ad hoc basis, tailoring solutions to specific matters rather than developing a top-down approach to LPM.

One of the first things Clark did after completing certification was to set up individual meetings with more than a dozen practice leaders and members of firm management. From these interviews, “It became clear that budgeting and pricing tools and practices are a priority with virtually every practice team,” he says. “Creating practice-specific checklists and improving work flow and processes were also important to many teams. In addition, some teams, particularly litigation teams, have a need for improved practices and tools related to setting objectives and defining the scope of a matter with the client.”

Clark sees a major part of his job as “identifying possible inefficiencies in our client work and correcting them to bring value to our clients.” Accordingly, he is looking to train and work with lawyers who not only can help him identify such areas of improvement, but also are open to follow up and implement new systems.

Clark recently reviewed the characteristics of those lawyers who had previously gotten the most out of past LPM programs with LegalBizDev. He then created a profile for the most promising future participants, in the interest of identifying people who were likely to succeed with LPM. He discussed with the task force which practice groups and individuals would be the best ones to focus on. Before accepting any candidates into the next round of coaching he will conduct, he is verifying that each one is motivated and has adequate time to work on the program.

Clark expects his role to continue to evolve. “In LPM, the bar is always being raised. A firm that was an innovator in this area just a couple of years ago can now be easily overtaken by other firms that begin to focus on LPM. Now that so many firms have LPM programs, what was good enough to win new business last year in a competitive market may not be good enough this year.”

About the authors



Jim Hassett is the Chairman and founder of LegalBizDev, which helps law firms increase profitability by improving project management, business development, and alternative fees. Before he started working with lawyers, Jim had 20 years of experience as a sales trainer and consultant to companies from American Express to Zurich Financial Services. He is the author of 13 books, including the *Legal Project Management Quick Reference Guide*; *Legal Project Management, Pricing, and Alternative Fee Arrangements*; *Client Value and Law Firm Profitability*; and the *Legal Business Development Quick Reference Guide*. He has also published more than 80 articles in the *New York Times Magazine*; *Bloomberg Law*; *Of Counsel*; *Legal Management*; *Strategies: The Journal of Legal Marketing*; and other publications. Jim has spoken frequently at law firms and at bar associations (including the New York City Bar, the New York State Bar, and the Massachusetts Bar), Harvard Law School; the Association of Corporate Counsel; the Defense Research Institute; the Ark Group; at the P3 conference; and at Legal Marketing Association meetings in Boston, New York, Philadelphia, Washington, Savannah, and Vancouver. He has conducted webinars through the Ark Group; West LegalEdcenter; the National Law Journal; The International Lawyers Network; TAG Academy; and the Legal Marketing Association. Jim writes the blog “Legal Business Development” which was featured at the ABA TECHSHOW (in its list of “60 Sites: Latest and Greatest Internet Hits”) and by TechnoLawyer (in its list of “the most influential legal blogs” in BlawgWorld). He received his Ph.D. in psychology from Harvard University.



Jonathan Groner is a public relations specialist, a freelance writer, and a lawyer. He has previously worked as a marketing manager at Jenner & Block, as senior communications counsel at Womble Carlyle, and as managing editor at *Legal Times*.

About LegalBizDev

LegalBizDev helps law firms increase client satisfaction and profitability. We literally wrote the books that helped start the legal project management movement, and are also widely recognized as leaders in legal business development.

While many competitors offer educational programs in these important areas, only LegalBizDev has developed proprietary processes to help lawyers change their behavior. LegalBizDev offers coaching, webinars, workshops, publications, and more to help each lawyer identify the action items that are most likely to produce immediate and practical results for their practice, their personality, and their schedule.

Through a strategic alliance with Altman Weil, we also offer clients a broad range of management consulting services in related areas, including strategic planning, practice group management, client surveys and custom benchmarking, lawyer compensation systems, marketing strategy, and much more.

LegalBizDev has developed and delivered award winning training since 1985. For more information, visit our web page at www.legalbizdev.com or contact us today to discuss the best way to meet your unique needs.



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

© Copyright 2017, LegalBizDev. Brief excerpts or quotations may be reproduced without advance permission and should be credited to LegalBizDev. This document may be freely copied and distributed. For more details, see www.legalbizdev.com.