

Striving for Imperfection: The Complicated Relationship of Lawyers and Project Management

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Much has been written in business and leadership theory about the importance of failure and learning from it, but, historically, Legal's role has been to mitigate inherent risks to allow their business counterparts the flexibility to "fail fast."

Legal ops professionals often joke that legal ops is like therapy. (As we know, the best jokes contain that little nugget of truth.) So where does the therapy come into play? Legal ops is in a unique position to be impartial and get to the heart of the concern with stakeholders to uncover the root cause of the apprehension and then shepherd the lawyers through the change to achieve collective desired outcomes. Treating legal ops like therapy enables the group to move beyond a fear of failure and progress toward learning and change.

Picture this: Lawyers have spent months discussing their pain points and high volumes of work associated with contracting. They partner with legal ops as part of a committee to evaluate potential solutions from a process and technology perspective. The day finally comes where the committee makes a decision, selects a tool and signs a contract with the vendor. It's now time to begin the implementation. The vendor lays out the project plan and begins with granular tool design/configuration questions. The lawyers are being asked to make a decision as a business stakeholder. The lawyers become uneasy and start questioning why the legal department is implementing a new tool and, more specifically, why there are all these granular questions about every step of their process to get the work done. The allied professionals in legal ops are left stunned, frustrated and quite possibly pissed off, and it can be disheartening to hear the lawyers capitulate to the pressure of these decisions, especially when the end result will likely provide them with relief.

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This example is not unique. It's something that we have experienced running legal ops in-house but also being a lawyer amidst the change, and we currently experience often with our consulting clients today. The truth is, implementations are challenging and messy and rarely perfect, adjectives that don't sit well with lawyers trained to hone in on details and execute flawlessly.

Instead of banging your head on your desk, or, worse, excluding lawyers from their essential role in decision-making during the project, here are a few tips on mitigating and managing the fear of failure before the team embarks on the project, and coaching them to recognize that mistakes will be made and changes will be necessary along the way.

- **Give the Team Permission to Fail and Pivot.**

Lawyers are trained to be problem solvers and achieve textbook outcomes. As a result, taking an agile approach during technology implementations can be unsettling. Plan for your executive sponsor and/or General Counsel to communicate with the team on the expectations and outcomes. Executive sponsors should specifically recognize there will be hiccups along the way and that there won't be repercussions for it. A great leader may even encourage big ideas that will most likely fail to promote idea sharing. This is where lawyers can shine by applying their analytical and problem-solving skills. Couple this with the core competencies of legal ops and you have a powerhouse combo for success.

Here is an example on how this can manifest itself:

You have already facilitated an initial process mapping workshop with the relevant stakeholders in the review of an MSA, and the CLM vendor has built out the workflow configuration. You now work with Legal to walk through the configuration to get their feedback. They get in the system and are frustrated—how do I get Information Security involved? Use this session to allow lawyers to vent their frustration and/or explain the challenges in the current workflow configuration. Do what legal ops professionals do best and ask questions.

As the discussion unfolds, you discover that the Info Security team is responsible for review and approval of information security standards, which must be obtained before the contract can be finalized. Across the organization, very few people knew that this was part of the process, and the assumption was that the lawyers were responsible for that section of the contract. In reality, the lawyers have taken on the burden of tracking the review for weeks (as part of the general over-functioning of Legal), knowing that the Info Security team was not fully staffed or did not have defined procedures to handle the volumes of contracts. Legal is left compensating for that gap and taking the blame for the delays causing extreme frustration and no resolution to the core issue.

In this scenario, lawyers already have the answer to the root cause: Properly resource information security and/or obtain guidance from the team on alternate clauses and escalation points to enable the speed of contracting. But no one had asked them up until legal ops scheduled this workshop. As in a therapy session, legal ops brings the parties together to tackle the root cause of issues and come to a solution. Demonstrate how building an ad hoc or customized workflow routed to the Info Security team can increase visibility into the process, while also easing Legal's workload burden. Thank them for their contribution, build the second version of the workflow configuration and watch their eyes light up because getting it right can take a few bites at the apple.

- **Set the Team Up for Success.**

If we acknowledge that technology implementations require trial and error, then we should also acknowledge that Rome wasn't built in a day. Large technological implementations should be handled in a phased approach to help mitigate the consequences of a single point of failure. Communicate with the lawyers through the process to provide a level of comfort that the very framework of the implementation is designed to empower their success. Set reasonable timeline expectations and allow time for the errors and discussion. Feeling time-crunched can only exacerbate the inevitable feelings of discomfort by resulting in an imperfect result.

- **Plan for the Hiccups.**

You can't foresee all issues that may come up during implementation, but you can plan for mechanisms to catch and manage them. For example, implementing formal and informal feedback channels, collect and monitor key metrics that measure desired outcomes established by the team, and create visibility on how they are being addressed.

- **Communicate and Listen.**

Sending an email or having a group meeting will not be enough. Those who nod their heads in agreement do not always agree in reality. Develop formal and informal channels of communications and check-ins. Engage your stakeholders with curiosity and empathy. Listen and acknowledge their concerns and ensure that they are a part of this journey called change. You may hear statements similar to some of these:

"I have a strong relationship with the business and they are not going to like not having direct access to me."

"The process is painful but at least I know that I have seen everything and managed the risk."

"I don't have time to do focus on this right now."

Acknowledge these concerns and address how they are being handled. If they share something that you did not foresee, or better yet, disclose a key component they failed to share previously - even though you asked (multiple times), do not choke them. (That's frowned upon.) Instead, partner with them to find the solution. This does not have to mean they do the heavy lift. Their subject matter expertise enables you to address the concern.



- **Workshop the Issues Without the Vendor First.**

When new concerns arise, take these discussions out of the public forum. As the legal ops professional, you serve as the liaison between the vendor and the stakeholders. If issues arise during the implementation, create a safe space for the legal team to share ideas, vent frustrations and brainstorm on solutions. Leverage their superpower as a tool to empower them as opposed to a weapon that hinders progress.

- **Celebrate Wins.**

Celebrate the small victories. As service providers, lawyers are rarely thanked. Organizational success is often a business win and not necessarily considered an achievement for legal. Celebrate and thank these lawyers for their contributions early. The reason “fail fast” works for business stakeholders is because they are also applauded for their wins when they happen. The more we publicly sing the praises for these accomplishments, the more likely they will feel empowered to dip their toes into the agile process in the future.

Legal ops truly shines when bringing together lawyers, allied professionals, and the tools that serve them best to meet their myriad, unique needs. In a world of complicated implementations, it's crucial that lawyers are engaged in decision-making before and during the project. Legal operations can be the therapeutic coaches that show the way through the twists and turns inherent in a project, and on the other side, be those who cheer loudest and celebrate the successes of the legal teams that made it all happen.

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Before joining UpLevel, Liz served as the Senior Director of Legal Operations at WeWork. Prior to WeWork, Liz served as Director of Legal Operations at a diverse range of companies, including UnitedLex, DXC Technology, Becton Dickinson, and MetLife. She also worked at Citigroup as Manager, Strategy and M&A.

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