



# BE AGILE!

Thought leaders at Seyfarth are revolutionizing the delivery of legal services.

By Lisa Damon, Heather Eskra, Matthew Hafter, & Dustin Robinson

**AS ANYONE KNOWS** who has worked with Lean Six Sigma, a process and data-driven approach to performance improvement, it is indeed a journey to create an agile legal practice. Using the approach requires constantly re-evaluating, rethinking and reimagining work to meet a standard of continuous improvement. It's in this context of continuous improvement that Seyfarth Shaw LLP has adopted agile project management. Our legal lives have been transformed as a result, and we wish to share our insights with the legal industry.

First, some quick background. Seyfarth is an 800-lawyer, full-service, global firm. It has a busy litigation and transactional practice and provides legal services to some of the most influential companies in the world. For the last 10 years, the firm has used SeyfarthLean as its client service model. SeyfarthLean combines the core principles of Lean Six Sigma with robust technology, knowledge management, process management techniques and practical tools. As part of the journey, the firm has learned many lessons about client-centric legal services. One of the key learnings relates to legal project management generally and, more specifically, using project management in relation to transactional practice in a way that makes sense for lawyers and clients. Here we discuss our journey to agile project management and the potential for adapting that way of thinking for the legal profession as a whole. We feel that the use of agile project management has resulted in a service delivery model far better than traditional project management.

## AGILE PROJECT MANAGEMENT

Since adopting our SeyfarthLean thinking, we have always relied heavily on project management tools to provide legal services. In fact, when we started a decade ago, our entire project management office joined the inaugural class of Lean Six Sigma green belts and helped drive amazing results, even as we had just begun our quest to reimagine legal service delivery. Over time our project managers have integrated the disciplines of project management and process improvement and consistently delivered results for our clients.


However, as we learned more about bringing lean to legal, we began to realize that some of the project management disciplines, while valuable at times, were slowing us down and were not always an easy

fit to our legal work. Many lawyers chafed under the idea of multipage project charters, detailed beginning-to-end project plans, role and responsibility charts, and the like. Our team of project managers did its best, but it was clear that our lawyers were looking for an approach that was thoughtful and thorough yet flexible enough to fit a legal environment. We saw the limitation of traditional project management, not just in our litigation work but also in our transactional work. It was like using a standard screwdriver when we needed a Phillips head instead. We had the right toolbox but the wrong calibration. It became clear that for our work across all areas, including mergers and acquisitions (M&A) and other transactions, we needed to innovate even further. And so we found agile.

Very simply put, agile project management is a different way of managing legal work. As the name implies, it is flexible. Agile is characterized by short iterations, regular feedback cycles, less emphasis on project documentation, early and continuous delivery of value, and self-organizing and self-managing teams. So, if you are a lawyer working in agile, you don't worry about the detailed planning of a transaction from beginning to end or creating Gantt charts, workflows and graphs for your team to review at lengthy team meetings. Instead your team is flexible to the needs of the client and the pace of the transaction. One of the primary tenets of agile is that we can't possibly know everything at the beginning of a project, a tenet that resonates forcefully with lawyers working in the rapid pace of negotiations. Agile fits legal.

## AGILE MANAGEMENT IN M&A

Our key challenge in bringing agile management to a transactional practice was to address two competing elements of our work. On the one hand, clients expect their counsel to use a well-defined process to map a transaction through several identifiable phases (e.g., letter of intent, due diligence, negotiation of documents, etc.) toward an eventual closing or a decision to walk away. On the other hand, transactions are often characterized by complex and constantly changing issues and priorities—which sometimes mutate hourly—and the need for speed of execution and closing are key elements of value. And all of this takes place in an environment that includes both adversarial and cooperative



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approaches with the party on the other side of the negotiating table.

To address this challenge we began, as always, from the client's perspective. We asked, What are the pain points that we need to address? We identified several themes in transactional work:

- **Unpredictable costs.** Clients determine the value of a deal in part by how much it will cost to get it done. Unpredictable legal fees make forecasting difficult and wreak havoc with budgets.
- **Unpredictable results.** Lack of transparency leads to mismatched expectations between clients and their legal teams, which, by the way, can contribute to unpredictable costs. A key example of this is attorneys trying to solve problems that clients do not wish to invest in, or managing risks that the client is not concerned about. Attorneys may also overlook risks that the client is specifically concerned about.
- **Unpredictable events.** Clients require a disciplined approach to getting deals done, yet the tools must be sufficiently flexible to adapt to changing circumstances, the demands of third parties outside of the client's control and a very fast deal tempo. To control these factors, we have turned to agile project management. The flexible approach maps the terrain of an M&A project amazingly closely. We have borrowed several elements of agile for the management of transactions.

**Sprints.** First, we identify short-term objectives and use "time boxing"—i.e., setting out aspirational time period goals as opposed to hard-and-fast deadlines—to manage various phases of our work in "sprints" that have clearly defined objectives. For example, in a transaction we might turn our letter of intent, due diligence, negotiation of definitive documents and closing phases into our sprints. In some instances we have several sprints running simultaneously. As experienced M&A lawyers, we are very familiar with the overall rhythms of a deal and its objectives, but given the constantly evolving landscape as diligence and negotiations progress, we find it helpful not to be tied to preordained project plans that do not reflect the evolution of most transactions.

**Scrums.** We also hold frequent, short "scrum" sessions. Lasting no more than 15 minutes, these brief meetings are reinventions of "stand-ups" which were created in the software development world, meetings where everyone has to stand to incentivize focus and efficiency. These regular check-ins allow each team member from Seyfarth and the client to report what he or she has accomplished since the previous scrum, what he or she intends to achieve before the next one and whether he or she foresees any impediments that may prevent the achievement of immediate objectives. Scrum sessions focus on reaching objectives identified for each sprint phase. A senior level partner is responsible for leading these discussions, identifying issues and helping the team to resolve any impediments. We do not believe in holding meetings for their own sake, so we adjust the frequency of scrums over the course of a deal as necessary to meet the requirements of the team and the deal. These scrum sessions allow the client team and the Seyfarth team to have focused discussions responding to a particular deal's current reality on a recurrent basis.

In the software development field, sprints and scrums ensure, among other things, that the design team is not building functionality that the customer does not want. In the context of an M&A deal, using these same techniques means that we negotiate the issues that matter to the client. For example, a client may be prepared to accept certain risks related to employment issues that we, as attorneys, otherwise would have spent time and money negotiating out of the deal. By attending scrums, the client can inform us how it wants to handle issues as they arise—before we spend its money and waste negotiating leverage better used elsewhere.

### **SEYFARTHLINK**

SeyfarthLink is our client collaboration platform, an online forum that allows our attorneys and clients to interact—and even counterparties have access to certain portions of the site, as appropriate to the deal. Deploying a SeyfarthLink site allows attorneys on both sides of a deal, as well as their respective accountants and other consultants, to work together more effectively by sharing documents produced in due diligence, sharing drafts and tracking progress toward completion of mutually agreed-upon checklist items. Our ability to customize security settings makes sure that firm and matter confidences are kept intact. Other SeyfarthLink features include tracking systems for monitoring statuses and accountabilities, financial dashboards to track billings against budgeted amounts and document automation.

We find that the combination of agile project management and SeyfarthLink allows many benefits, including the following:

- We manage legal costs so that they stay within initial projections, in part because cross-departmental and cross-office teams of attorneys, legal assistants and project managers can self-organize and manage workflows better.
- We minimize disruption to our clients' executive teams and improve internal client efficiencies by establishing communication protocols and preferences.

- We are able to focus on the tempo of transactions. Time often injects risk into a transaction. The longer a deal takes, the greater the risk of instability, unintended consequences and distraction from a company's business. Using agile project management, we have closed large deals in six to eight weeks.
- Our technology platform facilitates collaboration with the other parties to transactions when cooperation is in our clients' best interests. This collaboration helps to manage costs and allows parties to "get to yes" more easily.
- Our clients' and counterparties' trust in us is bolstered by virtue of the transparency afforded and the presence of a legal project manager and a legal technologist on each team, both specially trained in how transactional workshops function.
- We leverage technology solutions to increase ease of due diligence and preparation of definitive agreements by transforming static spreadsheets and checklists into interactive databases and matrices. This reduces "cycle time" by gathering data and making it immediately available for multiple forms of output, as opposed to having to be recycled with attorney involvement into some other form of presentation.
- We provide a virtual collaboration space, across our different offices and time zones, in which all Seyfarth professional and outside consultants in multiple practice areas can retrieve and review documents and provide commentary.

## CONCLUDING THOUGHTS

We believe strongly that agile project management can revolutionize the way the law profession manages legal services. We have witnessed the results across many disciplines, including large-scale global projects, complex litigation and transactional work. Our SeyfarthLean philosophy has encouraged us—actually, compelled us—to experiment with how we manage the legal services we deliver, which in turn has led us to a more agile management. We hope that the legal industry will take a long, hard look at this management style and consider making it a foundational element of how firms deliver top service for their clients in the future. **LP**

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