

# LPM Foundations

**Adj.Assoc.Prof. Peter Dombkins**  
Director, NewLaw  
2021



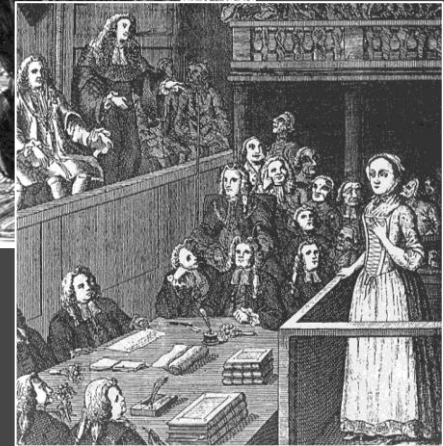
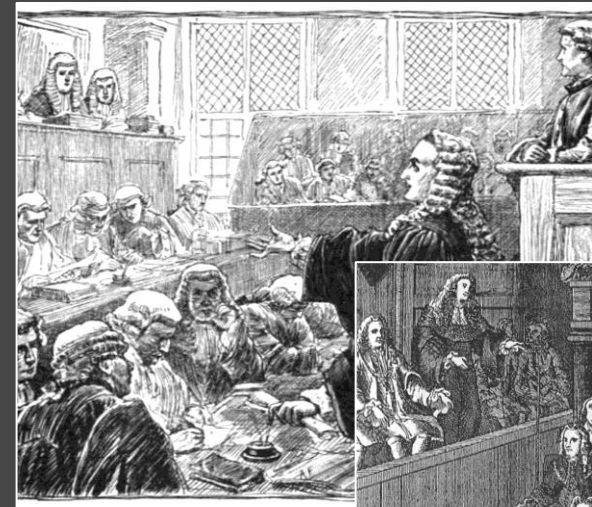
# 1

Context

# A tale of two professions...



1700's



2021



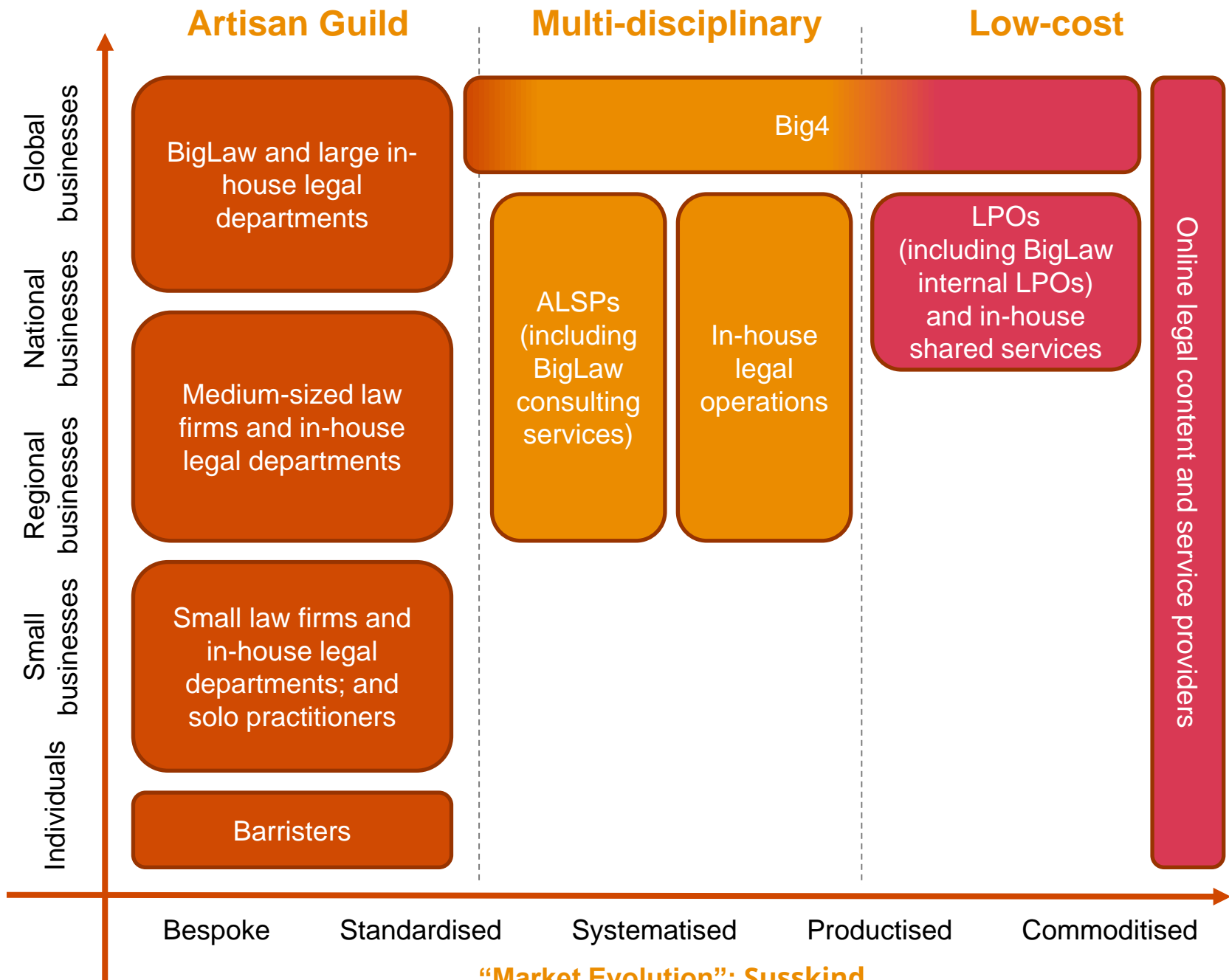
# Our evolving legal profession and industry



- [Law Hackers Weekly](#)
- [Legal Tech Buyer's Guide](#)
- [UK Society for Computers and Law](#)
- [Australian Society for Computers and Law](#)
- [Australian Legal Technology Association](#)



**“Two Hemispheres”: Heinz-Laumann**



**“Market Evolution”: Susskind**

# Our professional competencies: the t-shaped lawyer

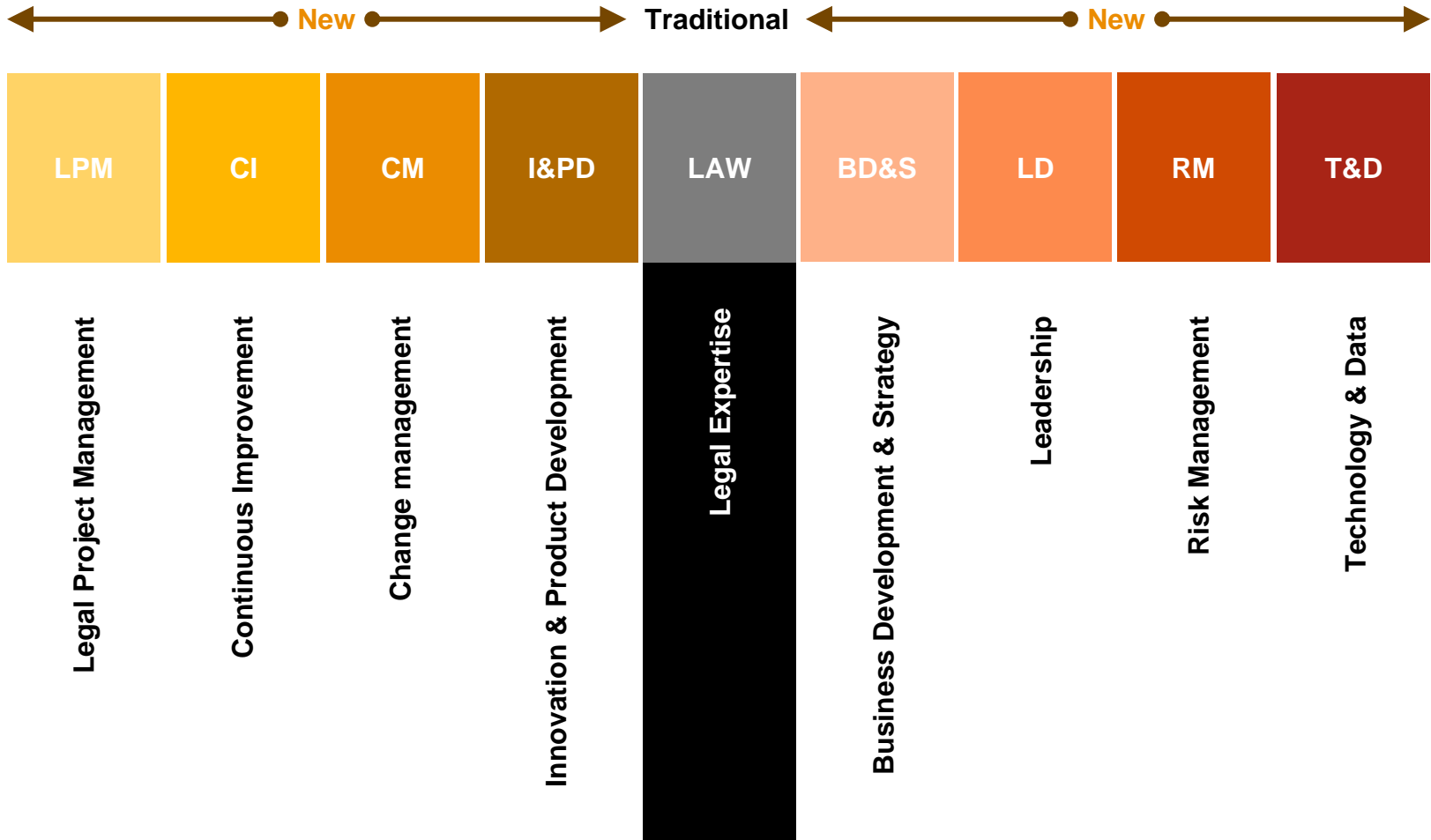
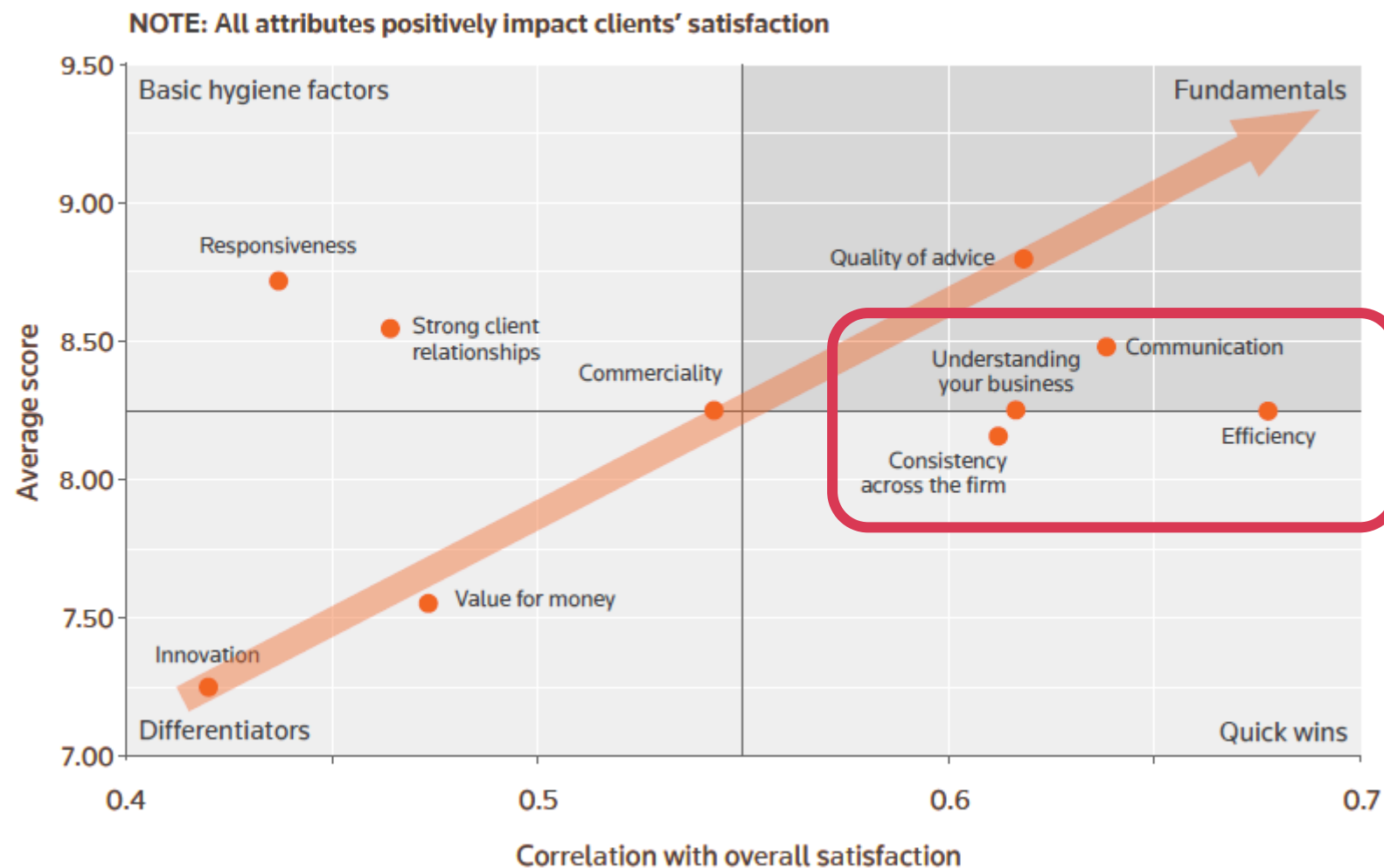


Figure 14 – What areas of service underpin satisfied clients? – FY 2021



Base [unweighted]: July 2020 – June 2021 (39-46)

Source: Thomson Reuters 2021

# Lawyers are project managers



**Every legal matter is a project – with a start point, a deliverable and an end-point**

“A **project** is a temporary endeavour undertaken to create a unique product, service or result”

**Every lawyer is a project manager or project team member**

“**Project management** is the application of knowledge, skills, tools and techniques to project activities to meet project requirements”

**Legal Project Management** “adapts proven management techniques to the legal profession to help lawyers achieve their business goals”

PMBOK Guide, Sixth Edition, 2017  
Hassett (2013) *Legal Project Management, Pricing, and Alternative Fee Arrangements*



# KOMBI

CLI: LPM Foundations  
PwC



# ‘Project success’ is subjective



How the customer explained it



How the project leader understood it



How the engineer designed it



How the programmer wrote it



How the sales executive described it



How the project was documented



What operations installed



How the customer was billed

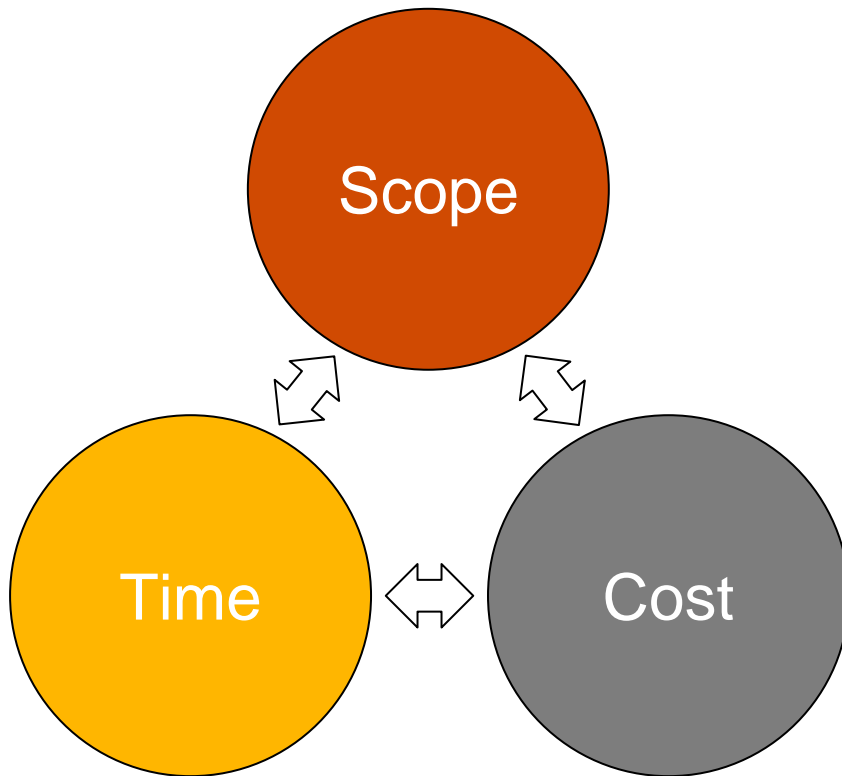


How the helpdesk supported it



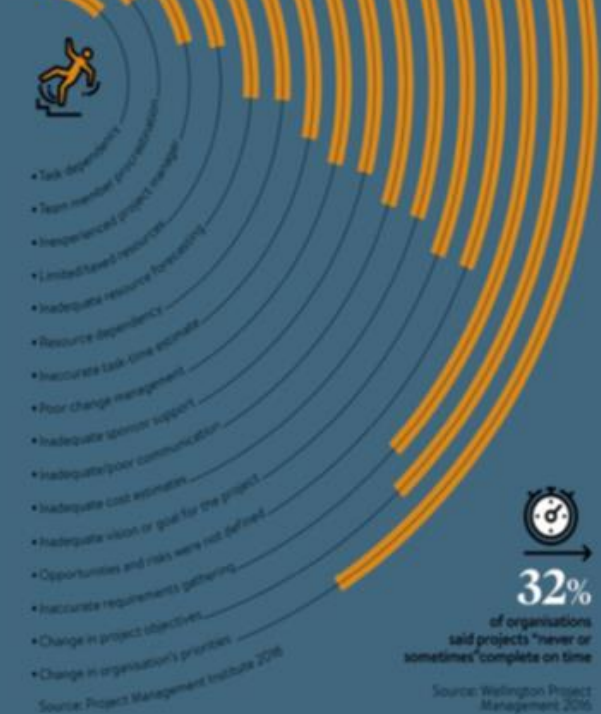
What the customer really needed

# Managing expectations: the Triple Constraint

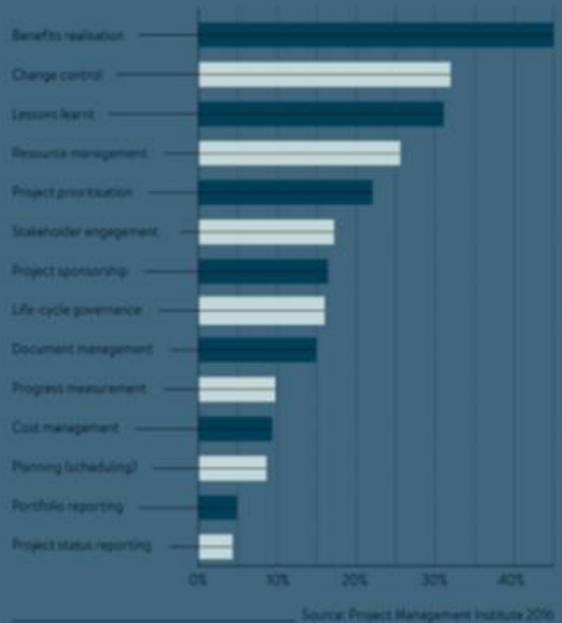




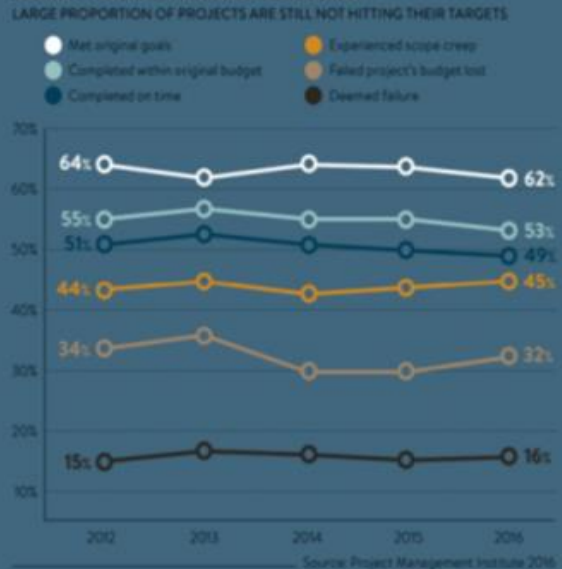
## PRIMARY CAUSES OF FAILED PROJECTS



## MOST TROUBLESOME PROJECT MANAGEMENT PROCESSES TO EMBED



## CURRENT STATE OF PROJECT OUTCOMES



Start with 'why'....



...because the primary cause of project failure is **delivering the wrong thing!**

# Preparing for your project's kick-off meeting



## First understand the 'big picture'...

- **Objective:** what are we trying to achieve? What does 'good' look like?
- **Priority:** is this a priority (considering risk, effort and urgency)?
- **Knowledge:** have I have done something similar before?

## ...before you undertake more detailed planning:

- **Delivery approach:** what are the workstreams, dependencies and timeframes?
- **Stakeholders:** who do I need to access and when?
- **Budget:** are there cost constraints and assumptions?
- **Communication:** how will we track and communicate progress? How will we address changes and resolve disagreements?



# 2

## Planning and Estimating

# Work Breakdown Structure (WBS)

## Workstream A: Initial planning

	Responsible	Due Date	Status and Comments
Finalise design of infrastructure and proposed location of facilities	Peter		Not started
Obtain consent to licence agreement	Krisson		In progress
Obtain approval on survey costs	Marlo		Paused
Finalise heritage agreement	Mick		Completed
Obtain ethnographical survey			
Obtain archaeological heritage report			
Obtain all consents required to seek licence			
Environmental surveys over proposed deviation area			
Apply for amendment of proposed deviations areas			

## Workstream B: Tax

	Responsible	Due Date	Status and Comments
Confirmation of capital expenditure			
Identify withholding tax issues			
Commence discussions with ATO			
Preparation of guarantor documents			

## Workstream C: Finance

	Responsible	Due Date	Status and Comments
Project sponsors approve project feasibility study			
Appoint project legal, financial and technical advisors			
Agree borrowing structure and negotiate additional equity			
Establish project vehicle			
Agree project documents with contractors/operators/suppliers			
Develop financing term sheet			
Prepare information memorandum			

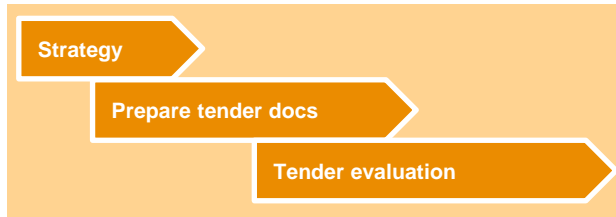
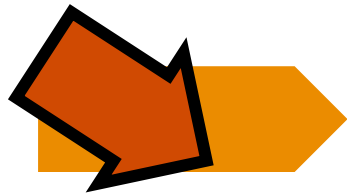
# Gantt charts (Excel)

## Work-Breakdown Structure

## Calendar



# Gantt charts (PowerPoint)



**Tender**



**Drafting Contract**

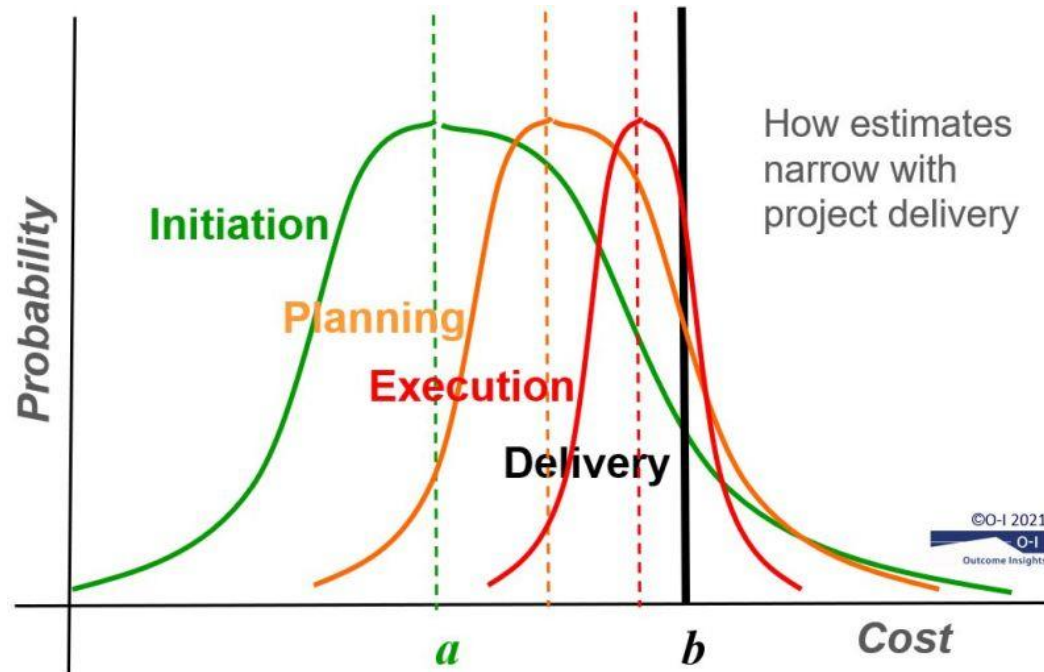


**Negotiations**



# Estimating and Pricing are different things

Estimating is based upon scope



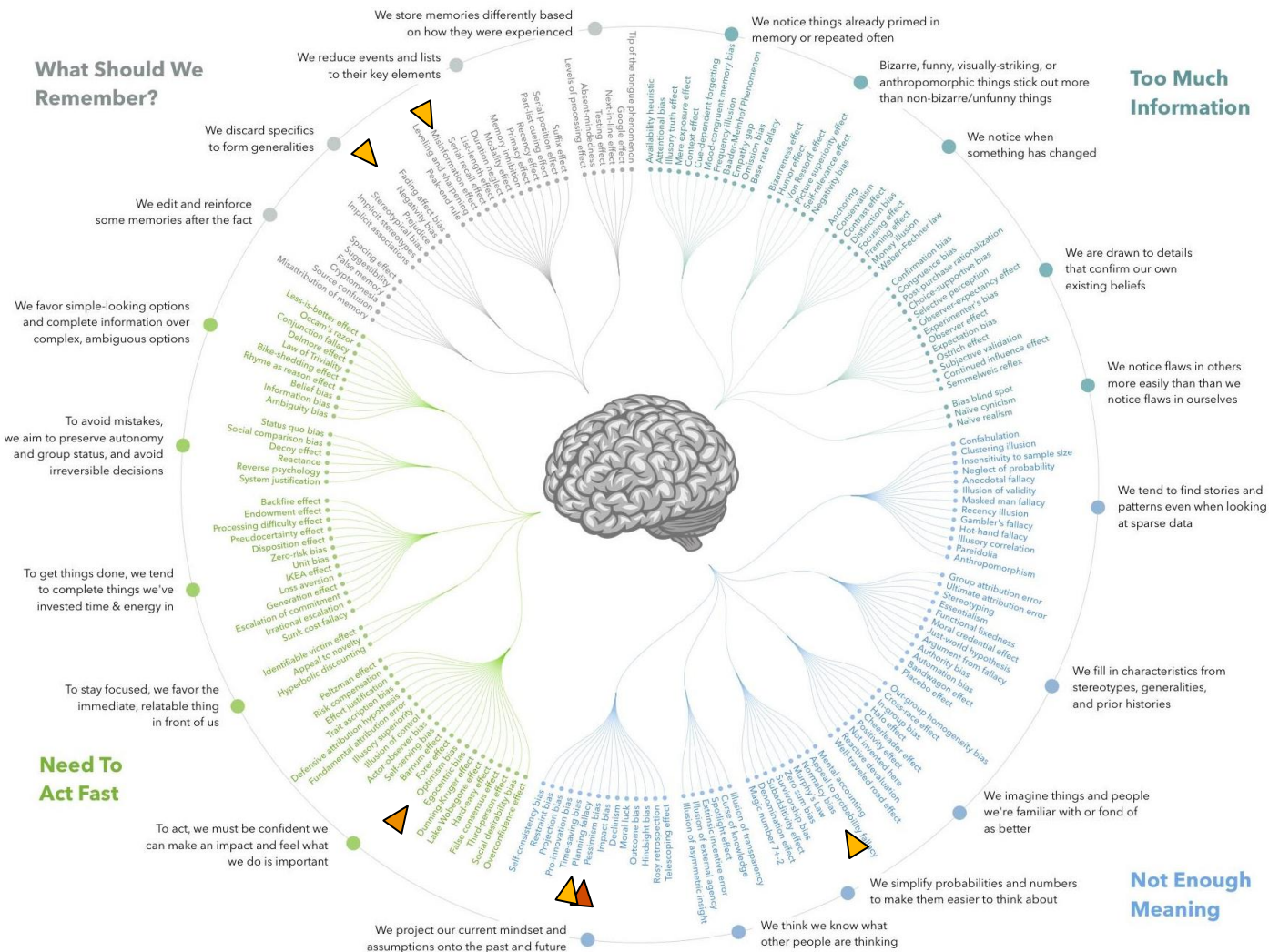
Pricing is based upon the market



- Lawyers must provide a costs estimate (except for commercial or government clients)
- In billable hour scenarios for commercial/government work, the estimate is often capped
- In fixed fee scenarios, estimate = fixed price
- Value-based pricing



# Cognitive biases can impact how we estimate



**Optimism bias:** 'a tendency to underestimate the probability of undesirable outcomes, and overestimate the probability of favourable outcomes'

**Planning fallacy:** ‘people will underestimate the costs, completion times and risks of planned actions, whereas they will overestimate the benefits of the same actions’

- **Misinformation effect**
- **Negativity bias**
- **Normalcy bias**
- **Pessimism bias**

# Project estimating

**Bottom-up estimating:** when you know the resources and effort required

- use a Work Breakdown Structure to quantify and calculate your estimate

Workstream A: Initial planning	Resource type	Resource duration / quantity	Rate	External cost
Finalise design of infrastructure and proposed location of facilities	Role A Role B Role C	A hours B hours C items	\$/hour \$/hour \$/item	=(Duration or Quantity) x Rate
Obtain consent to licence agreement				
Obtain approval on survey costs				

**Top-down estimating:** when the tasks, resources and effort required are unknown or difficult to assess

- tee-shirt sizing (ie. check with a colleague)
- periodic review as scope becomes clearer
- Program Evaluation Review Technique



**Weighted average** = 
$$\frac{\text{worst outcome} + (4 \times \text{most likely outcome}) + \text{best outcome}}{6}$$

6

# 3

Communications  
and team  
management

Why comms are important...

they align you with your client.

### Most Important Terms top 10

Average 0-4 scale

1	Scope and Goals / Specification	3.2
2	Responsibilities of the Parties	3.1
3	Price / Charge / Price Changes	3.1
4	Delivery	3.1
5	Service Levels	3.0
6	Limitation of Liability	2.9
7	Data Security	2.9
8	Data Privacy	2.8
9	Change Management	2.8
10	Warranty	2.8

#### Score basis for Most Important Terms

0 = Not important 1 = Slightly imp. 2 = Moderately imp. 3 = Very important 4 = Extremely important

### Most Negotiated Terms top 10

Average 0-4 scale

1	Limitation of Liability	3.1
2	Price / Charge / Price Changes	2.9
3	Indemnification	2.9
4	Scope and Goals / Specification	2.7
5	Termination	2.7
6	Payment / Payment options	2.6
7	Responsibilities of the Parties	2.6
8	Warranty	2.6
9	Liquidated Damages	2.5
10	Delivery	2.5

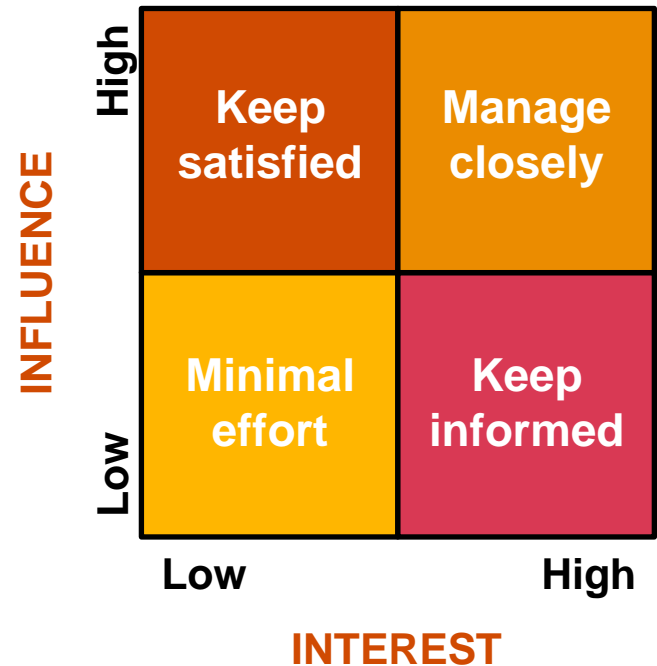
#### Score basis for Most Negotiated Terms

0 = Rarely / Never 1 = Sometimes 2 = About half of the time 3 = Often 4 = Most of the time / Always

# Identifying and managing stakeholders

## RACI Framework

- **Responsible:** who performs the work?
- **Accountable:** who approves the work?
- **Consulted:** who provides input?
- **Informed:** who is updated?





# Project team formation

## FORMING

### Team behaviour:

- Unclear objectives
- Poor communication
- A few dominate

### Leader's role

- Build a shared vision
- Clarify expectations
- Account resources

## STORMING

### Team behaviour:

- Role confusion
- Disagreement over approach or process
- Faltering communication

### Leader's role

- Clarify objectives
- Engage everyone
- Raise and resolve difficult issues

## NORMING

### Team behaviour:

- Growing momentum
- Relationships established
- Growing inter-dependency

### Leader's role

- Seek feedback
- Shared planning
- Servant leadership

## PERFORMING

### Team behaviour:

- Role clarity
- Agreed approach
- Cross-functional communication

### Leader's role

- Continuous improvement
- Review outputs
- Celebrate achievements

• Tuckman, B.W. (1965) "Developmental Sequence in Small Groups" Psychological Bulletin 63: 384-399

• Jeff Bezos: <https://smallbizclub.com/leadership/best-practices/leadership-lessons-from-jeff-bezos/>

• HBR: <https://hbr.org/2019/11/cracking-the-code-of-sustained-collaboration>

# Stress vs Productivity: the Yerkes-Dodson law

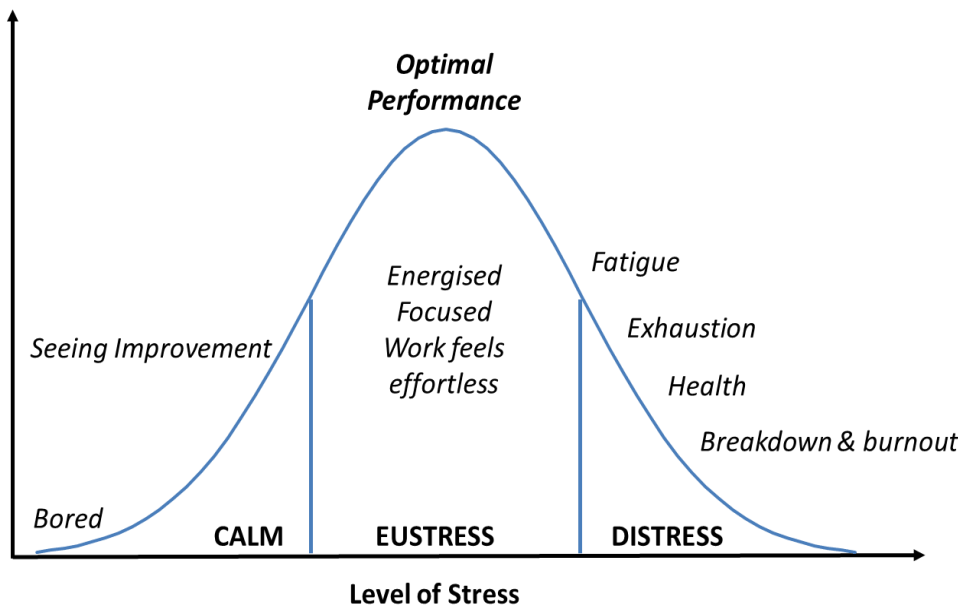


**Stress:** the experience of discomfort, fear, apprehension, or anxiety that we have when we are under pressure

**Impaired cognitive performance:** the 'average' person under significant stress temporarily drops 15 points in IQ.

**NASA research – how stress impacts decision-making:**

- Initial evaluation then iterative re-assessments
- Emotions
- Narrowed attention span and singular focus
  - > Poor decision making
  - > 'Task shedding'
  - > Reduced team building behaviours





# Psychologically Safe Teams

- Do I feel comfortable asking for help?
- Am I able to mention and discuss difficult problems?
- Am I able to take risks?
- Will I be judged for making a mistake?
- Will the team support or undermine me?
- Will my differences and unique talents be accepted and valued?

# Project health checks

**What went well?**

**What didn't go well?**

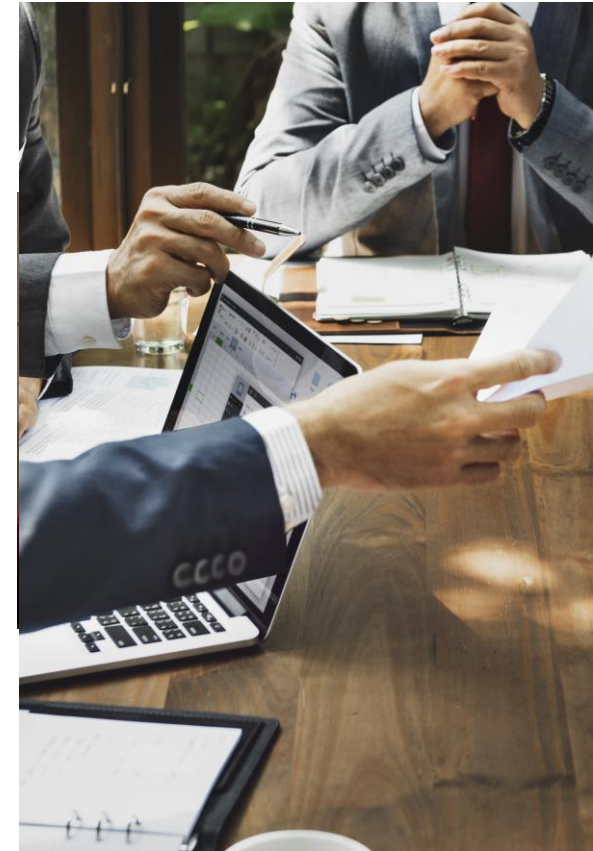
**What could we do better?**

## **Some potentially relevant questions:**

- How are we onboarding team members?
- Does everyone understand the overall objective and strategy?
- How are we prioritising, tracking and delegating our work?
- Are we using appropriate collaboration platforms, tools and templates?
- How are we managing and communicating changes?
- Have we requested or received any client feedback?
- Is everyone OK?

# Delegation is a two-way dialogue

1. Describe what needs to be done
2. Explain what ‘good’ looks like
3. Show what ‘good’ looks like
4. Check their approach (they describe it)





# For further information, please contact



**Adj.Assoc.Prof Peter Dombkins**

Director, NewLaw – PwC Australia

+61.416.940.875

[peter.dombkins@pwc.com](mailto:peter.dombkins@pwc.com)

[www.linkedin.com/in/peterdombkins](https://www.linkedin.com/in/peterdombkins)

# Thank you

[pwc.com](https://pwc.com)

© 2021 PwC. All rights reserved. Not for further distribution without the permission of PwC. “PwC” refers to the network of member firms of PricewaterhouseCoopers International Limited (PwCIL), or, as the context requires, individual member firms of the PwC network. Each member firm is a separate legal entity and does not act as agent of PwCIL or any other member firm. PwCIL does not provide any services to clients. PwCIL is not responsible or liable for the acts or omissions of any of its member firms nor can it control the exercise of their professional judgment or bind them in any way. No member firm is responsible or liable for the acts or omissions of any other member firm nor can it control the exercise of another member firm’s professional judgment or bind another member firm or PwCIL in any way.