

Hiring a Case/Matter Management Consultant

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It may seem far-fetched, but implementing a Matter Management system is a lot like having a house painted. Our friend from the Northeast recently decided to repaint his house. He looked around and found a local contractor with an established business. He got an estimate, picked out a color, and the contractor went to work. However, what our friend envisioned and what he got ended up being two very different things.

The issues he had to deal with were painfully similar to those a Law Department or Law Firm hopes to avoid but often faces during the implementation process: cost over-runs, missed deadlines, and an uncomfortable feeling of just not getting the most for the money. Let's face it: The finished product did not come out the way our friend had wanted. By the end of the painting project, he could not help but wonder if he should have gone for vinyl siding instead.

What went wrong? To make a short story shorter: The contractor did not do the painting himself; he hired a couple of teenagers with little experience to do the work. The attached garage, which was supposed to take two days, mysteriously took two weeks to complete – and, even then, it still looked ugly! But the biggest mistake he made in hiring his contractor was not reviewing the contractor's initial proposal closely enough, not understanding the true scope of the project, and not clarifying just who was going to be doing the work and when. Most of his problems, sadly, could have been avoided. But while he had the luxury of painting over the mistakes, Law Departments and Law Firms are not so lucky.

With tighter deadlines, bigger budgets, and no option for vinyl, it is critical that Law Departments and Law Firms implement their Matter Management systems on time, on budget, and to the exact specifications that they need. Since a typical implementation may take anywhere from six to twelve months to complete (on average), the time dedicated to pre-implementation directly relates to whether the project is overly costly or just cost wise.

Pre-implementation begins with the Implementation Proposal – usually provided by a consulting firm with experience in Matter Management. The obvious first step is to review the proposal closely and seek clarification of everything that seems unclear, excessive, or unnecessary. Spotting potential problems, feeling comfortable with the timeline, budget, and detail of the implementation *before* it begins will make the experience infinitely more positive, constructive, and successful, which is the number one goal. After all, it is easier to choose the paint color before it is applied than to paint over it after it is done.

Request A Phased Approach In The Project Plan

The first step in considering a proposal for Matter Management implementation assistance is to analyze the project plan with a fine-toothed comb. And if you do not have such a comb, *buy one*. Typically, an implementation plan will often include a level of detail that is as low as possible. (Why make promises that cannot be kept?) Because of this, many critical

issues are overlooked or glazed over – most frequently, allocation of hours to resources (both internally and externally), clear explanations of the roles of resources, and unnecessary or redundant staffing of tasks.

A very detailed project plan is vital. If a task or the resource for performing that task is unclear at all, seek a clarification. If something needs to be explained, then request an explanation. Basically, if any detail of the project plan seems questionable, then question it! The higher the level of detail provided in the project plan, then the lesser amount of confusion your company will feel when it pays the bill. Remember, these issues are not only ones of *How?* but ultimately *How much?* – as in “*How much* do we have to pay?”

Given the length and breadth of a Matter Management project, unforeseen problems and business changes can, and often do, occur which impact the resources, budget and/or scope of the project. A phased approach to the implementation benefits all parties, as it allows one to deal with problems as they occur – making an implementation a project of proactive problem-solving as well as preventative project-managing. Moreover, the phased approach allows for a clearer identification of work effort.

Good project management is a critical cog in the phased approach. An experienced manager that can respond to the business changes and problems that evolve over the course of an implementation – in a rapid and competent manner – keeps the project moving forward and on course. Moreover, monthly “Management Steering” meetings, in which the project scope is reviewed, maintain a project’s momentum and overall efficiency.

One note regarding the monthly “Management Steering” meetings – in reviewing the phased proposal make sure that clear guidelines have been established with respect to who will attend the meetings. Too often the consulting firm will include a number of “high billing rate” individuals that attend the meetings at considerable cost to the client. It is only necessary to have the consultant who is managing the project attend these meetings.

Make Sure Consultant Resources Are Qualified

Another issue that is often overlooked is the background of the resources being used in the implementation. Are they qualified to do a Matter Management project? Do they have prior experience? Is your company paying for their learning curve? Before worrying about the wrong paint being applied, check out that you have the right painters. If a member of the implementation team is performing a task that seems beyond his/her skill level, request a different resource.

The project plan should state explicitly *who* is doing *what*. Consequently, try to lower the number of individuals involved in the project whenever possible. Why pay for three painters when two will suffice? Similarly, be aware of unnecessary “padding” of the project plan. If someone is being paid for 300 hours of work that seem to duplicate the hours of another team member, request a reduction of his/her allocated time.

Lastly, if internal resources or even software developer resources are available, involve them in the project. Remember to hold all potential resources to the same level of experience scrutiny. With a conscious effort to use the consultants’ resources efficiently and to take

advantage of one's own employees and those resources offered by the software developer, the implementation process could be streamlined to great immediate and long-term savings.

Avoid Consultant Billing Issues *Before* They Are Issues

There is no moment that is more uncomfortable in the life span of an implementation – for both the consultant company and yours – than when the bill arrives, and the legal folks ask, “We paid \$65,000 dollars for *that*?” The consultant then explains the expenses, but what remains inexplicable is, “How did that line-item ever make it past first inspection?”

When it comes to billing, in the pre-implementation stage, make the teeth on your “fine-toothed comb” finer. Once resources for the project have been established and streamlined, use the same diligence in breaking down billing time for these resources. The effort will make you feel much more comfortable when it is time to sign the check. The key theme here is “Avoiding Surprises”, and, to do so, follow some of these Rules-of-Thumb:

- Expenses should not exceed 10-15% of the total project cost. If this “formula” is applied from the *very* beginning, it will save money and provide the backbone needed to make tough budgetary decisions.
- Hold the consultant to the *same* level of allowable and unallowable expenses that are required of other outside service providers, while following the same billing practices. Allowing the consultant to break a standard policy can create the hole in the dam from which excessive costs flow. Plug the dam and keep it plugged.
- Require that your consulting firms have any changes in project resources approved in advance. Furthermore, the consultant should always provide detailed descriptions of the tasks performed and tie them back to the original project plan line item.
- Make sure that everyone – particularly those from Legal – is comfortable with and understands the number of hours allocated to each task. While the number of hours may be accurate, it is important to understand what each respective task entails.

Require That Consultants Include Your Internal Resources In The Design Phase

The system design is *the* point from which everything else flows. Certain design decisions – both good ones and, especially, bad ones – will impact your department long after the project is finished. In order to make design decisions that benefit your company and its users, rather than cause a rash of migraine headaches, consider the use and application of the system throughout all levels of the Law Department or Law Firm in which it will be used.

By including appropriate Law Department or Law Firm project team members in the early stages of the project, from both end-user and system administrator perspectives, users learn the system, literally, from the ground up. More importantly, they immediately begin to take ownership of the system and can participate more fully in all aspects of the project.

It is critical to have someone working on design that can facilitate it in concert with the needs of the Law Department or Law Firm. The consultant should lead the design process while

ensuring that the system is not “over designed”. In too many implementations users request the incorporation of features that, in the end, they just don’t need and consequently don’t use. The consultant should have the ability to assist you in avoiding this problem by sharing experiences of other legal organizations and constantly questioning the need for and intended use of each element of data.

A big post-implementation problem that many Law Departments and Law Firms face is a lack of knowledge of *how* to use the system. Beware of the consultant that wants to design the system and present it to you in a “turn-key” fashion. You wouldn’t let your neighbor put away your groceries, would you? How would you ever find your peanut butter?

In addition to using experienced system designers, every Law Department or Law Firm should get involved in all aspects of the implementation, particularly the design. Providing hands-on input into the design phase will drastically decrease the amount of time learning the system after the fact – and will greatly improve the functionality of the system. The long-term functionality of the Matter Management system is directly correlated to the company’s understanding of it. Using your resources in tandem with the software developer and consultants’ – when feasible – not only saves money but also provides invaluable hands-on training, as the end-users have a chance to “look under the hood.”

The Consultant Role In Data Conversion

Data conversion is undeniably one of the most difficult tasks facing Law Departments and Law Firms today. This area ultimately puts the greatest amount of stress on internal and external resources. But, more critically, the costs of the data conversion phase frequently exceed initial estimates by more than 200-300%.

The first step to avoid sinking into the unpredictably deep depths of data conversion is to understand the volume of data to be converted, what is going to be converted, and what is not. The consultant should assist you in making the “what not” determinations.

Understanding the task at hand will allow you to question the process thoroughly and minimize data down time by making the conversion process more efficient. Most importantly, this will allow your company to understand not only the size of the project, but the scope. Too many Law Departments and Law Firms discover (often after the conversion is complete) that their existing legacy systems required a significant amount of cleanup and in many instances converted data into the new system that provided little or no value.

The Consultant Role In Report Development

Limit the number of consultant hours allocated to report writing and redistribute them internally. Not only does this save money, it makes sense, as internal resources will be available for updates and modifications long after the completion of the project. Internal resources will be familiar with the reports and comfortable with picking them up. A sound approach is to use the consultant to assess the requirements of the report and to utilize the internal resource to actually write it.

Monitoring Usage And Practices

In order for all your hard work in the design stage and in developing and implementing good training to pay off, you need to consider how you are going to manage the performance of the finished system. Your matter management consultant should have a focus on how to set realistic performance expectations for your system users, and help you define those expectations clearly. For example, every field of information on every matter in the system will not be perfectly up-to-date at all times, and so setting such a performance expectation is unrealistic. Likewise, some variability in usage and practices is inevitable, but how will you determine the acceptable range of that variability?

Your matter management consultant should also be providing you guidance on how you can measure the performance of the system and the system users. What are the alternatives for auditing usage and practices? If I have formulated clear performance expectations, how do I measure performance and provide feedback to my users? The answers to these questions are important to have when the rollout of the system and system training occur.

Conclusion

Far different from paint being applied to a house, Matter Management systems and other technology provide the infrastructure for running a Law Department or Law Firm efficiently and effectively. While our friend was able to have his house painted over, similar mistakes in hiring a Matter Management implementation team can mean far greater discomfort for you, far greater expense for your Law Department or Law Firm, and far greater “touch-up” than can be provided by a can of paint. With a thorough, well-thought out, well-managed approach in hiring your consultants, an implementation can seem even easier than having your house painted.

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