



Take That Elf off the
Shelf: Unlocking the
Magic of Legal
Project
Management

BAKER DONELSON
WOMEN'S INITIATIVE

Awakening the Elf...

- Project Management - A Primer
- Why project management is consistent with ethical requirements for lawyers
- Three basic components:
 - Scope
 - Quality
 - Communications

Why Should Lawyers be Good Project Managers?

- If you have two independent fields of study/professions citing comparable codes of ethics, each leading you to the same course of action, there's probably some truth to the overall theme.

Project Management Ethics

- As practitioners of project management, *we are committed to doing what is right and honorable.* We set high standards for ourselves and we aspire to meet these standards in all aspects of our lives – at work, at home, and in the service to our profession.

PMI's Code of Ethics and Professional
Conduct, Project Mgmt. Ist.,
[http://www.pmi.org/About-Us/Ethics/Code-
of-Ethics.aspx](http://www.pmi.org/About-Us/Ethics/Code-of-Ethics.aspx)

Project Management Ethics

- This Code of Ethics and Professional Conduct describes the expectations that we have of ourselves and our fellow practitioners in the global project management community. It articulates the ideals to which we aspire as well as the behaviors that are mandatory in our professional and volunteer roles.

PMI's Code of Ethics and Professional
Conduct, Project Mgmt. Ist.,
[http://www.pmi.org/About-Us/Ethics/Code-
of-Ethics.aspx](http://www.pmi.org/About-Us/Ethics/Code-of-Ethics.aspx)

Project Management Ethics

- The purpose of this Code is to instill confidence in the project management profession and to help an individual become a better practitioner. We do this by establishing a profession-wide understanding of appropriate behavior. We believe that the credibility and reputation of the project management profession is shaped by the collective conduct of the individual practitioners.

PMI's Code of Ethics and Professional
Conduct, Project Mgmt. Inst.,
[http://www.pmi.org/About-Us/Ethics/Code-
of-Ethics.aspx](http://www.pmi.org/About-Us/Ethics/Code-of-Ethics.aspx)

Georgia Rules of Professional Conduct: Preamble [3]

- In all professional functions a lawyer should be competent, prompt and diligent. A lawyer should maintain communication with a client concerning the representation. A lawyer should keep in confidence information relating to representation of a client except so far as disclosure is required or permitted by the these Rules or other law.

Georgia Rules of Professional Conduct, State of Georgia Justice System,
<http://www.gabar.org/barrules/handbookdetail.cfm?what=rule&id=74> (last visited November 13, 2015)

Georgia Rule of Professional Conduct: Preamble [6]

- A lawyer's professional responsibilities are prescribed in the Rules of Professional Conduct, as well as by substantive and procedural law. A lawyer also is guided by conscience and the approbation of professional peers. A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession's ideals of public service.

Georgia Rules of Professional Conduct, State of Georgia Justice System,
<http://www.gabar.org/barrules/handbookdetail.cfm?what=rule&id=74> (last visited November 13, 2015)

Georgia Rule of Professional Conduct: Preamble [8]

- In the nature of law practice conflicting responsibilities are encountered. Virtually all difficult ethical problems arise from conflict among a lawyer's responsibilities to clients, to the legal system and to the lawyer's own interest in remaining an upright person. The Rules of Professional Conduct prescribe terms for resolving such conflicts. Within the framework of these Rules, many difficult issues of professional discretion can arise. Such issues must be resolved through the exercise of sensitive professional and moral judgment guided by the basic principles underlying the Rules.

Georgia Rules of Professional Conduct, State of Georgia Justice System,
<http://www.gabar.org/barrules/handbookdetail.cfm?what=rule&id=74> (last visited November 13, 2015)

Georgia Rule of Professional Conduct: Preamble [8]

- The legal profession's relative autonomy carries with it special responsibilities of self-government. The profession has a responsibility to assure that its regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns of the bar. Every lawyer is responsible for observance of the Rules of Professional Conduct. A lawyer should also aid in securing their observance by other lawyers. Neglect of these responsibilities compromises the independence of the profession and the public interest which it serves.

Georgia Rules of Professional Conduct, State of Georgia Justice System,
<http://www.gabar.org/barrules/handbookdetail.cfm?what=rule&id=74> (last visited November 13, 2015)

Client-Lawyer Relationship

- Scope
- Quality
- Communication



Scope



Scope

Rule 1.2	Scope of Representation and Allocation of Authority Between Client and Lawyer	... (c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent. (d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.
-------------	--	--

Scope

Rule 1.2	Scope of Representation and Allocation of Authority Between Client and Lawyer	(a) Subject to paragraphs (c) and (d), a lawyer shall abide by a client's decisions concerning the scope and objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify...
-------------	--	--

Scope: Two Components

- Statement of Work
- Budget

Statement of Work



Statement of Work

Rule 1.0	"Confirmed in writing"	(b) "Confirmed in writing" when used in reference to the informed consent of a person, denotes informed consent that is given in writing by the person, or a writing that a lawyer promptly transmits to the person confirming an oral informed consent. See paragraph (h) for the definition of "informed consent." If it is not feasible to obtain or transmit the writing at the time the person gives informed consent, then the lawyer must obtain or transmit it within a reasonable time thereafter.
-------------	---------------------------	---

Statement of Work

Rule 1.0	"Informed consent"	(h) "Informed consent" denotes the agreement by a person to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct.
----------	--------------------	--

Statement of Work

Rule 1.0	"Writing" or "written"	(s) Writing" or "written" denotes a tangible or electronic record of a communication or representation, including handwriting, typewriting, printing, photo-stating, photography, audio or video recording and e-mail. A "signed" writing includes an electronic sound, symbol or process attached to or logically associated with a writing and executed or adopted by a person with the intent to sign the writing.
----------	------------------------	---

Budget



Budget

Rule 1.5	Fees	<p>(a) A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following: (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly; (2) the likelihood that the acceptance of the particular employment will preclude other employment by the lawyer; (3) the fee customarily charged in the locality for similar legal services; (4) the amount involved and the results obtained; (5) the time limitations imposed by the client or by the circumstances; (6) the nature and length of the professional relationship with the client; (7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and (8) whether the fee is fixed or contingent.</p>
----------	------	--

Budget

Rule 1.5	Fees	(b) The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation, except when the lawyer will charge a regularly represented client on the same basis or rate. Any changes in the basis or rate of the fee or expenses shall also be communicated to the client. (c) A fee may be contingent on the outcome of the matter for which the service is rendered, except in a matter in which a contingent fee is prohibited by paragraph (d) or other law. ...
-------------	------	---

Budget

<p>Rule 1.5</p>	<p>Fees</p>	<p>(c)(1)(A) A contingent fee agreement shall be in writing and shall state the method by which the fee is to be determined, including the percentage or percentages that shall accrue to the lawyer in the event of settlement, trial or appeal, litigation and other expenses to be deducted from the recovery, and whether such expenses are to be deducted before or after the contingent fee is calculated. (c)(2) Upon conclusion of a contingent fee matter, the lawyer shall provide the client with a written statement stating the following: (i) the outcome of the matter; and, (ii) if there is a recovery showing: (A) the remittance to the client; (B) the method of its determination; (C) the amount of the attorney fee; and (D) if the attorney's fee is divided with another lawyer who is not a partner in or an associate of the lawyer's firm or law office, the amount of fee received by each and the manner in which the division is determined.</p>
---------------------	-------------	---

Quality



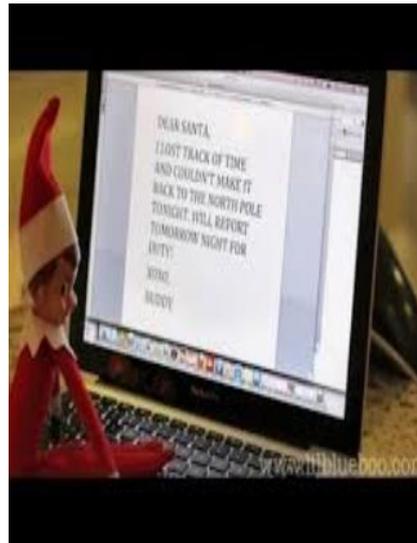
Quality

Rule 1.1	Competence	A lawyer shall provide competent representation to a client. Competent representation as used in this Rule means that a lawyer shall not handle a matter which the lawyer knows or should know to be beyond the lawyer's level of competence without associating another lawyer who the original lawyer reasonably believes to be competent to handle the matter in question. Competence requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.
-------------	------------	---

Quality

Rule 1.3	Diligence	A lawyer shall act with reasonable diligence and promptness in representing a client. Reasonable diligence as used in this Rule means that a lawyer shall not without just cause to the detriment of the client in effect willfully abandon or willfully disregard a legal matter entrusted to the lawyer.
-------------	-----------	--

Communication



Communication

Rule 1.4	Communication	<p>(a) A lawyer shall: (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(h), is required by these Rules; (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished; (3) keep the client reasonably informed about the status of the matter; (4) promptly comply with reasonable requests for information; and (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law. (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.</p>
-------------	---------------	--

Communication

Rule 1.6	Confidentiality of Information	(a) A lawyer shall maintain in confidence all information gained in the professional relationship with a client, including information which the client has requested to be held inviolate or the disclosure of which would be embarrassing or would likely be detrimental to the client, unless the client gives informed consent, except for disclosures that are impliedly authorized in order to carry out the representation, or are required by these Rules or other law, or by order of the Court.
-------------	-----------------------------------	---

Communication

Rule 5.1	Responsibilities of Partners, Managers, And Supervisory Lawyers	(a) A law firm partner as defined in Rule 1.0 (l), and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Georgia Rules of Professional Conduct.
----------	---	--

Internal

Communication

Rule 5.3	Responsibilities Regarding Nonlawyer Assistance	With respect to a non-lawyer employed or retained by or associated with a lawyer: (a) a partner, and a lawyer who individually or together with other lawyers possesses managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer; (b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer;
----------	---	--

Communication

Rule 7.1	Communications Concerning a Lawyer's Services	(a) ...a communication is false, fraudulent, deceptive or misleading if it: (1) contains a material misrepresentation of fact or law or omits a fact necessary to make the statement considered as a whole not materially misleading;
-------------	---	---

Results



YOU



YOUR CLIENT

Contact us at:



Elizabeth Satterfield

esatterfield@bakerdonelson.com

404.589.3410



Jodi Taylor

jtaylor@bakerdonelson.com

404.589.3413