# The Emergence of the
# Forensic and Legal Project Manager

*A critical commentary and public works submitted to*

## *Middlesex University*

*in fulfilment of the requirements for the degree of*

## Doctor of Professional Studies by Public Works

## (Transdisciplinary Practice)

## Faculty of Business and Law

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24 June 2022

# Abstract

The worldwide emergence of the distinct legal project manager role is symbolic of the evolving shifts in the management structure of legal projects within all legal service provider entities and brings a new career path for legal environments.

This context statement offers a self-reflection of my vision, journey and contribution to global public works delivered through the establishment of the 'International Institute of Legal Project Management' (IILPM) that I founded in 2017. The IILPM has become the first and only professional global community of certified legal project management (LPM) practitioners worldwide. It has achieved graduates in fifty-two countries of the world, supported by a global network of accredited training providers in fourteen countries and university partnerships in six countries. It has established practice models for legal matter management, legal process improvement and investigation case management, underpinned by project management principles and practices.

An analytical autoethnographic approach was used to explain my thinking, approach and methods to achieve the public works and to overcome the key challenges that I have personally experienced and overcome. It reflects on how the public works has influenced the legal profession worldwide and helped transition the emergence of the legal project manager role from a state of flux to a more defined position. It covers my contributions to research, developed industry standards and frameworks, competency assessment models, training programmes, a multi-tiered credentialing system, workplace practice tools, and other publications, as well as providing a platform for the annual international conference regime, and the innovation-based professional awards programme. This qualitative-based self-reflection considered the 'interdisciplinarity' makeup of legal project management, the 'post-bureaucracy' managerial influences within the legal profession that has enabled changes in legal practice changes that has recognised the role, and the 'post-professionalism' influence on the traditional legal practitioner role that has help supported the emergence of the legal project manager that is now occupied by both lawyers and non-legally qualified allied legal professionals.

Legal project management was recognised as a specialist discipline of the management domain specific to legal practice environments. It was found to represent the broad 'portfolio management' oversight function of a legal practice portfolio that has a direct influence over the performance culture of a legal service provider entity. This function acts as a bridge to merge the legal operations 'practice management' elements (the business of law) with the application areas that make up the specific legal projects that constitute the 'project management' elements (the practice of law). It governs the selection, prioritisation and resource allocations to legal projects, and influences their specific design and execution methods.

Three categories of legal projects were identified: those that served external clients that comprised either legal matters or forensic-based investigation cases, and the internal projects that contributed to the establishment and ongoing process improvement of the legal operations function. Independent of the legal project type, the person leading the project is recognised as being in the legal project manager position that carries the coordinating role for the legal project. The occupants of the role were found to be either a lawyer or an allied legal professional, depending on the nature, size and complexity of the legal project.

I conclude that a more formalised legal project management approach has a permanent place in legal practice that can be equally applicable to in-house legal departments, law firms, alternative legal service providers and forensic-based investigative services environments.

## Dedication

This work is dedicated to my most loved ones that provide my daily inspiration and listed in order of their appearance in my life, my:

1. mother, Dalveen Yvonne Mary Hutchison;

2. wife, Gina Antonietta Hutchison;

3. God child, Ishani Murray; and

4. daughter Lara Cate Hutchison.

## Disclaimer:

The views expressed in this document are my own and are not necessarily the views of the supervisory team, examiners or Middlesex University, or those having an association with the International Institute of Legal Project Management.

## Acknowledgements

Like most achievements, success is enabled through the love and support of family, and I particularly acknowledge my wife and daughter for allowing me to pursue this doctorate away from family time together, and my mother who has always taught me that you can achieve anything you put your mind to.

My doctoral degree journey began from the mentorship and guidance I was given from Professor Malcolm Cathcart that led to both the completion of my Bachelor of Science (Hons) in Legal Project Management at Leeds Trinity University and my Doctor of Professional Studies by Public Works (DProf) at Middlesex University.

My primary Middlesex University supervisor, Dr Nico Pizzolato, has been instrumental in guiding my thinking, professional development and the structure of this work. Born in Italy and now residing in the United Kingdom, he has achieved well deserved teaching awards, is recognised as a master scholar in research and is a published author himself. My industry supervisor was USA-based Academic Dean, Professor Davidson Frame. Dr Frame is the most accomplished project management academic and multiple author I have ever had the pleasure to work with as a former fellow Board Director on the global board of the Project Management Institute.

I wish to also acknowledge the DProf examining panel comprising Middlesex University personnel Professor Kate Maguire (Chair) and Professor Brian Sutton, as well as external law professors Professor Lisa Webley and Professor Jane Harman.

I would like to acknowledge two colleagues, friends and mentors who reviewed early editions of my work: Professor Ian Rouse and Professor Helen Armstrong who have been important mentors in my career.

Dr Rouse has had the greatest impact on my work life across the last twenty-three years. We began as work colleagues leading up to the 2000 millennium computer bug issue. Later, he became my supervisor when he appointed me as a Director of IT at Curtin University, then gave me the opportunity to become an academic Director of a research centre in health informatics, then became my first client that started my consulting business Peopleistic as the Executive Dean at Victoria University and later the Dean at the Fiji School of Medicine. He now works as a colleague of my Peopleistic company and has been the most influential leader in my career development.

Dr Helen Armstrong started as a supervisor of my Master of Commerce research in 2000 at Curtin University that won the most outstanding post-graduate research award and now is a colleague of my Business Education Institute company.

One of the greatest opportunities in academia came from Dr Ronny Veljanovski who gave me the honour of becoming an adjunct Associate Professor in project management at CQUniversity that was pivotal for my current adjunct Associate Professor position at Curtin University.  This was particularly important as it was awarded to me even before completing my doctoral studies.

The International Institute of Legal Project Management was first established with a group of hand-picked founding members who formed what was titled the Global Advisory Council (GAC). They were also the initial Accredited Training Providers (ATPs) and accredited trainers that comprised (in order of connection) Antony Smith (United Kingdom), Larry Bridgesmith (United States of America), Anna Marra (Spain) and Caitlin Moon (United States of America). These people made the IILPM credible and have become great friends, mentors and colleagues.

The later additions to the Accredited Training Provider group included (in order of accreditation) Ignaz Fuesgen (initially South Africa and later moved to Germany), Gustavo Carmona (Mexico), Harald Evers (Germany), Jacqui Baldwin Jarvis (South Africa), Aileen Leventon (United States of America), Karen Skinner (Canada), David Skinner (Canada), Veronika Voinovian (Russia), Nicolene Schoeman-Louw (South Africa), Dr Jeanne-Mari Retief (Portugal), Eliana Fonseca (United Arab Emirates),

Laurent Dassonville (Belgium), Jan Roggen (Belgium), Vuqar Amrahov (Azerbaijan) and Carmen Cortes (Puerto Rico).

I also wish to acknowledge the following honourary fellows of the IILPM that extend the founding GAC Fellow members, who were also recognised as significant historic contributors to the LPM specialist discipline prior to the IILPM's establishment (in alphabetic order by surname) Micah Ascano (United States of America), Mark Friston (United Kingdom), John Grant (United States of America), Dr Jim Hassett (United States of America), Susan Lambreth (United States of America), Steven Levy (United States of America), Shaun Plant (New Zealand), Roger Quick (Australia) and Dr David Rueff Jr. (United States of America).

Interestingly, I have never meet any of the twenty-seven accredited trainers and Fellows involved in the IILPM face-to-face to-date. The IILPM is testimony to the success and value of purposeful virtual teams. The countless hours online have shown that technology can enable strong bonds and can bring like-minded people together from across the world to enable global intellectual exchange.

A special thank you goes to Tom Meagher and Mark Balfour from commercial law firm Balfour Meagher who gave me the opportunity to join the executive team of their law firm to lead the education portfolio. This allowed me to be directly involved and associated with a highly professional boutique law firm and have the honour of working more within the legal profession. Balfour Meagher became the IILPM accredited training provider for Australasia.

Lastly, I wish to acknowledge the many graduates that have made the IILPM's influence touch many in-house legal departments and legal practices, and ultimately realising the achievement of IILPM certified practitioners in fifty-two countries using its tools and techniques.

Together, we have created a strong platform for the legal profession and investigative community worldwide in making a positive difference to their careers, their employer legal service provider entities, and the clients they serve.

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# 1.  Introduction

The legal profession is one of the oldest learned professions (Kovachevich and Waksler, 1990; Brundage, 2008), often thought to be a slow moving and change resistant fraternity (Granfield, 1996; Moliterno, 2013).  Law shapes society in projecting a behavioural system on citizens through governing rules in the form of statues, court rulings, administrative rules and ethical guidelines (Sutton, 2001). Such social systems need stability for a society to effectively function and therefore are inherently designed to be resistant to fast change.

In more recent years, the comparative fast pace of client patterns of demand for legal services has brought an enforced wave of change (Galanter, 1999). The nature of legal matters is evolving, with matters of today often crossing international borders and involving global business dealings, necessitating a shift from the historical sole legal practitioner role to a more complex team-oriented approach. This is often addressed through robust processes to guide behaviour that brings a structure to workflow, enabling more effective teamwork and the increasing importance of empowering virtual team environments, particularly since the COVID-19 pandemic.

With a call for more structured methods to planning and executing matters, project management approaches have been required to be adopted (Ruhl, 2014). Whilst neither the legal profession nor the project management disciplines are new, their integration provides an obvious opportunity to address the increasing legal complexity and the emerging need for guided workflow. The interdisciplinarity merging of project management approaches to different areas of legal practice has become known as 'legal project management'. As Woldow and Richardson (2010) acknowledge, "In the legal profession, Legal Project Management (LPM) has gone viral, primarily as a result of unprecedented changes that are rapidly reshaping the legal landscape".

The challenge presented was in defining what legal project management actually was, what it comprised of, and how it was being, or should be, implemented.

This state of flux within the legal industry called for identifying the key changes in the profession that presented the right timing to embrace LPM practices and gave the opportunity to undertake public works that would help address uncertainties and the differences between past practices and an LPM approach.

Project management was already a term used in other professions to more successfully implement new and unique endeavours and offered a clue as to how the legal profession could also embrace and better structure change. Organisational awareness of project management as a managerial discipline has become more prevalent beyond its early application in construction and other engineering disciplines, as evidenced by the number of project manager roles now existing across most industries and sectors.

What was becoming clear was the need to better manage legal matters in a more systematic way by first recognising that a legal matter is a form of project. This evolutionary insight was in recognising a possible separation between the matter leader who was focused on the practice of law to that of a more coordination function of a traditional project manager role.

Historically, the sole or most senior lawyer lead the matter. As legal matters became more complex, larger legal teams were assembled and the coordinating functions were often being neglected.  This was particularly important for timely information flow and the increased effectiveness of communications and engagement with key stakeholders, rather than a focus solely on the application of law. This led to the recognition of the coordinating function being separate to the legal function.

This enabled a later distinction between the administrative nature of the 'legal project manager' function to that of those specifically practicing the law for the legal specific tasks.   Similarly, paralegals were utilised for research and other allied legal professionals were introduced as specialist project team members. This allowed the function of the legal project manager to be recognised as having more of an administrative and coordinating role than law-based, ultimately prompting the question whether the occupant had to be a lawyer themselves.

Recognition of this role separation is consistent with the emerging literature on post-bureaucracy change that in this application provides an adaptive framework to interpret the shift of power and emergence of the legal project manager function (Johnson *et al.,* 2009). Post-bureaucracy theory looks at the breakdown of traditional modes of managerial authority that gives rise to change from a range of pressures often linking back to the effects of globalisation (Aharoni, 1993; Dezalay and Sugarmann, 1995; Flood, 1995; Flood 1996; Kritzer, 1999; Alvesson and Thompson, 2004;) and technological advancement (Castells 2000; Child and McGrath, 2001; Harris, 2006). Applying this theory construct helped identify the critical legal profession changes that have occurred in enabling LPM to be seen as a distinct method to be adopted for all legal project types.

The literature of interdisciplinarity outcomes also needed to be explored as defining the nature of legal project management requires an analytically reflective study of the methodological, theoretical and institutional implications of merging project management approaches to different areas of legal practice. This combines philosophy, methodology, process and a reflexive ideology (Klein, 1990) that has enabled the post-bureaucracy profession adaptions, as well as encompassing the application of the theories of post-professionalism where traditional modes of managerial authority breakdown based on a range of pressures commonly associated with globalisation and technological advance (Johnson *et al.,* 2009).

These combined phenomena will be explored as the primary constituent elements that has enabled legal project management to gain a strong hold as the preferred method to embrace change. My work has been to leverage this interest and develop the definitions, standards and tools that explain legal project management in practice to enable its adaption, and to contemplate my personal challenges of influencing change within the legal profession that has traditionally proven to have a strong resistance to change in adopting new ways of operating. This includes the methods that overcome the associated scepticism of new methods, coupled with a resistance to adopt new technology and practices.

## 2.  Research Approach

The research approach used comprised a critical reflection of my personal account of the strategy, struggles and the achievements of founding the International Institute of Legal Project Management and the clarity brought to the emerging legal project manager role. The legal project manager position leads legal projects, which was recognised as having three different application perspectives: the legal matter used in the practice of law (i.e., matter management), in process improvement initiatives that makeup the legal operations that support legal projects, and as forensic cases used in the process of investigations.
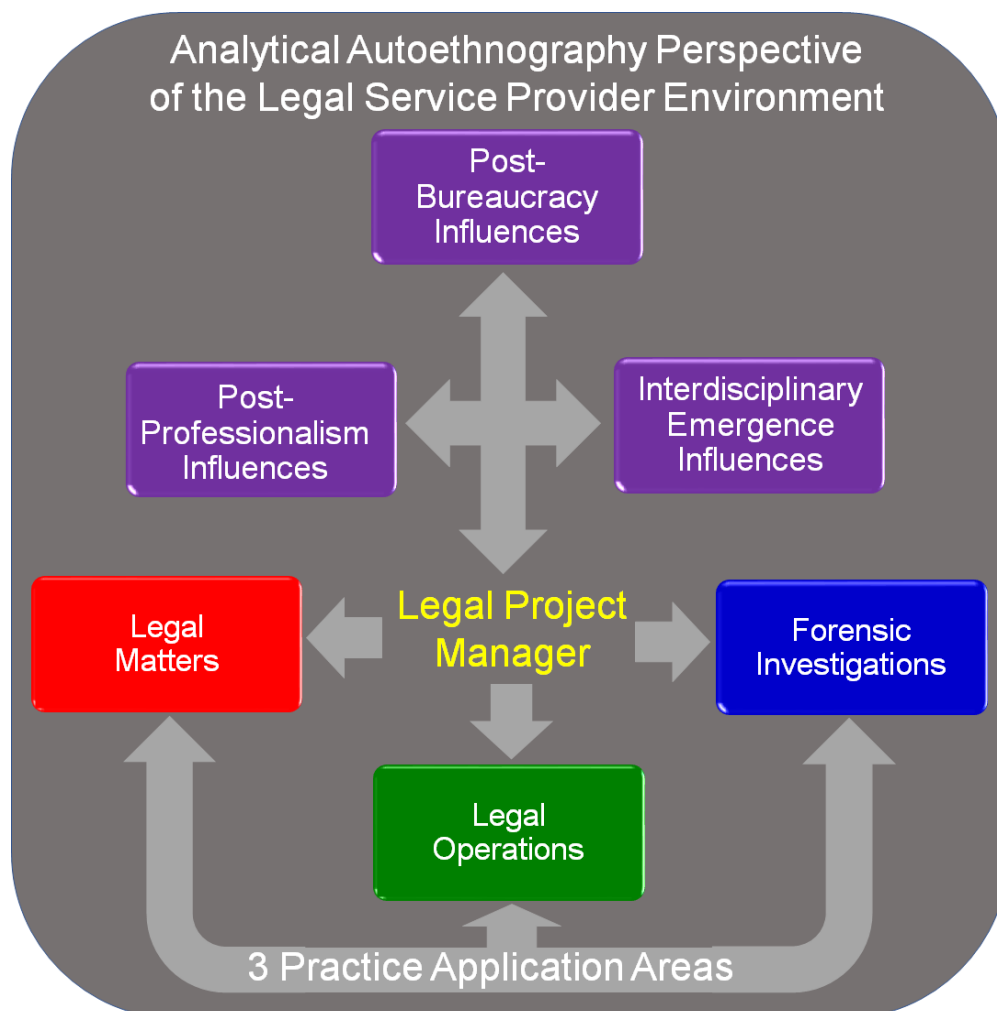


*Figure 1   The Model of Analysis of the Legal Service Provider Environment*

The study took an accumulative approach of combining analytic autoethnography (self-reflection), interdisciplinarity emergence (the bringing together of the project management and legal practice disciplines), post-bureaucracy theories applied to the legal profession (the changing of managerial influences within the profession) and post-professionalism effects on the lawyer role in leading legal projects (the shift in the role power shared between the lawyer and the professional practitioner). Combined, it sets out the key factors affecting the emergence and positioning of the legal project manager and the identified three practice application areas that make up legal projects.

An analytic autoethnography perspective was applied as the key research method that offered a qualitative approach where the author is a full member of the group operating within the research setting, who holds a visible position of influence and is committed to developing a theoretical understanding of the social phenomena (Anderson, 2006), which in this case relates to the emergence of the legal project manager role within the legal operating environment.

This method of recording, reporting and reflecting helps apply a public relations-based theoretical construct relating to a practice environment (James, 2012) that helps contextualise the legal project manager function in a legal setting serving a wide client-base, over the general project manager role found in other industries.

Ellis (2004) summarises autoethnography, as the "research, writing, story, and method that connect the autobiographical and personal to the cultural, social, and political" and encourages subjectivity by the author. Grenier and Collins (2016) define it as "being based on a methodological framework of existing narrative approaches".

By combining a theory, methodology and textual approach (Holman Jones, 2007) to systematically analyse my personal experience (Ellis and Bochner, 2000; Ellis *et al.,* 2011) it provides a critical analysis that links my strategy to actions used in creating an international network based around the legal project manager role.

The interdisciplinarity theory is applied to study the methodological, theoretical and institutional implications of merging project management approaches to the application of law through legal disciplinary practice areas. This combines philosophy, methodology, process and a reflexive ideology (Klein, 1990), reflected in applying a more robust and standardised process that invokes a prioritisation of the wider knowledge areas of traditional project management specifically to legal projects. The complexity comes from critically examining the legal project manager's position within the frames of profession, occupation, practitioner area or discipline.

The post-bureaucracy theory is applied to examine the traditional modes of managerial authority that evolve over time (Johnson *et al.,* 2009). This encourages the need for flexibility by emphasising a more self-governing 'responsible autonomy'. Rose (1999) suggests this is a shift to a more actuarial regime that has moved from a disciplinary focus of trying to influence thinking, to a model of giving people resources. This enables more self-actualisation and individual control and sets up the worker to be selected by who can best use those resources.

Technological advances also lead to software applications development and systems integration by key vendors being used across the globe, and as Zhao *et al.* (2009) found, the use of similar computer software and analytical tools has increased the common behaviour between law enforcement agencies.

This likely has supported the changes seen in the profession of what roles are traditionally allocated the tasks to a model of providing resources to a team to get work done, thereby increasing the utilisation of non-legally qualified specialists in legal service delivery (Kritzer, 1998). This has seen the emergence of the credentialed legal project manager role to be process driven and the popularity of a more formalised approach that enables competency assessment.

The post-professionalism theory is applied to examine the changes in the lawyer function, the exclusivity of the role and the legal ramifications of segregating the coordination activities of the legal project manager from the lead lawyer focusing on the law tasks. This type of segregation of activity has led to allied legal professionals taking roles away that were traditionally held by lawyers and enabled a new market

player seen in the industry penetration of 'alternative legal service providers'. This trend has likely facilitated the possibility of bringing non-legally qualified practitioners in the role of legal project manager by its segregation of its legal components.

What also was needing to be ascertained from the analysis of current legal project manager practitioners, is whether a project approach is equally applicable to any legal practice area or investigation type, including its differentiation between countries that have various legal systems and the various legal service provider models that exist.

This effectively validates the width of its applicability in bringing a more formalised method to planning and executing legal-based work, as well as meeting the structural needs of executing the transformational changes that the law fraternity is undertaking. It makes sense from the realisation that projects facilitate change.

This analytical autoethnography approach as the base methodology to the research effectively lays out my journey of realising there was a need for a global standards-type body offering a legal project management framework. This framework was to define the phases of a legal project to the key elements of what legal project management practice was as a whole, its internal and external influences, and enable a platform for associating key tools and techniques applicable to the practice of law and forensic investigations. It also enables the identification of competencies required for a legal project manager to oversee the application of the framework.

## 3.    My First Exposure to LPM

To begin a journey of autoethnography exploration is to reflect on the moment I first heard the phrase legal project management back in 2016 while studying a Bachelor of Laws at Edith Cowan University and residing as a global Board Director of the international Project Management Institute (PMI). Formed in 1969, the PMI is a not-for-profit organisation serving over 2.9 million professionals (PMI, 2021), being the largest professional association body for the specialist discipline worldwide.

Whilst in the United States in a conversation with Bill Scarborough, the PMI Vice President, General Counsel and Corporate Secretary, he noted the phrase was being used in the legal profession, however he was not clear about its meaning or application. I immediately went to my laptop and typed in the phrase to see a small number of legal practitioners purporting to be training others in legal project management through short courses. On returning home, I found an article talking about project management skills being an envisaged competency and realised that the interest in the approach was starting to attract interest in Australia.

My preliminary desktop research showed a small number of books had been published relating to legal project management, including 'Legal Office Projects' authored by Diane M. Gilmore in 2006 (Gilmore, 2006) and specific to the namesake 'Legal Project Management: Control Costs, Meet Schedules, Manage Risks and Maintain Sanity' authored by Stephen B. Levy in 2009 (Levy, 2009).

I felt that LPM consulting would be the next logical step and was keen to be trained and certified in the discipline. I initially attempted to enrol in a course in the United States and was happy with the thought of becoming certified as a legal project manager and to gain valuable knowledge and credibility to support my planned consulting efforts into the legal profession. I had worked throughout my career with lawyers in most of my Director-level roles and consulting assignments, including presenting in court on behalf of a client at the request of the legal team. I had worked with multiple law firms and in-house legal departments on projects, as well as a client. I already was an awarded and internationally recognised project manager and my chosen degree was testimony to my intended pathway towards practicing law.

To my absolute surprise the entity refused my enrolment, even though the training fee was substantial, due to an online assessment where they felt that I was a likely competitor to their business (given I had already established a successful global training and consulting business in project management). I had not seen myself as a competitor, rather a potential advocate for them. I had even suggested that being a graduate would help to promote their programme, particularly across Australasia that would lead to more business for them.

They then proceeded to offer me a role in their team. I was bemused that the organisation was choosing who they would train and their refusal to train people based on their fear of having a competitor without first having a discussion. In fact, the frustration caused me to think much bigger.

At that moment, I realised that there was no global LPM certification available beyond a couple of independent commercially driven training entities in the United States and no entity serving the profession like a professional association would. There was certainly no international entity with distributed offices in different countries.

I was always taught that to avoid complaining about something that is not working, and instead to become the driving change that fixes it. Then and there, I decided there was an opportunity to create a professional community of practice that offered training that could lead to a truly global certification model that was internationally recognised, formed by people who had a genuine interest in sharing knowledge, developing best practices and making a difference to the legal profession. Clearly it was to only be viable with a group of exceptional people bought into the same vision.

The original concept of a community of practice has transitioned from a social and situated dimension of knowledge sharing and learning to be centred around on-line communities addressing professional and social interactive needs supported by technology (Gherardi, 2009). My thoughts of achieving international penetration triggered a vision of a global online platform that would enable legal professionals coming together with a common purpose to contribute to the clarity and growth of LPM to establish the global standards and practices that would be recognised worldwide. I had now seeded the idea in my own mind for a professional association type entity that would have a wide geographic spread of trainers, supported by on-demand and live-online training that could help shape the role, tools and practices of legal project management. I decided that it would be initiated as a private company due to the need to maintain control and avoid politics often associated with not-for-profit organisations in its first iteration.

With the confusion to what legal project management was, what it comprised of, and how it was practiced, presented the opportunity to amalgamate my interest in law and project management together to help define the emergence of the legal project manager role. I felt there was a need to bring together a truly global community to answer those questions.

I thought that my experience in business consulting and project management skills applied across many sectors could compliment lawyers with their LPM Practice expertise to bring ultimate clarity to what legal project management was and how it could be best practiced. I realised that the vision was not possible by my own accord, however my experience had showed that great things start in a single person's mind who has the drive to then identify and bring the champions together that could make a dream a reality. I had already achieved taking an Australian training and management consultancy company to the United States and the United Kingdom, however this was a much greater scaled vision that would take me on a fast-track journey of challenge, excitement and ultimately success.

The issue was that at the time, I was not a lawyer, had not worked as an employee in a law firm and did not have a strong profile in the legal sector. This began my starting point to formulate a strategy to build the personal and organisational-credibility to ultimately bring a global standards-based organisation to the world with an awesome team of like-minded people. The phrases 'legal project' and 'legal project management' had to first be better defined that began my research interest in the topic.

# 4.   Defining Key Terms and Elements

## 4.1   Legal Project Management Elements

To establish the LPM was to first understand the LPM phrase and its initial application. The ambiguity of the use and application of the legal project management phrase was a key factor to the state of flux the profession found itself in for its correct implementation.

The ambiguity likely came from the differing opinions in various published works of its depth and breadth, although there was no evident LPM standardised model or common terminology being used, combined with a lack of insight into the required skills, systems and tools required. The LPM definition was resolved through my initial global study conducted using a survey instrument that engaged legal practitioners purporting to be legal project management practitioners across nine different countries (Hutchison, 2017).

It was an exploratory survey to understand their individual interpretation and application of their approach to LPM to determine any commonalities by practice area, size of firm or country. This study found that the term LPM had a much broader meaning than just the use of project orientated practices to any system, process or method that increased productivity and covered four key elements:

1.  **Project Management** that focuses on the approach, approvals authorisation, systems and processes that guide legal projects, including scope, time, cost, quality, risk, communications, stakeholder, procurement, human resources and integration functions, as well as the extended issues management, and change (variation) management processes;

2.  **People Dynamics** that recognises the leadership, interpersonal skills and communication effectivemess of the legal team. Legal service delivery success is highly influenced by the people involved that includes leading the legal team and the engagement with other key stakeholders. This includes the clients, legal matter team, regulators and other key stakeholders. The fact that a jury can be swayed by the influence and persuasive manner of the represnting lawyer or a professional witness' testimony, shows the extreme importance of understanding people dynamics;

3.  **Process Improvement** that reinforced the principle 'process guides behaviour' and standardisation of processes for repeatable actions can result in an improvement in the processes leading to better legal services, with the need to continuously improve to keep abreast of market changes and competition. This crosses over to the supportive legal operations area; and

4.   **Technology Enablement** that covered the information management systems and a move towards articifical intelligence and decision management technologies to help guiding legal services in its structure, processes, security, information resources, error identification and resolution, and decision making. This included the management of its records, naming conventions, version identification and archival processes.
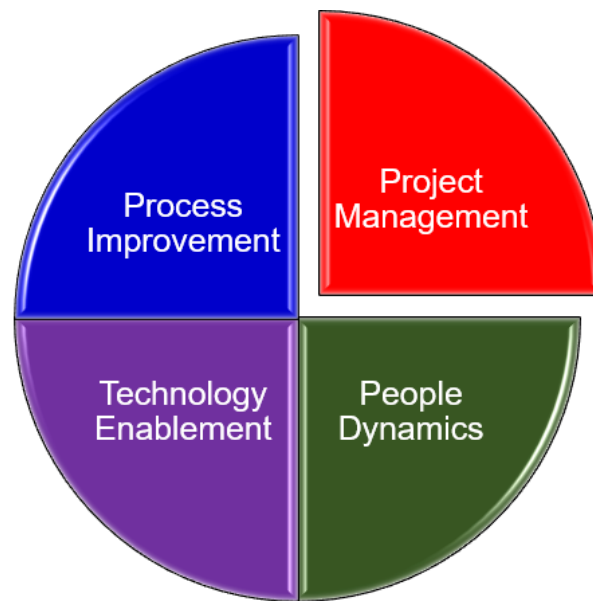


*Figure 2   The Four Elements of Legal Project Management*

The definition was concluded to be the "application of project management principles and practices to enhance the delivery of legal services" and further explained as encompassing not only project tools and techniques to legal practice, but to also include legal operations and process improvement methods, enabling technologies and a focus on the people dynamics.

This offered the early insight that the IILPM would ultimately expand its legal project management focus (the first business pillar of the IILPM) that was legal project centric to later include legal process improvement methods (the second business pillar of the IILPM) that would incorporate the wider legal operations activities that support legal projects. It is important to also note that all legal operations components are designed and implemented through projects.

## 4.2 Legal Project Categories

Legal projects can be broad in application, however for the purpose of helping to define the focus on IILPM certification, I determined that there were three separate categorisations for legal projects:

1. **Legal Matters** – the legal projects that exist to deliver legal service provider works to end-clients, whether that is the external client, or where an in-house legal department is undertaking legal-based work for the organisation. This reflects legal projects focused on the practice of law. Such projects normally involve lawyers in the project team, however does not generally include projects that are being delivered by alternative legal service providers;

2. **Investigations** – the legal projects of a forensic investigative nature typically covers research, evidence collection and analysis that presents evidence-based deliverables that may be used in court. Investigations may be wider than having a 'forensic' base, and can include more generic research, investigation, interviewing, evidence collection and examination to a broad array of application areas. Beyond criminal and civil investigations for the courts, other application areas may include private investigations, defence investigations, workplace investigations, and accident or incident investigations. These often include licensed investigators or forensic scientists in the project team instead of lawyers; and

3. **Legal Operations** – the legal projects that are internal to the legal service provider that covers the establishment and business improvement initiatives that align to its legal operations. This reflects projects focused at the business of law.

The use of the term 'legal matters' has been broadly used to include legal-related work as it represents any projects of a legal nature undertaken by a law firm, in-house legal department, alternative legal service provider. This is important as they may not require a practising lawyer.

Pickard and Saunders (2022) note that the phrase 'alternative legal service' is being used as a "catch-all term for the delivery of legal services outside of the traditional model of lawyers working in a law firm".

## 4.3  BigLaw Versus NewLaw

An anomaly during my early studies of legal practice, was the introduction to a concept of NewLaw. NewLaw is a term reportedly coined by George Beaton (ALPMA, 2014), although others attribute it to Eric Chin (Stammers, 2017), and a documented story about how it came about suggests the term came from work in the Beaton business (Lim, 2016). All references tended to agree that it was 2013 when the term was born.  Although the term was being used widely to promote a significant shift in legal practice models, Jordan Furlong's definition of NewLaw summarises the all-encompassing term as "any model, process, or tool that represents a significantly different approach to the creation or provision of legal services than what the legal profession traditionally has employed."  (Rejeva, 2015). It was to provide a distinction to BigLaw that is a term generally used for large law firm models.

Law firms were also hearing more about buzz words, such as agile, client-centric, innovative technology, alternative fee models and culture, which are all elements of legal project management practices. Lim (2016) suggested the differentiating factors for NewLaw to normal practice included: using new or disruptive technology; encouraging flexible working; flexible, client-focused service provision is the norm; offering alternative pricing strategies; and increased flexibility and agility.

Legal project management's alignment with NewLaw developments becomes clear with the realisation that NewLaw is a term used to promote that there is a genuine need for a new way of doing things that does require a paradigm shift, whereas legal project management fits as the means and mechanism for its execution. NewLaw tends to be used a lot in the context of new players or disruptors in the legal market (Ryan, 2017). With the term NewLaw being a play on words of the more traditional BigLaw practice, Dr George Beaton developed a taxonomy comparison as summarised in Table A.

| BigLaw | NewLaw |
|---|---|
| Attraction and training of top legal talent. | Deployment of talent with the requisite legal and process skills. |
| Lawyers striving to deliver near-perfect technical excellence. | Practitioners delivering a fit-for-purpose service. |
| Lawyers expected to both find and produce work for clients. | Selling and producing work are separated. |
| Promotion of the personal brands of rainmakers. | Promotion of a corporate brand. |
| Use of sustaining technologies. | Application of disruptive technologies. |
| Leveraging' of fulltime lawyers to do the bulk of the work serving clients. | Flexi-work practices that match supply with demand. |
| Creation of a tournament to motivate lawyers to become equity partners. | No tournament. |
| Tight restriction of the number of equity owners. | Non-lawyer shareholders. |
| Structured or partnership. | Incorporated. |
| Charge client hourly rates. | Charge clients fixed fees. |

*Table A   Comparison Between BigLaw and NewLaw*

The NewLaw term was to signify a new way to deliver law that was promoted to be more collaborative and flexible, with a segregation in roles that allows a greater recognition and dependence on allied legal professionals, and a need for aligning specialist skills to specific business needs, and an acceptance of wider pricing models that better align to the market demands.

I concluded that legal project management is the enabler, process and method to transition and operate within the NewLaw paradigm. NewLaw was effectively found to be a strategic model for change used for new and innovative players in legal practice, whereas legal project management is the strategic execution method.  It simply is a phrase being used to signal a critical need for the legal profession to change. Effectively, NewLaw and LPM can be used concurrently, although the practices of legal project management also equally apply to BigLaw environments given it is primarily a workflow method that is independent of the area of law practice or the complexity of the legal matter.

## 4.4　LPM Elements

The clarity of the elements that supported the LPM definition as the initial survey outcome provided the boundaries to explore the practices during my further research contributions in my undergraduate degree in legal project management studies at Leeds Trinity University (Hutchison, 2018a).

The two primary objectives of my Bachelor of Science (Hons) in Legal Project Management research were to firstly explore how legal project management practices differed compared to traditional project management methods, including the applicability of the ten knowledge areas promoted in earlier versions of the PMBOK® Guide (ANSI/PMI, 2021), and secondly to define its application in differing legal pricing modalities.

Traditional project management as a specialist discipline was already well established as evident through the international standards: AS ISO 21500:2016 *Guidance on Project Management* (SA, 2016), ISO 10006:2018 *Quality Management Systems – Guidelines for Quality Management in Projects* (ISO, 2018) and the ANSI/PMI 99-001-2017 *The Standard for Project Management* that is embedded in the '*A Guide to the Project Management Body of Knowledge'* publication (ANSI/PMI, 2021).

Recognising legal project management as a standalone specialist discipline was problematic when it was so misunderstood by the industry. This provided the key opportunity for me to help define the role, function, tools and techniques that would then lead to an international global collaboration model and see the publication of the first global standards to guide LPM practice, as well as a practitioner competency model to define the specific knowledge and skills required and a global certification system to validate a person's competency level.　This required my research to extend from a focus on current practitioners to a comparative analysis between the legal practice industry needs that had invoked an interest in project approaches, thus examining the current applications of legal project management practices and its depth of appreciation in responding to that need and determining the key elements that are useful from traditional project management approaches.

Most important to this analysis was the breadth of my international experience working across many sectors where I was exposed to the nuances between how project management was being applied within different industries that well equipped me to bring those insights to what legal practice most likely needed. I had run projects that involved both law firms and in-house legal department engagement.

This incorporated a breakdown and cross analysis of the ten knowledge areas of traditional project management and their specificity to a legal service environment. They comprised scope management, schedule management, cost management, quality management, resource management, communication management, stakeholder management, risk management, procurement management and integration management, with integration explaining the relationships and interactions between the other areas.

Procurement management was a low consideration due to the dominating service-based nature of legal services (noting the client engagement agreement with the client would be deemed a part of procurement management), otherwise the other knowledge areas of traditional project management were found to be applicable as key elements.

The three primary unique industry differences that stood out in implementing project management in the legal environmental setting comprised:

1.  **Regulatory emphasis and restrictions** – that impact the way and approach legal services can be delivered and which includes legislative boundaries to procedural practices;

2.  **Legal technology design and function** – that enforces different terminology, configuration and practices that influence the adoption of traditional project management approaches; and

3.  **Pricing models** – that are guided by regulatory practices that may enforce specific pricing models or restrict others, and where some alternative fee arrangements are unique to legal practice.

My initial thoughts were that the ten knowledge areas were likely all utilised, however the prioritisation and importance of them would vary between industries and the terminology used would be different, as well as the systems supporting them, given that legal technology has its own nuances. This had already been seen in my experiences working across many sectors including engineering, medical and health, media, education, law enforcement and government.

My exposure to working with legal and law enforcement type entities, included both private sector and government agencies, such as the Western Australia Police Force, Forensics Australia, Department of Fire and Emergency Services, Department of Corrective Services, Civil Aviation Safety Authority, Crime and Corruption Commission, Office of the Auditor General and the Department of Environmental and Regulation had also given me exposure to the legal elements of investigative environments.

This research led to the development of the LPM Framework that set out the key elements of LPM and was later tested using the Global Advisory Council members. It became the primary model to guide the implementation and adoption of legal project management principles and practices. It looks at the multiple dimensions of LPM in practice, including the life cycle and the nuances of the application of project management in the legal field.  It guides the required transformational changes within the legal practice, alternative legal service provider (ALSP), in-house legal department portfolios or investigation services to improve the service culture so that is adaptive and embraces technology advances.

It summarised the knowledge areas within a legal operating environment context, together with clarification to the nuances of the legal profession and emphasising the project, process, technology and people dynamic themes.

It recognises key external factors; legal project life cycle stages and the core elements; enabling tools and processes; and the people, culture and organisational resources.

**4-PHASE LPM FRAMEWORK**

**APPLICATION OF PROJECT MANAGEMENT TO LEGAL SERVICES**

**Legal Market, Regulatory and Commercial Factors**

| DEFINE | PLAN | DELIVER | CLOSE |
|---|---|---|---|
| • Matter Type<br>• Parties<br>• Requirements Gathering<br>• Scope Definition<br>• Objectives<br>• Assumptions<br>• Constraints | • Scheduling<br>• Resourcing<br>• Cost and Pricing<br>• Quality Metrics<br>• Stakeholder Analysis<br>• Communications<br>• Risk Strategy | • Task Execution<br>• Monitoring and Controlling<br>• Reporting<br>• Risk and Issues Management<br>• Variations Management | • Client Signoff<br>• Lessons Learnt<br>• Financial Discharge<br>• Archive Information<br>• Team Reassignment |

**Productivity Tools and Enabling Approaches**
Legal Design, Agile, Workflow Processes, Templates and Technology

**Leadership, Interpersonal Skills, Legal Service Culture and Organisational Capability**

*Figure 3   IILPM LPM Framework*

## 4.5   IILPM Business Pillars

As the IILPM was initially focused on legal project management practices as applied to 'legal matters', the logical extension was to also include the legal process improvement area that provides the systems and processes that support legal matters, known in the industry as being the 'legal operations' realm.

Legal matters in this context covers work undertaken by law firms, in-house legal departments and alternative legal service providers. In some cases, 'investigations' undertaken by lawyers or police prosecutors would be included, however for the purpose of forensic investigation being undertaken by licensed investigators and forensic practitioners, where such outcomes may provide forensic evidence into legal matters, those legal projects have been considered a separate category as they usually do not involve a lawyer. They provided a unique target market for the IILPM with different needs to the legal profession.

Whilst legal matters were specific to the 'practice of law', the concept of LPM application in wider legal projects was then extended to cover internal projects used in legal operations to establish systems, processes and other new endeavours relating to the 'business of law'.

It became evident that the IILPM would serve three distinct market segments requiring variations to their training requirements that would warrant different certifications. The interrelations of the legal project application areas became apparent, as legal operations (being a business function) supports both legal matters and investigations, and investigations were triggered by, or utilised for, legal matters. The structural architecture of the IILPM had effectively derived at three business pillars that then helped define its strategic focus, product development, training and certification focus areas.



*Figure 4   The Three Business Pillars of the IILPM*

# 5.	Establishing My Role Through Autoethnography

In reflecting on how I was able to envisage, establish and lead an international institute was to consider the diversity of my career pathway, my exposure to working and running projects in over two hundred organisations, establishing and leading global businesses, specialising in behavioural-based performance and my specific academic positions and studies that accumulatively positioned me with unique knowledge and skills to bring together a global community of lawyers. These attributes are presented in some detail together with the specific influences that they had in establishing my position as a change agent with the capability to identify and remedy the key obstacles that had to be overcome.

First and foremost, I am a project manager.  A project manager by virtue of driving new and unique outcomes as a change agent, and I had started working as a project manager at the age of seventeen, later gaining international experience and working with people of diverse cultures, languages and ethnic backgrounds.

I also had a deep interest in human behaviour, after realising that project success beyond needing scope clarity, mostly relied on productive stakeholder relationships and leading high performing teams. I had formally studied counselling, coaching, neuroscience, psychometric profiling, investigations and neuro linguistic programming with my interests in human performance. My behavioural interest may have begun when I worked at the age of fifteen beside Western Australia's most notorious mass murderers, David and Catherine Birnie, and was mesmerised as to how none of their exploits were evident in the persona they presented at work whilst in parallel they were going home to their captives and doing unspeakable acts. This also likely underpinned my later interest in criminology, criminal psychology, investigations and forensics.

I became an internationally accredited behavioural consultant and certified in the DISC behavioural model. DISC was coined by Marston (1928) who incidentally was a lawyer and psychologist himself. He identified four key behavioural quadrants that described the blend of dominating behavioural patterns that influence an individual's

actions, comprising the options of Dominance (driver), Inducement (influencer), Submission (stable) and Compliant (compliance).

Using the world acclaimed Extended DISC® profiling tool, my own behavioural style was found to be a Driver-Influencer-Compliant (DIC) behavioural blend that represents an extrovert and task-oriented individual who also has people skills. It is referred to as a 'Creator' in the Wealth Dynamics model (Hamilton, 2018) that represents a natural strategist, innovator, inventor and ideas-type person. It is a style that desires change, seeks challenges and thrives on developing and implementing new initiatives.

Whilst I always thought that my core skills were primarily in project management, in reviewing feedback on my LinkedIn profile from the function where your network associates select skills that highlight their perception of your skill sets, showed my highest scores indicated that they saw me as a strategist. On reflection at the time, that was indeed what I had become, and I used project management to then execute the envisaged strategy successfully. This showed that my natural style was evident from the viewpoint of others, however overlooked by myself as a blind spot. That also made sense, given that I was often facilitating strategic plans for others and helping businesses get clear on where they were going and how that could happen.

This was very insightful for me to find out that being a strategist was what neuroscience calls my 'flow' area (Csikszentmihalyi, 1990). I had been given the name of the 'Corporate Mechanic' by Wealth Dynamics founder, Roger Hamilton, due to my results in strategising what needs to be done and having the capability to deliver the required change. This is where I realised that project management was my core developed skillset to get tasks completed, the critical element to seeing any strategy I devised being executed.

My experience supported the prevailing view that complex projects relied on effective teams (Cavaleri and Reed, 2008; Kappagomtula, 2017).  This was clearly evident to me by my exposure to highly performing teams while working in the television industry where the news had to go to air at 6pm without failure, and through my exposure to police, military and medical teams where poor performance

had significant consequences, such as the loss of life. I realised that being exposed to these fields taught me that teamwork had to get results, it was not an aspiration, rather it was a critical part to getting the job done.

Working in commercial television taught me that you had to come up with a workaround to any obstacle that arose in a high stress and pressure environment, where the focus has to remain on achieving the goal. I was often known to clients as being the 'no excuses' person. I believe this is where I developed my persistence and focus on getting the goals achieved with a 'no matter what' type attitude. From those insights, I have spent my career focusing on staying in flow where one's energy is best utilised and working on what I have come to realise were three common themes in everything I was doing: strategy development, execution through a project management approach and behavioural-based performance.

This also is evident in my public works as it is based on getting projects done and achieving results through the collective efforts of people working together towards a clear and common goal, noting that 'process guides behaviour' and much of my public works focused on defining the processes.

My core career themes can be summarised as combining innovative thinking (strategic thinking), then taking action through the aligned driver-based behavioural style (behavioural science) and using the project skills to execute (project management). The combination of strategic thinking and overseeing team performance is the leadership component. Interestingly, project management as a discipline is referred to as 'strategic execution' or 'strategic implementation', although project management as a practice was not commonly associated as a core competency of an organisation even though all organisational strategy plans are delivered through projects (Kerzner, 2002).

Aligning my related industry experiences, education and developed skill areas has reinforced my capabilities for these three common themes that has given me the unique characteristics to establish the IILPM that was awaiting the right timing of the market and the profession's maturity factors to be able to bring a global institute to realisation.

*Figure 5   Common Themes for Personal Focus*

Table B provides a summary of my industry experiences, tertiary education and workplace-based skills that are matched to these common themes.

| | Industry Roles | Tertiary Education | Workplace Skills |
|---|---|---|---|
| **Strategic Thinking** | • CEO and Director<br>• Company Board Director<br>• Management Consultant<br>• Planning Facilitator<br>• Adjunct Associate Professor teaching Strategic Thinking | • MBA and MCom<br>• Graduate Diploma in Management<br>• Diploma of Company Directorship<br>• Diploma of Professional Coaching<br>• Diploma of Training and Assessment | • Strategy Facilitation<br>• Planning Facilitation<br>• Technology Development<br>• Behavioural Analysis<br>• Board Directorship |

| | Industry Roles | Tertiary Education | Workplace Skills |
|---|---|---|---|
| **Behavioural Science** | • Accredited Behavioural Consultant<br>• Counsellor and Mediator<br>• Professional Coach<br>• Therapist<br>• Educator<br>• Author<br>• Licensed Investigator<br>• Licensed Security Professional | • Master Trainer in Neuro Linguistic Programming (NLP)<br>• Master Trainer in Extended DISC<br>• Diploma of Professional Coaching<br>• Diploma of Training and Assessment<br>• Diploma of Criminal Psychology<br>• Diploma in Criminology<br>• Diploma of Private Investigation<br>• Certificate of Counselling | • Investigating and Analysing People<br>• Security crow controlling<br>• Performance Management<br>• Education Development<br>• Interviewing<br>• Negotiating<br>• Mediating<br>• Recruiting<br>• Career Counselling |
| **Project Management** | • Portfolio, Program and Project Manager<br>• Adjunct Associate Professor in Project Management<br>• Project Consultant and Advisor<br>• Professional Project Coach<br>• Contract Manager<br>• PMI President, National Chairman and global Board Director<br>• PMI and AIPM Fellow<br>• Author | • BSc(Hons) Legal Project Management<br>• Advanced Diploma of Project Management<br>• Diploma of Project Management<br>• Certified Project Management Professional<br>• Certified Master Project Director<br>• Certified Legal Project Practitioner<br>• Diploma of Contract Management | • Project Managing: competencies through delivering projects in 200+ organisations<br>• Contract Management: competencies with developing, negotiating and delivering contracts internationally |

*Table B   External Influences and Common Themes for my Personal Focus*

I had already been building experience in developing international businesses, including teaching tertiary topics like strategy, international business, contract management and project management topics in a Master of Business Administration (MBA) programme and innovation and commercialisation in a Master of Engineering (MEng) programme. I had business experience working in 13 countries and had achieved leading Peopleistic to become my first international company that had

offices in Australia, United States of America and the United Kingdom, however that was only achievable after learning about my 'fear sensitivities'.

Fear sensitivities are often referred to as 'hot buttons' that if emotionally pushed can cause a very negative reaction from an individual (Gardner, 2005). They heavily influence one's own thinking, and I have always taught that 'our thinking impacts our behaviours and actions that gives us our results'. If you want to change your results, it starts with interrupting the patterns of your thinking. Studying behavioural science gave me insight that the D-trait particularly didn't like to 'lose control' or be 'taken advantage of'. This was a main inhibitor to my earlier progress to build a global company, as those two hot buttons meant I naturally did not like the vulnerability of having business partners. Without partners however, the ability to create an international institute would be almost impossible. Having insight to these sensitivities enabled me to approach creating the IILPM, which would be totally dependent on having globally distributed partnerships, with a strategy to deal with them. This simply meant a legal agreement and a stringent process to select partners well that replied on building strong trust-based relationships that brought mutual value. This is vitally important as even today I have not personally met any of the IILPM Accredited Trainers from the fourteen countries in which I am involved. Trust had to be built through only virtual meeting environments.

I had learnt a lot about people engagement through studying professional coaching, counselling, behavioural profiling, investigation services and neuro linguistic programming (NLP). My people skills had been refined through teaching communications, stakeholder management and negotiations, as well as working as an educator, coach, therapist, mediator, facilitator, negotiator and investigator. All my published books had an obvious emphasis on the importance of behaviour.

Without this knowledge of my fear sensitivities and experience in dealing with people, I would have been naturally resistant to any partnering concept and possibly would not have had the skills to engage and achieve buy-in to the IILPM concept. This would have been catastrophic to building a global community that replied upon the refined skills of influence and persuasion.

Fortunately, as a result of online communication technology, I have enjoyed a strong personal connection with each of them and understand our behavioural differences.

Influence and persuasion skills are key attributes to engagement and have been seen as important to even dealing with courtroom juries (Nemeth and Goncalo, 2016). I attribute the early development of my skills in influence and persuasion to my experiences as a Pilot Officer in the Air Training Corps (AIRTC) where I was appointed to a headquarters role as a junior officer. This meant my roles and allocated tasks were delegated at the whim of other senior officers. I clearly remember wondering why I had been put in this restrictive environment when I saw the need to swiftly move on several projects and was not getting the right level of support to do so. I contemplated what were the key lessons to be learnt through this experience, with a firm belief that we are put into difficult situations as an opportunity to develop or refine skills. I had always followed the concept that we learn the most in the difficult environments we are exposed to, and the people we are most challenged by, inevitably teach us the most about ourselves and through such hardship we accelerate our personal development.

In this environment, I felt frustrated, and I had to take a close look at why my enthusiasm to take on projects was not being used, my ideas were falling on deaf ears and my aspirations were being blocked. It occurred to me that I could only control myself, how I dressed, how I presented myself, what I said and how I performed, however I could not control others. I could however influence them, and I finally developed a published model for overcoming frustration that I called the 'CIA principle'™ (Jones et al., 2012, p. 310), based on the fact that when you become frustrated, it is because you were likely taking the wrong approach and misusing your energy. You had to pick the right strategy, which was either to 'control' what you do, 'influence' what others do, and 'accept' those things that you cannot directly change. Acceptance was certainly not about giving up, it was about immediately turning towards a workaround, as I had learnt while working in the television industry when obstacles arose to getting the video footage to air on time for the six o'clock nightly news, you had to adapt and find new ways to achieve the result within the deadline.

I then moved my focus on to better influencing others and soon realised I could plant a thought seed with my higher ranked colleagues, make suggestions that emphasised the ones I thought were most beneficial and which they would often accept as their idea, and inevitably ask, "do you want me to take care of that for you?". Given that generally people do not want to take on more tasks themselves, this would then typically end with myself being given permission to progress a desired project initiative. As superiors liked results for their portfolio, when others take accountability for progressing the new ideas and make them work, the manager tends to be seen as a more effective leader. That is the basis of a good team, working to achieve results for the overall good. I ended up loving the environment as I started to receive orders that ultimately led to 'Officer In Charge' (OIC) positions. My greatest achievement in the AIRTC had been establishing the Drum Corps that today, after 25 years, still remains. On reflection, this taught me that to have a legacy you have to get buy-in for the vision and have the processes in place that will sustain it independent on who is the initiating leader. This allowed me to leave the AIRTC, with the band still progressing and hopefully expanding, to take up a role with the Western Australian Police Pipe Band that later led to winning a world championship (grade 2) in Scotland and having an association with a police service.

I also had experience in doing similar things with project managers, establishing the systems and processes whilst being the President of the WA Chapter of the Project Management Institute (PMI) to substantially grow its membership. I started on the State board, was elected to a National Chairman role and became the first Australian chapter member to be elected on to the global PMI Board of Directors. Opportunities were presented by performing in each role that attracts the attention of those higher in the hierarchy who have the power to give you further opportunities. My relationship with PMI later led to the honour of becoming the inaugural Fellow of Project Management Institute (Australia) and I was also recognised as a Fellow of the Australian Institute of Project Management (AIPM).

In hindsight, my experiences with PMI leadership roles provides an example of many experiences where I have unknowingly positioned myself as an influencer into developing a new strategy, helping build and expand something that can then

continue without me, and then I move to the next challenge.  This is the nature of the Driver behavioural style.

My behaviour style stays in flow when I continue to strategise, however I think the one significant difference is that my project management skills allowed me to provide a strategy that I was confident that could be executed as I understood that clarity in the strategy could guide the appreciation of what had to be done to achieve it.  This is why project management has often been historically referred to as strategy execution or strategic implementation (Guohui and Eppler, 2008).

Refining my influence and persuasion skills, I believe was a critical ingredient to engaging with lawyers at a colleague level when I am not a legal practitioner myself. I had to rely on other areas of credibility. This included leveraging my position as an awarded and internationally recognised project management specialist with thirty years' experience. My first professional role as a project manager was at the age of seventeen when I was engaged by the Government to lead the touring Bicentenary Jazz Concert Series, later becoming a qualified and awarded project manager. This opportunity came from Pat Crichton who was the Dean of Jazz at the Conservatorium of Music (WA Academy of Performing Arts) who saw leadership potential in me and recommended me for the role, even though I had no experience in stage management (project management).  He apparently had witnessed me setting up musical stages and how I had apparently influenced others to do the same. Luckily, I was working with absolute professionals that gave me a good foundation for how to run successful events involving a large team that included moving team members in a bus from one location to the next under strict timelines.

My project management experience ultimately led to also being given the title of adjunct Associate Professor in project management by CQUniversity through Dr Ronny Veljanovski who honoured me with the title even though I did not have the usual prerequisite PhD qualification. He had attended one of my project management courses some ten years prior. Associate Professor status in Australia is a prestigious title only issued by a university that normally requires a doctorate. Due to my global project management experience and having served on the global

Board of the Project Management Institute, as well as having previously held academic and general staff Director-level university roles, Dr Veljanovski presented a special business case to the University that resulted in the honour of this status. That was the pivotal factor that later secured my adjunct Associate Professor role at Curtin University as I had met the requirement by another Australian university.

Business experience was also relevant as I was proposing to be a form of business partner to each of the accredited trainers. Interestingly, when at high school I was working on the late-night shopping evenings and weekends, as well as school holidays, for a Kevron Photographics lab that included retail camera sales. I ended up in supervisory roles, and during school holidays covered managers who wanted leave with their children, and ultimately after leaving high school, I was employed and ultimately inherited managing five photographic studios as the head photographer of their sister company Studio Kevron. This meant that I had been operating in leadership roles immediately after high school, including having up to 54 fulltime staff with overseeing budgets up to $13.5 million during my career. Even at Curtin University, I started as a manager at a School-based level, promoted to an executive at Division level and ultimately became a Director of IT for the whole University and its satellite campuses, as well as a stint as an academic Director.

During my university career, I was elected on the Council that gave me significant Board Director experience, later becoming a national and international qualified board director with executive board director experience in the United States, United Kingdom and Australia. This gave me a better understanding of legislation, governance and the board processes that in hindsight were required to occupy the Global Chairman role of the IILPM.

Not all my business ventures were successful, and the one that taught me the most about partnerships was a gold detector company called AuQuest Pty Ltd where we had some of the most advanced technology on the marketplace, but had not thought through the distribution channels where the competitors were ultimately able to control and restrict our access to the market. We had spent so much on research and development that we were not in a position to establish our own direct sales

channel. I came up with a strategy to partner with the second largest supplier who would no doubt have liked to go into a partnership to take the market lead position off Minelab. Unfortunately, the main engineer wanted to bring it to the market himself than to partner, and the company ran out of cash.

This taught me that the pathway to the marketplace was of most importance, independent of the quality of the product, as well as the criticality partnerships could play. This was why a multi-country Accredited Training Partner role was envisaged at the start to not only be able to claim to be a global organisation with a world-recognised certification model, but to ensure the market was penetrable.

Having been a Director of Deloitte and Peopleistic also provided an invaluable experience related to developing client strategy and business process through consulting with many companies. This included working with start-ups, fast growth companies, industry leaders and business turn-around scenarios. I had worked in private and public companies, incorporated associations, and statutory organisations (federal, state and local government) that helps give perspective to what made organisations work.

My early failed business experiences and specialising in leading critical and turn-around projects, reinforced that teamwork is the most critical factor to success and reaffirmed the ability to influence and persuade people was a critical skillset, although this is often presented under the guise of being a good communicator. This includes the importance of picking your business and project-based joint venture partners well.

My formal training in neuro linguistic programming (NLP), behavioural science, training and professional coaching and the related work experiences had allowed me to develop interpersonal skills and then refine them through training others in communications, stakeholder management and negotiations.

Beyond my consulting engagements, traveling with the Project Management Institute as a global Board Director also gave me exposure to different languages, customs, thinking approaches and cultural diversity. I had appeared on a number of

non-English speaking media and on-stage events, often using interpreters. This complements the experience of working with the IILPM's business owners in fourteen countries with their different cultures and nuances that continues to give me a deeper appreciation of varying cultures, belief and value systems about people.

I can conclude that the ability to have substantial global influence warrants a strong understanding of the golden rule of 'people prefer to do business with people they know, like and trust', based on a quote often cited as being originated by Bob Burg (Stellar, 2014). The 'know' is the most critical factor, as if a person does not know you, they cannot effectively like and trust you. Knowing a person does not have to be from a personal relationship, as being an author, watching my videos, reading my articles, associating with my name on social media are examples of ways where I can be known. This was linked to having a credible profile that would build likeability and trust fast with my future business partners. All my dealings were based on a genuine desire to work together, as opposed to having a manipulation intent, as their success is part of your success, so you have to associate yourself with authentic people.

The other area of keen interest was in developing my leadership skills. I had the opportunity of professional development with several leading experimental-based leadership programmes, including a multiple staged leadership programme at Curtin University and the 11-month Leadership Western Australia signature programme. I have come to believe that the key attributes of effective leaders are being a person who provides clarity, acts with integrity, is accountable, is approachable and values others (Fuesgen, 2021).

These are the guiding principles that I try to follow myself, coupled with a focus of bringing value to mutually rewarding partnerships. Having learnt from partnering globally with others under the Peopleistic brand was likely a critical prelude to attempting to create a new global institute. The key and different challenge presented by the IILPM was in dealing with and influencing lawyers who come from a traditional sceptical and wary professional group to join forces with a person who

was only a student at law school with limited exposure to the practice of law.  This was largely overcome by a value proposition that was to build their own global reputation and generate revenue streams for them to be mutually beneficial.

Fortunately, by this stage of my life I had built a global reputation for achievement, as evident from being an international bestselling author, having an international business, formally residing on the global board of the Project Management Institute, holding numerous fellowships, having worked in executive roles for entities such as Deloitte, being listed in the prestigious Who's Who of Business in Australia, achieving a world champion (grade 2) in music, being an awarded business leader and project manager, and having been a registered company director in three countries. This included from an educational perspective, being an adjunct associate professor, a globally recognised certified speaking professional (CSP), and having trained thousands of people across multiple countries.

As the business was largely education based, I was already a tertiary qualified and accredited trainer, including having a Government approved Registered Training Providers (RTO) entity, having post graduate teaching experience for a number of years in the Master of Engineering programme at Curtin University, the Master of Business Administration at the Australian Institute of Management and the Graduate Diploma of Applied Corporate Governance at the Governance Institute of Australia. Since engaging in LPM, I extended this to target related professional associations like the Law Society of Western Australia, South West Law Society and the Australasian Legal Practice Management Association.

The other key factor that was critical to working internationally was my sleeping pattern. I tended to sleep between three and a half hours to five hours a day. Research indicates that there is a genetic component to sleep duration (Harbison *et al.*, 2017). Why this was important is that I was able to contribute significant time to the IILPM without impacting my normal workday and that most international meeting started at 9:30pm in my local time. This allowed me to chair multi-hour meetings without altering my normal sleep patterns and avoiding adverse effects on my normal business activities.

Effectively, I was able to leverage my unique background that was supported by tertiary qualifications, international work experiences, senior executive roles and academic exposure. Although my legal environment exposure was limited, working within a team of lawyers, and bringing the external project experiences to the profession, made for an ideal mix of thinking, knowledge, skills and experiences.

# 6. Leveraging My Personal Background

I had come to realise after working in consultancy that the credibility of a person is largely in the eyes of the beholder who has a unique combination of values and beliefs that causes them to be impressed by different attributes. For example, some prospects wanted to know what clients you had worked with, what positional roles you have had, what organisations you had worked in, what associations you had and what qualifications you had achieved. During a discussion with a Partner of Deloitte, Michael McNulty, he pointed out to me that being a Director of Deloitte in itself was all the credibility one needed, highlighting the value of association. I had also noted that the Deloitte role gave industry validation in the business marketplace.

On reflection, I realised that I had achieved a level of credibility already that enabled me to be a founder of the IILPM that was a collection of skills and experiences that included qualifications; international business acumen; project management competency, training and consultancy expertise; executive officer and board level experience. As the IILPM was focused on project management that was still a new concept to legal practice, bringing an internationally experienced certified project management professional into the fold made sense, although being a lawyer would have definitely been advantageous, beyond my student status in law school. Some lawyers remain sceptical of being trained by a person who has not practiced law.

There were several existing business elements that afforded me a strong foundation and platform to establish the IILPM. The Business Education Institute company provided credibility as being a government approved Registered Training Organisation (RTO) that brought with it the Diploma of Project Management qualification and the ability to add other specialist qualifications.

The Film My Video company provided the ability for me to create high quality eLearning courses, as well as videos for marketing and social media use. Having video resources enabled a global online training reach. My affiliation with the global Extended DISC® entity as a Master Trainer had given me a complete toolbox of academically proven behavioural tools to use with a platform that allowed customisation for the legal domain. Together these collectively enabled the IILPM to be seen as a validated educational institute with the ability to create high quality video content fast and to develop customised behavioural tools.

During a conversation with South Africans Ivan Herselman and Marais Dekker, who were looking at their business becoming an IILPM Accredited Training Provider, they introduced me to the 'forensic and legal project management' concept that put me on a journey of incorporating investigation training and certification into the IILPM. It was an 'aha' moment for me. I had been training police, defence, fire and emergency, corrective services, aviation investigators, security and corruption agents and other investigators in leadership and project management, however I had never considered investigation cases as being a form of legal project. It made total sense once my eyes had been opened. I began considering the opportunity to bring investigations as another pillar to the IILPM.

Looking back, I realised that during the mid-90s whilst working in the commercial television industry for current affairs type documentaries, I was involved in covert operations in capturing footage of criminals in the act of a crime that was in fact my first exposure to investigations. I later was used as a consultant to investigate and report workplace accidents, fatalities and misconduct cases. I had also had some experience in the Western Australian Police Force, later being involved in training senior police officers in leadership.

This was the biggest surprise that changed my initial strategy and the pathway to my own personal development to become a police-licensed investigator (and later a licensed security professional). It was the COVID-19 event that was a godsend for me. With the pandemic alarm announced in my hometown, all my face-to-face consultancy and training work ended abruptly.

My consultancy work, live training engagements and my speaker-based travel commitments where all cancelled. It was the first time in my career that I was suddenly available timewise and I interpreted that to be a great opportunity to do something that I had previously not had time for. On contemplating what I would do with some spare time, the one thing that I was interested in was to do the latest investigation qualification that I then completed and became police-licensed private investigator.

I had been earlier introduced to the founder of Forensics Australia, Richard Boddington, over a year prior. A very interesting person and former Chief Detective Inspector having worked with both the UK Metropolitan Police and the Hong Kong Police, as well as an intelligence officer with the Australian Security Intelligence Organisation (ASIO). With my new time availability and knowing my broadcast background after I had become a licensed investigator, he asked if I was available to assist him with some digital forensics work. I immediately said yes and suddenly became an associate of Forensics Australia. This also led to the need to have a separate business for investigations, and I registered and worked as a private investigator under the UltraTech Investigation Services brand. We did look at this becoming a Balfour Meagher service, but with complications with the legal board and insurance it was to remain separated.

This venture provided me such an enriched experience and highlighted the second 'aha' moment when you suddenly realise that what engineers call a 'node' that represents the merging of two or more vertices where pathways intersect. This is that point of realisation that explains your seemingly disparate life pathways had intersected for a purpose. My interest in multi-media, investigations and law enforcement were all now merging and the IILPM was the ideal platform.

At the beginning of my career, I had formally studied photography, music and broadcast engineering that included television camera operation and audio equipment operation. I had also completed an Associate Diploma in Engineering (Microcomputer Systems), a Master of Business Administration (Technology Management) and a Master of Commerce (Information Systems).

Since establishing the IILPM, I had graduated with a Bachelor of Science (Hons) in Legal Project Management, which together made for the perfect background for a digital forensic practitioner specialising in multi-media. To compliment this transition, I undertook a series of online Diploma courses to become further qualified in forensics, private investigation, criminology and criminal psychology. This gave me the legitimacy to be a forensic practitioner specialising in multi-media digital forensics.

Due to my specialist multi-media background, it enabled me to work immediately in homicide cases. Homicide is often the pinnacle investigation area for a career forensic scientist, yet I was now working in it in a part-time capacity and building my experience to have the credibility to bring investigation training into the IILPM's offering, gaining valuable experience writing expert witness-based court reports.

My initial desire was to complete an Bachelor of Laws (LLB) degree through the graduate entry pathway that I had been progressing. This was being undertaken part-time prior to knowing about legal project management. This was a pivot in strategy when the opportunity to do the Bachelor of Science (Hons) in Legal Project Management arose. I decided to put the LLB on hold to transition to complete the science degree first. It did come with several obstacles in achieving the degree.

Firstly, the degree topic had never been academically explored anywhere in the world as a recognised area of study requiring the need to justify that LPM was a discipline and there was a need for such a degree. Secondly, the degree was not deemed to meet the requirements of a science degree over an arts degree given that project management was often promoted as both an art and a science. Thirdly, the degree having the word 'legal' in its title resulted in a voice of concern by the law school.

To overcome these challenges, it warranted multiple written statements of justification by undertaking and presenting further research to provide the academic proof that project management practice was deemed a science, that LPM was a growing specialisation and it was distinct from legal practice in that it was the process that enabled it. This also required significant support by Professor Malcolm Cathcart.

It resulted in both the degree being classified as a science and the term legal project management being accepted, including the unexpected upgrade from the quality of work to be issued as a first-class honours degree. On presenting the significant research outcomes from the BSc(Hons) studies, Professor Shayne Baker OAM from Middlesex University, who was on the assessment panel (and a DProf graduate himself), later approached me about the Doctor of Public Works opportunity after recognising the significant contribution I had made to researching the legal profession and establishing the IILPM.

This presented an opportunity to progress this dissertation that seemed to be a smarter pathway to a relevant doctoral degree that took precedence over my PhD studies in business at Curtin University. In parallel, I returned to my LLB course, however after becoming an adjunct with the School of Business and Law, the University's governance area advised I could no longer study at the same School I was associated with as an adjunct academic, hence I had to transfer universities to avoid any real or perceived conflicts of interest.

Another opportunity presented itself to publish in the legal domain. I was already a published author with books through top tier publishers like Bloomsbury that provided a level of author credibility and success in the publishing world. The transition to be engaged by a legal publisher was given to me by Aileen Leventon who invited me as a contributor in the 'Innovations in Legal Project Management' book published by Ark Publications in the Unites States (Leventon, 2018) and later Ignaz Fuesgen offered me the same with the 'New Stage Legal Project Management' book published by Globe Law and Business in the United Kingdom (Fuesgen, 2021). In parallel, I was invited to become a frequent article writer for the Legal Business World magazine. My social media-based articles shared with other accredited trainers also were getting published, leading to my articles being reused with co-authors and translated in several languages, including German and Spanish.

My academic journey as an initial adjunct Associate Professor at CQUniversity was carried over to Curtin University where I was involved in a Master of Engineering programme in innovation and commercialisation that combined my interests in

strategy, project management and law. Edith Cowan University gave me an adjunct position in their School of Business and Law. This allowed me to enable a balance between formal academia, authorship and commercial practice, including my later role in the Balfour Meagher law firm. On reflection, without my international business experience and the global and verifiable profile I had, it would have been much harder to build strong relationships and global partnerships with lawyers.

Equally, without having the business infrastructure, including a registered training organisation entity and video production company, I would not have had the business systems to progress the IILPM as fast as it was able to be progressed. Without the academic connections and background, I may not have had the credibility for leading a global educational institute, and without the authorship background, I may never have been invited to contribute chapters in law publications.

With these in place, it largely came down to having a strategy as to how to establish a global entity through a network of international partnerships, executed one at a time and starting with the key Western-based countries of the United States and the United Kingdom. I promptly wrote up a multi-step strategic plan that I have been executing ever since its establishment that still has outstanding initiatives to implement. It started with identifying the main educators and practitioners who had created a profile in LPM.

# 7. Identifying and Overcoming the Key Obstacles

With an interest and exposure across law, investigations, project management and organisational change, I identified early the key areas of risk in attempting to set up a global entity in LPM. I formulated the risks into a written remedy strategy on how I would overcome these within a short period of time to best position myself in the legal marketplace that is reflected in Table C. I felt that the opportunity to create a niche from the merger of my interests was worth the time and that the LPM discipline was at a young enough stage for a new institute to make a significant and sustainable difference globally.

| Obstacle Area | Key Challenges | Remediation Strategy Implemented |
|---|---|---|
| Personal Credibility | I was not a lawyer. I lacked the exposure and experience in the practice of law. | 1. Finish a Bachelor of Laws\*;<br>2. Complete a Bachelor of Science (Hons) in Legal Project Management;<br>3. Become a lecturer with the Law Society of Western Australia;<br>4. Become associated with a law School (Edith Cowan University); and<br>5. Become associated with a law firm (Balfour Meagher). |
| LPM's Credibility as a Discipline | LPM concept was relatively new and misunderstood. | 1. Establish a multi-country accredited trainer network of advocates;<br>2. Partner with law schools and societies;<br>3. Publish in mainstream legal publications;<br>4. Conduct research to provide academic insights; and<br>5. Build globally accepted models and tools that guide LPM in practice. |
| Resistance to Change by the Legal Fraternity | The legal profession was already well known for its long-standing resistance to change. | 1. Partner with credible legal based entities, particularly in research;<br>2. Focus marketing strategies; and<br>3. Publish in law publications. |
| IILPM registered as an Australian Company | Australia was not a key player in LPM. From a time zone perspective, it was problematic to manage the global online meetings after business hours, however that was favourable to avoiding impacting my day job. | 1. Position the company to act more aligned to a professional association.<br>2. Promote the multiple nation-based network of Accredited Training Providers that could bring the needed local content; and<br>3. Establish a direct relationship between the client and the local Accredited Training Provider, with the IILPM playing the credentialing role. |

*\* Still pending.*

*Table C   Key Obstacles and Risk Remedies*

As Perth is one of the most isolated capital cities in the world (Houghton, 1990), to my surprise, having an Australian head office location had little impact on positioning the IILPM. This is likely to be reviewed again in the future as the business evolves. The longer duration and higher cost to send hardcopy certificates was largely remedied by a transition to e-certificates during the pandemic where barriers to logistics worldwide caused delays.

The legal profession was already well known for its long-standing resistance to change. This was an accepted risk, noting that there was more pressure on the profession to change and luckily, LPM could be promoted as a successful method to enable organisational change.

Lawyers by their nature, their dominating behavioural style, their training and the requirements of their role likely make them more sceptical to new concepts. This required awareness and marketing strategies that also leveraged the profiles and credentials of the accredited trainers in the many countries the IILPM had been established. I personally got involved in legal publications, magazine articles and social media posts to help the dissemination about the entity and the value of LPM.

Getting through challenges and having the resilience to keep the strategy course was made easier with a firm belief that project management is a necessary component to enact and make successful the transition. A strong intent to have a global influence was the inspiration to my conviction to be focused in seeing beyond the obstacles until the momentum to sustain itself was achieved and the results became visible. This also led to receiving an international business award in recognition of the IILPM's success. Tom Meagher received the award in my absence on behalf of Balfour Meagher.

The IILPM is attributed to the many people involved. My initial online research identified three key high-profile lawyers that were teaching legal project management successfully and who were not affiliated with any LPM certification model. They were Antony Smith (UK), Larry Bridgesmith (USA) and Anna Marra (Spain).  Larry asked for the inclusion of his colleague, Caitlin Moon (USA), who soon after took up a fulltime role at Vanderbilt University.

Having these initial experts and the importance of positioning an entity in the four initial countries enabled me to position the IILPM in the marketplace fast as the only global LPM professional body.

From the initial clarity of the key industry players, I came up with a strategy that largely depended on engaging the identified lawyers that started with Antony, then Larry and lastly Anna. I felt that I needed the UK or USA on board initially, and as Anthony was a sole trader, he was the obviously first one to engage as he could make an immediate decision to be involved, whereas Larry was in a company structure with other colleagues. This was achieved by presenting an offer of having their own training materials accredited by a third party that could arguably increase the value of their course fees, which then led to profit-share revenue opportunity through the inclusion of offering a new global certification, coupled with a peer network of colleagues and a greater opportunity to be part of a collective body that had the potential to make a significant contribution to the profession worldwide and ultimately benefit their own graduates and their clients. That same vision and purpose had captured my own interest as its founder and architect.

Fortunately, Antony accepted the proposal, and that relationship was leveraged to later engage Larry and then Anna. With all four countries secured, the IILPM was strong enough to go to market and position itself immediately as being global.

## 7.1 Positioning the Australian ATP Entity

The business model for the International Institute of Legal Project Management was to establish itself as a standards-based and credentialing body that only offered online training directly, with all face-to-face training being delivered through the Accredited Training Provider (ATP) network.

Whilst I had to initially set up my own Australian entity as an ATP separate to the IILPM, to become considered more inner circle to be part of the law profession, I was able to later negotiate to work with a local commercial law firm called Balfour Meagher. It was the innovative thinking of Tom Meagher that led to offering me an executive role in the firm for the training portfolio, giving me the ideal platform for

positioning myself as being part of a legal firm in initially delivering legal project management training with plans of extending that to contract management and ultimately investigations. The firm was jointly owned by Mark Balfour and Tom Meagher, both standout lawyers and having the unique behavioural styles of being great networkers and innovators in the legal realm.

Between Balfour Meagher and my relationships as an educator with the Law Society of Western Australia, the Governance Institute of Australia and Edith Cowan University's School of Business and Law, it gave me significant recognition, associations, titles and positions to become more credible in the profession to have a stronger voice and the platform to promote the cause.

# 8.  Establishing LPM's Interdisciplinarity Nature

My observation in working with different learned professions (e.g., law, engineering, accounting and medicine) found that the recognition of a professional practitioner role was usually linked to a collective set of specialist knowledge, tools and practices that are prescribed by a developed competency model (i.e., a set of competencies in alignment to a specific body of knowledge).

There had also been shifts in the legal services domain where non-lawyers were being engaged for tasks previously done by lawyers (Wright, 2017; Zorza and Udell, 2013). Empson *et al.* (2013) concluded that non-lawyer managers were being appointed as a consequence of the rise in general managerial and commercial values within the legal profession. The fact that non-lawyer project managers were being invited into the law profession was signalling a major shift in the historically closed-door legal profession that captured my curiosity. By being involved early in its evolution meant I could add value as a person who was not yet a qualified lawyer, however had the advanced project management expertise that was required in order for the discipline to know what function it was missing.

When I first began investigating the emerging role of the legal project manager, the position was ill-defined and there was no competency model against which to assess

one's knowledge and skills. Non-legally qualified people were seemingly entering the law profession through this role pathway that was a significant change to the traditional method of solely using the lead lawyer to manage the legal matter.

This provided an opportunity for me to enter the profession based on my past experiences and interests in both project management and legal studies prior to completing my law degree. It also presented me a greater opportunity as a globally recognised consultant and strategist to better define the position through exploring the key role, responsibilities, and authority of the legal project manager, supported by a competency model of the knowledge, skills and expertise it required. I felt I had the advantage of being able to leverage my own insights to help define the role and clarify the competencies needed for an incumbent to succeed.

Given that lawyers already lead legal matters, in defining the status and responsibilities of a legal project manager type role I had to first understand the context to the differences between a profession, an occupation and a specialist discipline-based professional practitioner to clarify whether the function of a project manager resided.  The challenge is that scholars have often pondered the differences between a profession, an occupation and a professional practitioner (May, 1989; Koehn, 1994; Taylor and Runté,1995; De George, 1999; Terry, 2008; Segon *et al.,* 2019) and the distinctions are necessary in establishing the positioning of the legal project manager's role.

## 8.1   LPM as a Profession

Early scholarly works presented a view that key attributes, such as systematic body of theory, professional authority, community sanction, regulative ethical codes and a professional culture were common to all professions, however this is arguably not too dissimilar to non-professional occupations, less the regulative component (Greenwood, 1957).

There has been no consensus in the scholarly literature for the term 'profession', primarily made complex by its many differing perspectives (Abadi *et al.,* 2020; Barker, 1992; Squires, 2001).

These perspectives can be largely delineated by examination of the meaning and nature of a profession divided by its contribution to the functioning of society and its actual intellectual application to a specific work activity. This is an important distinction as project management is arguably not a direct contributor to the functioning of society like law and medicine are, rather it is a process that assists workflow when applied by members of a profession.

Schultze (2007) speaks of the self-governing regulated profession and found the commonality being that occupations place duty above self-interest, citing the professions of military, church, legal, civil service and medicine. He concluded three key features: a unique combination of knowledge and skills; a commitment to duty above self-interest or personal gain; and an independence from external interference in the affairs of the profession (i.e., self-government). His research distinguished the end of the nineteenth century that highlighted the existence of the 'learned professions' and their prestige of having a marketing advantage of a professional title and an absolute right to practice. Such professionals have the authority to license members and be able to take disciplinary actions against unethical behaviour or professional negligence. The function of profession-based associations that govern its members is often referred in scholarly works as acting as the 'gatekeepers' (Terry, 2008).

Further, in the case of a learned profession, such as law and medicine, they are typically determined by the necessity of having similarly educated experts (Bell, 1973; Perkin, 1989) and an exclusive occupational group (Abbott, 1988), with the law profession often focused on providing status and prestige (Powell 1988). By nature of being a learned profession, it implicitly calls for a skills-based approach from a theoretical knowledge base that requires specific training and demonstrated competence (Wilensky, 1964).

Accounting and engineering have failed in gaining the same status, although admittedly associated with degree-based qualifications and restricted in some aspects of certain roles. Hodgson (2002) argues that both mainstream management and project management have not been recognised as profession.

Whilst the law profession undoubtedly exists as a learned profession requiring a practice licensed lawyer[1], there is no mandated education or membership requirement of a project manager to enable it to be part of a distinct profession. Equally, the alternative legal service provider models have created a new class of allied legal professions with often similar services, yet is deemed to reside outside the profession of law.

## 8.2   LPM as an Occupation

An 'occupation' is associated with a position that requires some form of training, specialist skill and credential, although other scholars use it to more liberally reflect career choices (Goldman *et al.,* 2019; Tănase *et al.,* 2020).  A workplace position is often referred to as a 'job' or 'role' and given many do not require specialist skills, they are not being considered as occupations in this context.

The project manager has become a well-recognised position and having a defined and wide function (Anantatmula, 2010; Crawford, 2000; Gaddis, 1959; Sommerville, 2010; and Wilemon and Cicero, 1970), however calls for no regulatory license. The concept of a form of industry licensing is already distinguished by Schultze (2007) as either comprising a required registration, accreditation, certification or license.

Whilst certification models have aided in the recognition of a competent project manager, and the application of legal project management does exist as a practice within the learned profession of law, the critical self-regulation element alone confirms the legal project manager is not part of the profession. Rather they work in a support function that adds value to the legal profession.

The question of the role being represented as an occupation is not supported by any government database. Many nations publish lists of recognised occupations for the

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[1]   The term 'lawyer' may also be interchanged with solicitor or attorney in different countries, although an attorney in Australia may represent a person in a sub-domain of law, such as intellectual property (i.e., Patent and Trademark Attorneys), who may have not completed a law degree.

purpose of immigration support and visas. In Australia, there is the Australian and New Zealand Standard Classification of Occupations (ANZSCO) coding system that defines occupations. The project occupations listed include construction project manager (133111), project builder (133112), ICT project manager (135112) and program or project administrator (511112). A generic project manager category is not included in the list.

Baker *et al.* (2003) in trying to quantitatively construct the basis of an occupation identified three interconnected elements, comprising: work centrality, societal norms about working, and valued work outcomes. Legal projects by their nature of having a defined purpose and outputting specific deliverables do align to these constructs and a legal project manager needs specialist skills that can be taught on the job. The differentiator of not having any form of mandatory competency or credential to validate skills and its lack of recognition confirms it is not an occupation.

## 8.3  LPM as a Specialist Discipline

Squires (2001) suggests that management is a professional discipline, also citing medicine, law and engineering as professional disciplines. Bachman (2013) highlights that disciplinary knowledge alone is not a key to being a discipline, what matters is how that information is used and this means the packaging and application of that knowledge into a purposeful role is important. Alvargonzález (2011) associates the term 'discipline' to a body of knowledge or skills that can be taught and learned.

Whilst legal project management is clearly associated with, and operates within, the legal profession, it represents a managerial function by virtue of acting as a coordinator of a structured team. Khurana and Nohria (2008) set out a criterion calling for the role of 'management' to be considered a profession that comprised:

1.  a common body of knowledge resting on a well-developed, widely accepted theoretical base;

2.  a system for certifying that individuals possess such knowledge before being licensed or otherwise allowed to practice;

3.  a commitment to use specialised knowledge for the public good, and a renunciation of the goal of profit-maximisation, in return for professional autonomy and monopoly power; and

4.  a code of ethics, with provisions for monitoring individual compliance with the code and a system of sanctions for enforcing it.

Although this criterion lacks the expected regulatory component of a profession, and the fact that certification and code of ethics has not been mandated to-date, limits management to being a discipline with the opportunity to join voluntary membership associations that offer their own credentials as a means of recognition in an overcrowded marketplace. These exist often in parallel to recognised membership levels, such as my recognition as the highest accolade of 'Fellow' of the Australian Institute of Management, Leadership Western Australia, Australian Institute of Project Management, Governance Institute of Australia, and the Project Management Institute.

Management can be seen as a recognised supervisory discipline applied in all professions and as project management by its phrase alone implies it is a form of management, it is positioned as a sub-discipline of management, although such segments of managerial practice are most often referred to as a discipline in their own right. I will distinguish this sub-discipline category as being better referred to as a 'specialist discipline'.

The project manager title also emphasises itself to be a managerial role and as Empson *et al.* (2013) acknowledge that such roles in the legal profession recognise senior managers as operating within the structure and control regime with aligned beliefs and behaviours as part of a professional partnership within the profession.

This affirms that legal project management exists as a specialist discipline, although more precisely being a sub-discipline of management. Although the managerial aspects still imply a professional practitioner position, its distinction is in that it requires a specialist set of skills that takes a structured approach to conducting legal project work.

## 8.4 Legal Project Manager as a Legal Professional

Although the term 'legal professional' is most often associated with lawyers (Francis, 2005), it is being used beyond that of a degree qualified legal practitioner to encompass key specialist roles working in legal support and law enforcement environments. This would include the non-law degree qualified Intellectual Property Attorney in Australia.

Arguably, personnel without a legal board-type consent to practice law are more correctly 'allied legal professionals'. This would include the degree-qualified lawyer who does not have a current practicing certificate and thereby cannot practice law. Within a legal practice, other recognised allied legal professionals may include knowledge managers, pricing specialists, practice managers and paralegals. These roles are supporting legal matters, whereas the legal project manager plays a more coordinating role in addition to its administrative function and most often has a direct relationship with the client.

Based on this, it is likely more appropriate to explain the legal project manager role as an allied legal professional to distinguish itself from a legally qualified professional, although most occupants of the role are currently lawyers.

## 8.5 Legal Project Manager as a Professional Practitioner

Bullock and Trombley (1999) described a process of 'professionalisation' where a trade or occupation transforms itself by adopting formal qualifications associated with a representative body to control entry and sanction of members to become a true profession. Professionalism is often grouped as having occupational control (Johnson, 1972) and status gain (Abel, 2004). Wilensky (1964) spoke of a 'continuum of professionalisation' with the 'profession' status being the most formalised model within a governing entity within that continuum scale.

In the case of a practicing lawyer, there is a need to have met the educational prerequisites and approved by the legal board that leads to a practice certificate. This legal board represents the governing of the practitioners appointed to the profession, generally supported by statute that requires a person to have the

practice license (certificate) to provide legal advice, whereas a professional practitioner status can be used separately to that of a member of a profession who by the nature of their work can also be classified as a professional practitioner.

In contrast to a practicing lawyer, a practicing legal project manager requires no qualification, no industry defined training, no mandated adherence to any body of knowledge and no membership to a governing representative body. This is consistent with other broad disciplines of general management and roles like information technology experts.

Her Majesty Queen Elizabeth II signed a warrant authorising the Crown Office to apply the Great Seal of the Realm on the 25 November 2016 confirming the UK's Association of Project Management as being a Chartered body dedicated to project management (Privy Council Office, 2020). That led to the chartering of the project practitioner function, however it remains as an option rather than a mandatory requirement of working as a project manager. The European Commission has a regulated professions database listing of forty-nine chartered roles in the United Kingdom that are deemed to exist within a profession (EU, 2021).

The existence of an unregulated 'chartered professional' therefore does not mean the formal recognition of an occupation or profession, rather it represents an individual who has gained a specific level of knowledge and skill in a particular field of work that has been recognised by a relevant professional organisation through an award or formal credential.

The concept of a form of industry licensing is already distinguished by Schultze (2007) as either comprising a required registration, accreditation, certification or license. Whilst certification models have aided in the recognition of a competent project manager, they are not mandated in any country.

Voluntary certification programmes for project managers by professional associations are already widely accepted to validate a practitioner's knowledge or competency level, such as the Project Management Institute's 'Project Management Professional' (PMP®), the International Association of Project Management's

'Certified Project Manager' (IAPM), the UK Association of Project Management's 'Chartered Project Professional' (ChPP), the International Project Management Association's 'Certified Project Manager' (Level C), the Australian Institute of Project Management's 'Registered Project Manager' (RegPM) and the PRINCE2® 'Practitioner' (product-based) certification.

This emphasised the need for a certification model in legal project management that required some form of predetermined training prerequisite to allow a participant to be recognised as a professional practitioner. Education is a synthetisation of knowledge representing 'discipline'-based education (Haapakorpi, 2018) where project management has largely been provided as a higher education option that is mostly focused on a Diploma level in vocational education or a postgraduate Masters level course at a university level, positioning it more as a sub-discipline of management.  Pannell (2014) aligns a legal discipline to a legal practice specialist area, where he cites corporate, tax, securities and lending as specialist discipline examples of transactional law. Terry (2008) resolves from the debate of law being a business to suggest the new paradigm of lawyers being 'service providers', reemphasising that legal services is a professional service offering.

The term 'professional' is often used in context to a person occupying a paid position, such as the distinction between the paid professional speaker and a public speaker offering pro-bono services.  In this context, the legal project manager is a specific and renumerated workplace role utilising specialist skill as a professional practitioner.

## 8.6   Conclusion to the Legal Project Manager Role

An incumbent in a legal project manager role currently has no mandated requirement to be trained or qualified in either law or project management. The role does exist by virtue of its existence as a specific role in law firms and the many recruitment advertisements that call for it. As the specialist discipline of legal project management exists in the learned profession of law, the role of the legal project manager provides a coordinating and supporting function that adds value to the practice of law.

The role of a legal project manager is recognised as a professional practitioner with a branch of knowledge aligned to project management practices that are recognised by international standards. In its most basic form, project management practice offers a structured workflow method that can be applied to the practice of many professions, including law.

Table D summarises the position of the legal project manager as a professional practitioner and allied legal professional working in the management sub-discipline of project management and within the legal profession.

| Category | Related Domain | Distinguishing Element | Relative Position of the Legal Project Manager Function |
|---|---|---|---|
| Profession | Legal Profession | Regulated body having credentialed membership. | The legal project manager operates within the legal profession as an Allied Legal Professional. |
| Professional Occupation | Role Position (Job) | Employment role requiring a government mandated education and credential. | The legal project manager is deemed to be a leadership role position within a legal environment, but not a professional occupation requiring a mandated education or credential. |
| Discipline | Management | General term for a leadership role. | The legal project manager is a team leader (managerial) position and project management is a branch of the management discipline. |
| Specialist Discipline | Project Management | General term for a specific leadership role. | The legal project manager specifically coordinates legal projects using the specialist project management approach. Project management is a sub-discipline of management and therefore a specialist discipline. |
| Legal Professional | Qualified Legal Service Role | A person legally qualified within the legal profession. | The legal project manager is not a legal professional, given they are not required to be legally qualified and therefore the occupant is not required to be a legal professional. |

| Category | Related Domain | Distinguishing Element | Relative Position of the Legal Project Manager Function |
|---|---|---|---|
| Allied Legal Professional | Supportive Legal Service Role | A person having a recognised specialist role within the legal profession. | The legal project manager occupies a specialist role within the legal profession and therefore is an allied legal professional. |
| Professional Practitioner | Practitioner in a Legal Workplace Environment | A professional person with a defined skillset working in a legal environment. | The legal project manager is a skilled practitioner that is a recognised professional position, therefore is a professional practitioner. |

*Table D    Clarification to the Legal Project Manager Role's Position*

Legal project management can therefore be summarised as a specialist discipline for planning and delivering legal projects that are coordinated by a legal project manager. The legal project manager role exists as an ungoverned professional practitioner role, comprising a structured process applied to planning and executing legal matters, investigations and internal legal projects as an allied legal professional.

The role of legal project manager can be aligned on the continuum of professionalism that Wilensky (1964) acknowledged by virtue that the position exists by title in many law firms worldwide, although it is not mandated to require any specific qualification or credential for the incumbent. Those that were being engaged from outside of the legal profession tended to be certified project managers by one of a number of certifying associations. In practice, the legal project manager utilises specialist knowledge, skills, tools and techniques developed from the project management specialist discipline and customised to a specific area of law practice. In scholarly literature, the merging of two disciplines represents an 'interdisciplinarity' outcome (Nissani, 1995). Haapakorpi (2018) acknowledges that in interdisciplinarity associations, "the links between disciplines are analysed, synthesised and harmonised into a coherent whole".

Traditional disciplines have often been transformed through the emergence of new forms of interdisciplinarity knowledge and practices (Barry *et al.,* 2008). This emergence in the legal project management context is the bringing together of the management sub-discipline of project management, with the specific legal practice discipline that effectively defines the practice area.

In reality, the phrase legal project management and the role title legal project manager is emphasising the need for more standardisation and rigour to accommodate the key industry drivers of globalisation, technology, legal pricing models, and the need for higher productivity and greater competitive advantage. The emphasis on LPM contemplates a greater importance being given to the LPM functions that have been undistinguished in past practices that are likely being used now to emphasis the focus of work methods as a means of driving change.

# 9. Establishing the Industry's Transformation

The legal profession resides as one of the oldest learned professions (Kovachevich and Waksler, 1990; Brundage, 2008). It is steeped in tradition and has historically been known to be a profession with a strong resistance to change, often said to be looking inward and backward and not toward revolutionary transformation (Moliterno, 2013).

It has been on a pathway toward radical transformation (Pearce, 1995; Muzio, 2004), often cited as being heavily influenced by economic, technological and political developments (Ackroyd, 1996; Freidson, 2001; Ackroyd and Muzio, 2004; Reed, 2004).

The historic learned profession's resistance to change has often been contributed to the legal professional institutions protecting their occupational and social position (Freidson, 1994, 2001; Macdonald, 1995; Ackroyd and Muzio, 2004) where Muzio emphasises that an institution's ability to maintain technical autonomy and cultural legitimacy is through leveraging its associated prestige and authority.

The literature regarding the key forces of change is examined by two phenomena: the 'post-bureaucracy' of the profession and the 'post-professionalism' of the lawyer as a member of that fraternity. This analysis builds on the theme of distinguishing workplace practices over a focus on legal outcomes to drive change. This leads to a focus on behaviours that have an influence over an organisation's dominating culture.

## 9.1   Post-Bureaucracy Influence

The concept of post-professionalism is used to explain the shift in power where the lawyer's prestige and stature have been transferred to others over time, often driven by political, industry-based or managerial influences that are responding to market factors. For example, if the market demands lower costs, then current roles, workflow and practices get assessed to try and respond accordingly, however it can encourage a buyer to also look for alternative options.

Bureaucratic rationalisation had been the dominant fabric to modernity and managerial capitalism (Alvesson *et al,* 2004) even though the idealistic structure can nurture dehumanisation, ritualism and elitism. Many scholars have long questioned bureaucratic ideals (Blau 1955; Merton 1949). Often referred to as 'Weberian' bureaucracy where such models have their foundation in a rule-governed hierarchy that the law profession has enjoyed (Höpfl, 2006; Torsteinsen, 2012; Hanlon, 2016) that is seen as enabling more respect being given to professions like law (Budd, 2007). Jaques (2016) offers a conclusion that changing the management system will change the effectiveness of the team, being a principle that emphasises how bureaucracy can influence behaviours and how trust-based systems work in the modern workplace. This supports a model of self-regulation.

Weber's work proved to be decisive for analysis of validating a profession (Clegg, 2012) where he defined bureaucracy as having fifteen key dimensions that reinforces power and control systems within the organisation and delegated powers to the individual (Weber *et al.*, 1948). The most relevant themes that such systems favour include hierarchy, rules, formal credentials, central control and exclusive specialisation.

Legislation by its very nature is seen as a bureaucratised system that is often incapable of dealing with individual particularities (Tomo, 2019), however it provides a generalisation to the expected norms of a society. The legal courts use legislation to guide societal rules, supported by court-created case law precedents to deal with the salient features that represent the distinguishing factors of the circumstances surrounding the matter. These precedents guide judges by providing additional principles effecting common or case law to that of legislation in hope of enabling greater consistency in court determinations.

The presence of a strong bureaucratic model is largely based on trust that is constructed by people in organisations and the movement of corporate culturism in the 1980s to influence a reconfiguration of confidence in organisational norms (Grey and Garsten, 2001; Clegg, 2012). Trust, power and control are interlinked and provide a foundation for a learned profession. Power and control are outcomes of maintaining a strong hierarchical profession base. This means that the strength of a professional role is largely contributable to the professional association that protects it. It provides an overarching advocacy role for the industry to maintain relevance particularly at a government level.

The law profession has held strongly to their power and control as a profession, however this stronghold is now being diluted, and that is arguably breaking down the bureaucratic fabric of traditional practices. This is being referred to in scholarly works as a 'post-bureaucracy shift' (Alvesson and Thompson, 2004). To provide context to the use of the term 'post-bureaucracy', it represents a shift in traditional modes of managerial authority that are a result of a range of pressures commonly associated with globalisation and technological advance (Johnson *et al.,* 2009).

An Ernst and Young global survey (Grossman, 2019) noted that the pressures on legal functions to change was a result of cost pressures, a need to capitalise on technology, confidence in the regulatory environment, challenges in attracting and deploying talent, and the need to re-evaluate current operating models. All this aligns well to introducing methods and enabling training in legal project management.

The key factors that are weakening a national-based legal profession's stronghold comprise:

1. **Shifts towards globalisation and cross-border jurisdiction complexities** – the national-based restrictions and imposed profession-based rules are diluted where increased globalisation and cross-border trade occurs due to the need to integrate jurisdictional legal systems and the overarching impacts of international treaties, conventions, declarations and agreements that are often referred to as international laws.

   The geographical distance of market players has been addressed through the use of technology that has sped the globalisation for legal services, representing one of the fastest growing areas of exports in international trade (Javalgi *et al.,* 2004). There is widespread acknowledgement that the law profession is being rearranged in how it delivers services (Francis, 2011).

   As legal projects can apply to all these scenarios, they need to consider different legal systems, legislative and regulatory frameworks between continents, nations or across state-based regions. The structure and function of law can vary greatly between nations, representing a codification in a constitution or statute that is recognised or enforced by the government of a country. It is generally based on the relevant integration of four legal systems comprising civil law, criminal law, common law (case law) and religious-based law.

   These complexities increase when cross-nation border business become reliant on agreed international rules and protocols and are often subjected to language and other cultural constraints. The concept of the existence of international law, also referred to as public international law, is challenged by the fact that it exists only by virtue of individual nation states accepting a set of common rules and standards that form normative guidelines (Bentham, 1789). These are often in the form of international treaties and other national-based trade restrictions, managed through tariffs, quotas, licenses and other instruments exercised by governments.

This enables more organised international relationships in trade and diplomacy (Slomanson, 2011) over the ability to externally enforce powers on a country. The challenge is presented by nuances between the nation states in their interpretation and specific application of the rules into their own legislation. This often leads to a particular country being favoured for international arbitration when dealing with disputes.

Further, shifts towards promoting global trade and attempts to direct trade into specific nations is seeing previously unimaginable practices by the legal profession, such as the allowance of international lawyers being able to sit bar exams to be recognised as practitioners in other nations, such as the ability of an Australian lawyer to sit the New York and California bar exams and be admitted to a United States bar while residing in Australia (Lodewyke, 2017). Its aim is to simplify and encourage international trade, such as this example between the United States and other nations.

Equally, trade can be restricted through these treaty instruments using sanctions, tariffs, quotas, subsidies and other prohibitions. All such instruments are focused on influencing or enforcing behaviours of legal entities and consumers.

Independent of the national legal framework, the practice of law generally requires a systematic approach of operating within a framework of law and a further classification into specific legal practice areas (e.g., criminal, commercial, family, torts, trusts etc.) and their related sub-specialisation relevant to the legal matter (e.g., intellectual property, contracts, commerce etc).

The application of legal project management as a structured system of work was found to be able to be applied across all legal systems and independent of country, type of law, legal practice specialisation or culture. This is evidenced by the International Institute of Legal Project Management's graduates practicing a variety of law practice areas in fifty-two countries.

These have included nations having very different legal systems from the British system, such as that in Russia, Spain, China and the African nations.

The introduction of a more formal project management approach is said to enhance the calculability and visibility of individual's work outcomes by developing measures of routine predictability and control (Metcalfe, 1997).

2.  **Shifts towards the use of technology over human labour** – technology is not only changing work practices and the ability to access markets, it can also reduce or replace labour-based legal services, effectively digitising tasks previously carried out by lawyers. This extends to legal providers offering purely online-based services without any intervention by a legal professional.

    The growing ambiguity in the distinction between legal advice and guidance helps divide any regulatory constraints that solely places qualified legal practitioners as the only professionals that can offer the service and helps to enable other players.

    The digital transformation movement is calling for changes in operating models (Grossmann, 2019). Prior to COVID-19 times, digital transformation was a strategic priority, however the pandemic has highlighted its need as a survival imperative. McKinsey (2021) is calling this digital migration surge 'the next normal' and citing that 92% of surveyed business leaders felt their current business models would not remain viable.

    COVID-19 also sped the adoption of collaborative and online tools, with lawyers working from home and in virtual teams. Even my own law firm, Balfour Meagher, moved the team to working 100% virtually and eventually not renewing the office building lease, periodically hiring a meeting place for engaging with clients and maintaining home-based workplaces. Even large law firms were rotating staff between the office and the home to provide better isolation and social distancing regimes.

    Technology has also changed the access pathways to legal information. University libraries historically would be filled with law students, yet today with

online resources they are rarely physically visited.  Law schools can now be attended fully online, which was the degree pathway I chose due to working fulltime.

Artificial intelligence is also beginning to influence legal products and services design, with projections that between 13%-23% of lawyer's time is automatable (Nussey, 2016)*,* with progress reshaping the way legal work is being done, such as:

a)    the system developed by Ross Intelligence (Lohr, 2017), providing for the robotic attorney powered in part by the IBM's Watson system (Koebler, 2017). This virtual lawyer is helping by undertaking research, supporting workflow efficiencies, responding to multiple natural languages and formulating legal advice;

b)    the Artificially Intelligent Legal Information Resource Assistant (Ailira) that provides consumer legal advice on diverse legal matters from wills to business structuring and asset protection, and even generating fully certified wills (Marks, 2017);

c)    the legal advice applications systems like Joshua Browder's consumer DoNotPay that offers a free alternative to legal defence advice in dealing with parking tickets  that asks questions and generates a written letter to be used to dispute the fine (Koebler, 2017); and

d)    the data algorithms that can even predict court outcomes, with the Lex Machina company suggesting*,* "the software can determine which judges tend to favour plaintiffs, summarise the legal strategies of opposing lawyers based on their case histories, and determine the arguments most likely to convince specific judges" (Cook *et al.*, 1981)*.*

I have found that many artificial intelligence-based systems being promoted in legal practice may not accurately represent self-actualising intelligence, rather are using that label for more programmed decision information systems. This will change over time when technology improves.

As Ron Friedman pointed out, "AI and innovation take up a lot of mindshare… firms can do more and better knowledge management, legal project management, practice technologies, and process improvement" (Dekshenieks, 2017). This is supported by the IILPM's actions to extend its legal project management focus to also include legal process improvement.

Much has been written about the replacement of human tasks by the use of artificial intelligence, with claims that some legal tasks can be done better through the use of artificial intelligence over the lawyer (Armour and Sako, 2020).

These changes should not be seen as a threat to lawyers, rather a motivator to innovate and do things differently. Technology is a tool to be harnessed and profit can come from being more efficient than depending on high fees based on labour alone.

There are studies that suggest that the inherently abstract work of a lawyer cannot be performed by even the most advanced artificial intelligent systems (Markovic, 2019).

The lack of knowledge transfer of project management software practices into legal technology may be a culprit. It appears that the full extent of project management tools has not been embedded into legal technology, particularly the task dependencies that enable the visual display of a Gantt chart. A Gantt chart simply shows activity and task relationships that dictate the schedule. When the dependency function becomes added to legal technology that links relationships between the identified work tasks, the schedule can be automatically created after entering only the start date. It also means that necessary changes to a legal matter's schedule, such as a postponement of a court proceeding, can result in a swift reallocation of resources and clarity to the impact of the change. Equally, it can be used to demonstrate to a client the delays from their inaction in providing timely requested information has schedule consequences.

The digitalisation of workplaces is also impacting the focus of legal service needs. As organisations become more digitised, a stronger focus on cybersecurity crime is inevitable and the cyberworld calls for new laws and legal practice opportunities.

This ultimately means that using technology can significantly increase productivity and improve information access, collaboration and knowledge management, not to mention the advantages of maintaining, assessing and protecting corporate information-based assets.

3. **Shifts towards using in-house legal departments over law firms** – historically the sole lawyer career turned towards working in a peer environment in a trend towards the ever-growing large law firm model (Galanter and Palay, 1994) that in more recent years has expanded to international firm status that is supporting legal globalisation. Due to the high legal costs and the expense of providing caveats in all legal advice, it made sense for high legal use businesses to employ their own lawyers as staff and legal departments. This role became commonly known as a 'in-house legal department' or 'in-house counsel'.

This popularisation of in-house legal departments has seen members of the law profession transition from solely being external legal service suppliers to positions of being the buyer of legal services (Wilkins, 2012). This is a significant shift, as the function became a new category of client with a voice of demand for change. This has undoubtedly led to more pressure for alternative fee arrangements like fixed price services to be adopted, as in-house legal departments have their own budgets to manage, effectively becoming an inside-profession voice for pricing model change.

The in-house legal department role makes the lawyer a staff member of the otherwise client-based organisation from the perspective of the traditional law firm, allowing the incumbent to gain intimate knowledge of the organisation through being immersed into the culture and be involved in wider entity activities than solely legal matters, such as residing on the board of

management, general executive leadership functions, advising on the organisation's wider projects and contract management functions as they became directly involved in the operations of the organisations.

As areas of law practice can be very specialised, the in-house counsel occupant is often unable to cover the needed legal knowledge and effectively coordinates the engagement of external law firms rather than replacing law firms completely. They became a coordinator of the buyer and overseeing the contract with the legal service providers.

Where their external counterparts get involved in the creation of legal instruments and brought in to deal with specialist legal issues and remedies, an in-house legal department member is being exposed to the whole workflow process. These factors make them arguably more exposed to broader project management activities as in addition to being a team member for legal tasks across the organisation's projects, they often inherit the contract oversight role and are having to directly project manage:

a)      the setup and upgrades of the legal operations portfolio;

b)      the organisation's legal matters; and

c)      the engagement of external lawyers for the organisation.

The in-house legal department is having to balance both a project management and an operational role. There are clear benefits for them to understand a more generic approach to project management, given all organisational strategy is executed through projects;

4.    **Shift towards the legislative flexibility and law firm ownership** – the regulatory rules over law firm ownership and restrictions on who can provide legal services has been changing, giving rise to inviting new players to the market, including the Big 4 accounting firms positioning themselves more as legal service providers (Herda *et al.,* 2021).

More important is the increasing ambiguity of the fine line between legal advice-based service providers and those who are non-legally qualified providing legal guidance. When trust, power and control shifts in a professional domain, it opens up the opportunity for new players in the market.

Traditionally, legal practice has been protected on the premise that legal advice can only be given by lawyers. The alternative legal service provider (ALSP) entrants are gaining inroads due to the separation between what is believed to be legal advice compared to what constitutes legal-based work.

Coupled with the complexities mentioned surrounding cross-jurisdictional work and digitalisation, the shift from a monopolisation of qualified lawyers to other legal service provider options has been accelerated by four key changes:

a)    entry of the alternative legal service providers as an option that moves away from using a law firm, noting that even law firms are engaging with them, often being referred to as 'multidisciplinary practice firms' (Zahorsky and Henderson, 2013);

b)    greater use of allied legal professionals in support roles taking up the functions previously done by lawyers, which includes the non-legally qualified legal project manager;

c)    segregation of legal services, such as in Australia where an intellectual property attorney (i.e., Trademark Attorney and Patent Attorney) is a separate trained role and does not require the incumbent to be a legally qualified lawyer (Talese, 2020); and the

d)    digitalisation that is replacing or reducing the tasks traditionally undertaken by the lawyer.

When the Big 4 accounting firms become unrestrained to be full providers of direct legal services, then many large law firms may need to pivot to avoid extinction, as it would be likely attractive to organisations to have one service provider for all their financial and legal needs.

I was formerly a Director of Deloitte, and the sheer size and geographic spread of these organisations provides a wide coverage of specialist skills to address any type of consulting work. The Big 4 due to their nature of being accountants and auditors come from a strong trust base and having intimate and unrestricted knowledge of an organisation's finances gives them a unique position to leverage. Interestingly, as legislation warrants the accounting services to be done independently to the auditing services, the Big 4 need one another to fulfill a client's legal obligation for separation of services.

5. **Shifts towards changing client buying habits** – spurred on my geographic spread of international business interests, the digitalisation of workplaces are changing the focus of legal service needs. As organisations become more digitised and using cloud-based services, cybersecurity crime risks increase, and that brings the need for new laws and legal practice opportunities.

As clients are becoming more business savvy, they are calling for more specialist information to make better informed decisions about whether to pursue a legal pathway or not. Clients are keen to find well priced services, and the demand for alternative fee arrangements away from the billable hour, although a separate issue, reinforces their changing expectations. The increased capability to transfer money overseas and execute online transactions, coupled with increasing international free trade options is enabling engagement of non-local legal services more easily.

Digitalisation is not only changing the way work is done, it is also providing more data insights to productivity, pricing and profitability, creating a wealth of information to owners and operators of legal services that is impacting decision-making processes. This includes the capability of having executive dashboards that report real-time results.

Susskind (2007) suggested that "commoditisation and IT will shape and characterise twenty-first century legal service." This has a direct impact on legal pricing. When fees are charged at billable hour rates, they are based on

maximising the use of human resources, which is counterproductive to the use of efficient technology that would reduce, or possibly in part eliminate, human intervention through online service delivery. With the advent of alternative fee arrangements, such as fixed fee services, there is a shift in paradigm to better utilise the technology to its maximum effect to achieve speed with minimal human resources to maximise profits.

The juxtaposition of the flip in use of human resources in comparing pricing options directly effects the take-up of technology that can arguably decrease the importance of the lawyer. Already clients are more technology savvy, educated in basic law through the schooling system, and have ready access to online legal-related resources and free government-based advice. All these factors are reducing the dependence on the legally qualified. The counterargument is that there is more laws and technology that brings its own legal complexities.

When examining the changing legal market, Georgetown Law (2015) noted, "… it is increasingly clear that the buying habits of business clients have shifted in a couple of significant ways that have adversely impacted the demand for law firm services". They concluded that, "We now live in a buyers' market in which all of the key decisions about how legal services are delivered and priced are being made or strongly influenced by clients".

Tenders are now asking for suppliers to define their project management methodology as a measurable assessment criterion for having good practices, and law firms are starting to see the same in their request for quotations.

6. **Shifts towards the acceptance of alternative legal service providers** – supported by changes in legislation, the alternative legal services providers have been a new competitor for law firms. They provide comparable services that lawyers do, such as contract life cycle management, legal entity management and compliance, regulatory response, document review, due diligence activities, litigation support and investigations (Grossman, 2019).

High lawyer fees have encouraged clients to look at alternative service offerings. This has seriously opened an avenue for ALSPs to secure themselves in the marketplace, as well as being used as outsourced options by law firms. In a 2017 study of law firms undertaken by the Center for the Study of the Legal Profession at Georgetown Law School, found nearly nine in ten large firms were using ALSPs (Georgetown Law, 2019). Only two years earlier in 2017, Thomson Reuters (2017) found over sixty percent of corporate legal departments and fifty one percent of law firms were utilising them. This effectively is an endorsement by the law profession as to their value.

Due to the higher cost of using lawyers and large firms, the alternative players are most often providing a lower cost service that may be the same or similar in quality, less the assurance of sound legal advice and legal privilege protections. ParalegalEDU (2021) suggests that ALSPs compete well against law firms and can provide increased expertise, flexibility and speed, acknowledging that they are less constrained and are freer to alter their business models than their law firm competitors.

Although investigation services have often been seen as separate to law firms, they can be easily merged within the alternative legal service providers offerings, along with legal technology services, making such business structures easily multi-disciplinary.

7.  **Shifts towards alternative fee arrangements** – the changing pricing structures I believe is the historic key driver for legal project management as an enabler of being able to offer different fee models.

The traditional billable hour approach to law practice where a lawyer works and then charges for their time, has been the dominating method that has largely resisted the use of technology as it can reduce the ability to charge for labour. Legal technology however has been advancing in its ability to undertake these labour-based tasks, such as electronic discovery (e-discovery) that identifies, collects and stores relevant information to support litigation or investigative evidence gathering.

This was a historic shift from how a lawyer progressed work activities and then charged for their time to a very different approach, such as the fixed fee model, where the scope needed to be well defined and often requiring an accurate quote being given upfront. In these cases, the risk moves from the client to the law firm. The Australian College of Law (2016), when considering the future of education noted, "The introduction of fixed fees, outsourcing of legal work, intelligent systems and the internationalisation of Australian legal practice are beginning to impact on the legal market and how lawyers practice, and the skills lawyers will need in the future".

This is not to say the billable hour model will ever be replaced, as it will remain an important model, however options give a sense of control to the client, and different models may better suit specific legal products and services.

Traditionally, law firms having such a monopoly have been able to resist moving from the billable hour that favours their personal value income. Regulatory changes that have enabled alternative legal service providers into the market as options for selection, and the fact that in-house legal departments are calling for changes as clients themselves, have been two strong factors for law firms needing to move to more competitive rate models.

The zeitgeist of the modern legal firm is one that provides wide alternative fee arrangements to give the client a fee choice and one that operates to best utilise technology and guides best practices of individual work allocations at task level through refined work process flows. As legal projects get more complex, the risk profile may warrant greater rigour in the matter management process and more stringent cost controls.

To enable accurate cost determination and client fees requires clarity to the scope of the work upfront, whilst having the methods to manage client expectations and also the variation management processes where scope is likely to change.

The concept of alternative fee arrangements enabled moving away from just having the billable hour as law firms had become more competitive with a high need for successful delivery of managing complex legal cases, where they were also seeking more efficiency, effectiveness and consistently achieved high quality processes, whilst better managing their own resources and risks.

This also led to the need to use lower cost human resources, such as in fixed price services, that has assisted the transition towards utilising non-legally qualified specialists in roles that were traditionally held by lawyers (Kritzer, 1998).

Muzio (2004) infers that the increasing bureaucratisation, commercialisation, external regulation and internal polarisation is influencing the legal profession's development.  The inclusion of bureaucratisation seems in opposition to considering a post-bureaucracy perspective on the driving changes presented, unless you consider that a post-bureaucracy regime can ironically lead to more formalisation (Torsteinsen, 2012) that likely is being interpreted as bureaucracy in itself.

This is why work practices, like implementing a project management regime, results in greater standardisation. Maravelias (2003) suggests that the perception of less bureaucracy is not relating to any less structure to the discipline, rather a form of organisation that aims to control human conduct more completely than a bureaucratic regime. This is more consistent to the outcomes from applying workflow practices to guide behaviour, particularly if they are part of the software design.

Whilst profession-based roles are usually closely guarded by the regulating association in which it belongs, the post-professionalism phenomena of a lawyer having less exclusivity to undertaking work can occur where there are shifts in thinking of those driving the managerial direction of the profession. These post-bureaucracy trends have created the environment where the role of the lawyer and its prestige has inevitably changed.

## 9.2   Post-Professionalism Influence

Given the changes to the legal profession landscape and the new players in the legal service provider domain, there is a direct impact on the personnel delivering those services that needs further exploration.

The American Bar Association is linking the trend of project management in 'post-normal times' where lawyers need a more structured and process skills-based approach to their work that project management rigour brings (Ruhl, 2014). This means the need to be more efficient, consistent and effective in the workflow of planning and executing legal matters over a focus on just the law aspects. The trend is not only impacting lawyers leading legal matters, but through the post-bureaucracy influences it has led to 'post-professionalism' impacts that are causing transformational changes to the formation of legal team members.

Post-professionalism in the legal environment specifically refers to the segregation and diversification of legal providers that has seen a shift from using a tight knit group of regulated lawyers to scenarios where similar work is being undertaken by other personnel or by technology. It dilutes the traditional lawyer's exclusivity and power through delegation, either planned or by default by the nature of technological advances. This eventuation did not occur overnight and the many factors to the change from a monopolisation state characterised by operating an insular legally qualified and regulative-supported group of professionals to a shift to the inclusion and emergence of a non-legally qualified project manager entering the profession.

To provide more context to the use of the term 'post-professionalism', it represents a shift from historic Anglo-American hegemonic professional elite occupations that traditionally required specific educational prerequisites and are associated with a closed-door profession, such as the legal fraternity, to one that is now being transformed into new variants. Technology advances does influence legal work behaviours (Bues and Matthaei, 2017) that may include automating previous human tasks and extending to having a greater role in regulatory processes (Micheler and Whaley, 2020) and jurisdictional decision-making (Sourdin, 2018).

Beardwood (1999) acknowledged that services that were historically managed by lawyers are also being delivered by specialised non-legally qualified professionals who may or may not be working under supervision, emphasising the greater independence being enjoyed. Over time, these have included non-legally qualified personnel being utilised to provide pricing, knowledge management and legal technologist specialist skills that fall within the 'allied legal professional' type roles.

There are four core avenues emerging for the delegated transferral of tasks traditionally provided solely by lawyers. These comprise technology, allied legal professional roles being used within the legal operations sphere, the external competitor alternative legal service provider offering legal guidance over legal advice, and the increased use of in-house legal department staff by reducing the workload for law firms as a cheaper alternative by employing the lawyer to work inside the organisation at a staff-level rate. This has presented wide options other than using a traditional law firm for legal-related work.



*Figure 6   The Transferability of Law Firm Lawyers Tasks*

The tasks that are not being transferred are very specific to law and largely still protected by regulatory controls over who can provide direct 'legal advice' or where there is a need for client legal privilege that is only afforded to the qualified lawyer.

The area which is both interesting and unaddressed by regulation is where technology fits. Advanced software and artificial intelligent systems are now encroaching into being able to provide what arguably resembles legal advice. An extreme example of this would be the Canadian company Ross Intelligence that builds artificial intelligence driven products that are augmenting the cognitive abilities of lawyers and are replicating some complex legal job tasks very successfully. This company has been able to use artificial intelligence to translate natural language legal questions, using multiple languages and automating e-discovery research that then leads to the formulation of a legal guiding note, independent of any physical lawyer intervention. This is the digital transformation of the industry at play. There is growing ambiguity as to whether artificial intelligence-based technology outputs may constitute legal advice, and if so, who is actually formulating such advice and can be held legally accountable for it, given that no real person is directly involved, as well as how it is insured. This brings forth the question whether a computing output can indeed be considered as legal advice or constitute legal practice at all (Simon *et al.,* 2018).

The tasks that are arguably not legal advice survive under the guise of being 'legal guidance' that can even be delivered by technology-enabled solutions or through the alternative legal service providers who are not legally qualified. In fact, even my own law firm, Balfour Meagher, had promoted itself as 'legal and business advisors' to emphasise the value of promoting a higher business acumen being available through the law firm even though all staff were lawyers.

The growing complexity to legal matter work also brought with it a need for a legal team. Traditionally, lawyers worked largely as single practitioners. Overtime, large law firms were introduced that combined lawyers and other support workers. As legal matters got more complex, legal teams using multiple lawyers were being formed, particularly for large litigation matters. As this complexity grew, the need for

the senior lawyer being used to lead the legal matter was being questioned, particularly as the leadership role in coordinating the matter and dealing with the work distribution and communication activities was not a legal task, rather categorised as managerial or administrative work.

This was likely a realisation that the legal project manager coordination role was not as integrated into the legal tasks as first thought and in fact could be separated from the legal tasks like project managers were being used in other industries, allowing the senior lawyers to focus on the legal tasks without the additional administrative burden of being in the leadership function.

This is a common misconception when you consider that most legal project managers are occupying two roles: the coordinating role that represents the purist project manager function, and most often they are also involved in executing tasks themselves that is a project team member role. The apparent segregation is simply a result of recognising that doing tasks is not a purist project manager function, and the traditional lead lawyer has been wearing both hats. Segregating the legal work and the role of coordination is effectively putting the legal project manager function back to the coordinating responsibilities specific to the project manager job.

This recognised separation of tasks, and the need for more structure, has likely led to the emerging trend for large firms employing legal project managers who were certified professional project managers sourced from outside the legal profession (Harrin, 2017) to do the seemingly menial non-legal tasks as a cheaper resource. There was an unspoken realisation that project skills helped to efficiently coordinate the workflow process. This meant that the traditional Anglo-American approach of giving high importance to the qualified lawyer was transitioning by post-professionalism changes that were opening new opportunities for non-legally qualified personnel (Kritzer, 1999). No longer was the person leading the legal matter needing to undertake legal tasks over more management, administrative and coordinating activities.

It is not a phenomenon only in law, rather it occurs when functions are segregated within a profession for others to take up and can be subtle increments that bring on

a transition to an alternative professional role. This is not too dissimilar to the traditional divide between the medical doctor and the registered nurse, with the emergence of the 'nurse practitioner' role that has blurred the line between medical work and healthcare (Kelly and Mathews, 2001; Wilson *et al.,* 2002; and Barnes, 2015). Such shifts of power lead to the ease of service delivery away from the dependence on the elite, with direct labour cost savings, whilst decreasing the separation of duties historically held. It reduces the traditional criticality on, and authority of, the medical doctor. This would suggest that over a longitudinal study that the role of a legal project manager would likely be found to have higher value to the legal profession, coupled with a lower comparative cost to their lawyer colleagues and arguably a greater focus on the legal project process given they would not be able to undertake legal tasks.

When applying to the project manager elements of a member of a profession, consider the role played by the architect who use to not only design and draft the construction work, but also historically oversaw the building works as the project manager. Over time the role of architect and project manager became segregated, with the architect remaining focused on the design and drafting elements with approvals granted by the structural engineer before handing it over to a separate construction project manager to oversee its build. Ultimately, these functions became separated, and the architect was found excluded in the oversight of the construction works. As Yadollahi *et al.* (2014) points out, beyond the architectural skills, once an architect takes on the project manager function, they also have to be equipped with managerial, inter-personal, contractual, psychological and financial skills. Apart from workload concerns, the architect was more interested in design work than overseeing the build. Likely, most architects enjoy dealing with the technical design and drafting elements so prefer only working with the architecture specific tasks, similarly to the lawyer who wants to practice law than get caught up in administrative type tasks. The task focus on the technical skills is also explainable through behavioural analysis, as the lawyer fraternity occupants are known to be predominantly introverted by nature (Richard, 1993; Anders, 2008). They are likely

wanting to avoid general leadership tasks requiring high people engagement over focusing on the legal-based tasks and the necessary client engagement.

This is recognising a segregation between the legal-based tasks focused on the 'product' of the legal project (i.e., the deliverables or outputs) and the coordinating function of the legal project 'process'. In this context, the product represents legal advice, a legal instrument or other output, which is the element that requires a legal professional. Given that many allied legal professionals can be contributing to a legal matter (e.g., legal secretary for administrative support, paralegal for research, knowledge manager for records management and information dissemination, and the legal project manager for coordination) it is relying on the coordination of a number of specialists working together. This explains why the legal profession is becoming increasingly intra-professional, said to be polarised into two camps comprising the 'rank and file workers' and the 'professional elite' that is a trend that scholars continue to acknowledge over decades, possibly reaffirming the graduality of change in the law profession (Abel, 1988; Freidson 2001; Muzio, 2004). Abonyi *et al*. (2020) makes the point that once qualified, a lawyer can practice in any area of law by virtue of selecting a practice area, where they become specialists. The complexity and growing number of published legislation and regulations, the increase in globalisation needing cross-jurisdiction insights, and the pace of change from technology all support the need for such specialisation.

I would suggest that the intra-professional effect of diverse skill-based teams is already a fixture in the legal profession when you consider the differing roles in legal operations. Legal project managers are an example of a changed role from being solely a legal practitioner to the introduction of a certified professional project manager coming from outside the legal fraternity as part of the growing number of allied legal professional roles. The importance of this role over other allied legal professionals is the inference of the managerial function it plays. The senior lawyer will still likely argue that they are responsible for the legal matter over any managerial oversight of the legal project manager, however in reality they occupy the legal specialist function for doing the tasks, rather than the overseeing of the whole process of coordination.

This can be overcome by recognising the lawyer as the 'lead lawyer' on the matter, whilst recognising the legal project manager as leading the coordinating and administrative function.

The outcome of post-professionalism that is most relevant to LPM is the realisation of the variances in the occupants' backgrounds to serving in the legal project manager role. This has seen the options for the occupants of legal project manager positions expand from being either practicing lawyers, qualified lawyers who no longer have or did not receive a practice certificate and who wish to continue to be employed in the legal industry, professional project managers from outside the legal fraternity, and those aspiring from other internal allied legal professional roles, such as the knowledge management officer, practice manager and paralegal.

It is also a career pathway option for graduates wanting to work in the profession outside of lawyer roles and allowing interns to function as legal project managers can bring a direct client chargeable value to the role immediately. Scholarly works purport a commonly accepted norm of approximately fifty percent of law graduates are not entering the legal profession after graduation (Hunt 2009), however the reasons are not well articulated. In my own homeland of Western Australia there are six physical universities, and each has a law school that are producing graduates that far exceed the demand and legal jobs available. This provides a potential remedy for losing many to other industries.

Levine (2002) acknowledged that leading up to the turn of the century, there had been a gradual erosion of professionalism in the legal profession. Francis (2005) speaks to the growing multiplicity and diversity of the profession that is causing fragmentation and which is driven by factors he asserted as including firm size, geographical spread, widening knowledge base, client type and available funding sources leading to a loss of collegiality across the profession. Thornton (2021) acknowledges dramatic changes in more recent times, such as non-lawyer ownership of law firms, listings on stock exchanges, artificial intelligence and the shift to remote working.

For decades, scholars have linked the declining professionalism to moral dilemmas that guide thinking and behaviours (Croft, 1992; Buchanan, 1993; Burger, 1995; Levine, 2002; Francis, 2005; Thornton, 2021). Consider the importance of a lawyer in times where only legally qualified individuals were the sole pathway to accessing legal information to today's position where the layperson has ease of access to online legislative documents, court records and even free legal advice. Thornton (2021) uses the term 'uberisation' to signify the neologism to describe the commoditisation of legal services, highlighting the use of computing platforms since COVID-19 to enable remote working and platform-based collaboration.

Paterson (1996) points out that the age of professionalism is not actually ending, rather its historic meaning is under threat given it is a socially constructed, contingent and dynamic concept that evolves over time. The role of the lawyer is definitely not ending, particularly with the complexity of legislation and the need for correct interpretation of law still requires trained eyes, yet the role has increasing professional support. The growth of allied legal specialist roles in law firms and the widening legal practice areas warrants a broader pool of multi-disciplinary practitioners. In Australia for example, a patent or trademark attorney does not have to be a qualified lawyer, rather only trained in intellectual property law and equipped and regulatory approved to work in that specific legal domain only. Such roles require an engineering or science degree background, coupled with specialist legal training in intellectual property law.

This growth in multi-disciplinary and cross-jurisdictional practices also increases complexity in an era of specialisation and globalisation where technologists are warranted. This calls for a different way to work and to redefine the players in legal services. This is further complicated by a very insular profession governed by a strongly held professional membership to a now more diluted delivery model where other alternative legal service providers are gaining market share. In addition to the law fraternity's own differing delivery models that are using online platforms and have greater reliance on technology-delivered solutions, the modern lawyer has to have technology-based skills not well covered in law school.

Law schools have always focused on the practice of law and not the business of law. This has caused a shift from what Cohen (2021) refers to as 'the legal bubble' where lawyers have traditionally been operating in an insular and homogeneous culture to one that is now rupturing as the monopoly in providing these services is now being reduced.

Jamous and Peloille (1970) emphasised that once knowledge becomes standardised it is vulnerable to being recognised as a highly specialist skill that has traditionally set a member of a profession apart from the laity and this could be a factor in why project management, as a common skillset, has been used across many industries. This has likely contributed to the legal project manager role being filled by outsiders, hence diluting the exclusivity and self-perpetuation to defend legal professional knowledge, especially as practicing project managers worldwide exist with no formal training or credentials.

These changes to the law profession and expansion to using non-lawyers provided the consideration of using non-lawyer project managers that were bringing in the project expertise needed to better enable an understanding and deployment of project approaches and tools. They could use their wider industry exposure to help transition project aligned work practices into the legal domain, without being hampered by the prejudices of thinking from being within the profession. This has been my greatest value, as my exposure to so many different sectors allowed me to transition ideas that were standard practices in one profession to be adopted into another profession that was deemed to be more accepted as revolutionary. This is often the case where innovation that is associated with methods used in other professions and brought and applied to a new profession, can be seen as refreshingly new.   This concept of using and building upon old ideas applied in new application areas is being coined as 'knowledge brokering' (Hargadon and Sutton, 2000) and is largely reflective of my title as the 'Corporate Mechanic' who strategises concepts from exposure from other sectors into a solution for another industry. This is effectively the same as intra-disciplinary outcomes attained by transitioning knowledge from differing disciplines into a focus on purposeful application for some greater benefit.

As the project manager function is a coordinating role, in other industries it has proven not to need technical knowledge specific to the sector where others in the project team have the appropriate technical competencies. Obviously, the individual project manager benefits from having industry knowledge, however it is not essential when operating in an informed team. They are expected to develop industry knowledge and the nuances of working in a legal environment. Similarly, the role of the legal project manager is not requiring legal knowledge over an understanding of the basic legal ecosystem, rather the function serves to provide coordinating tasks, information flow and communications. This directly responds to the historically reported issues of lawyers lacking effective communication skills (Stark, 1999; Sherr, 1986; Cunningham, 2013; Abrar *et al.,* 2020).

This extends to information management that has seen the growth of specialist knowledge management professionals employed in law firms. The allowance of using non-legally qualified project managers is largely driven by the need to reduce costs of legal services, particularly brought on by the introduction of fixed price scenarios. As previously noted, the traditional billable hour encouraged the use of the highest chargeable human resources with minimal technology intervention to maximise the revenue, where fixed prices call for the opposite: less costly human resources and maximised use of technology to achieve higher profits. This presents a totally different approach to resourcing depending on costing models applied and also explains the market differentiation occurring as legal services are transitioning to different pricing options.

Furthermore, there has also been the drive for project management approaches to increase productivity and efficiencies, and this also requires a need for a complete mindset shift to traditional approaches. The mindset shift being the willingness of the senior legal practitioner to give away their real or perceived managerial responsibilities in a legal project by having a non-lawyer potentially provide oversight of the coordination aspects whilst they largely limit their involvement to the legal-based tasks. The transition is often easier when the legal project manager is a peer lawyer and not a non-legally qualified colleague. Observation shows that the non-legally qualified legal project managers are underplaying the 'manager' emphasis

within the title and allowing the lead lawyer to still feel they are managing the legal aspects, similar to other projects, such as in engineering that the lead engineer is still responsible for those outcomes. The point being made is that the legal professional function has been diluted from past practices to a point that allied legal professionals are taking up these roles in legal service provider organisations and it calls for a clarity to the segregation of the tasks than a dilution of power.

When applying it to in-house legal departments, many lawyers working as employees in non-law firm organisations are not always doing legal work themselves, rather are coordinating and overseeing the engagement of external lawyers who are doing the work. Being a lawyer is likely much more beneficial as they are deemed a peer to the external lawyer and can associate better with the terminology, understanding of law and legal principles, and its applicability and practice requirements. Some of my own clients, such as local government and utility-based entities, have non-lawyers heading the legal or commercial functional portfolios who are coordinating external legal advice when required, given much of the day-to-day role is more about governance and compliance.

The question of the risk profile changing for the role did not warrant any changes, as the lawyers were continuing to manage the legal tasks, and therefore carrying the legal risks. It was simply enabling the role to be seen as either combined as it had been traditionally or segregating the coordination function from the legal tasks.

The lead lawyer remains the key person for the legal outcomes over the legal project manager coordinating the administrative-based tasks (when they have a separate person), just as the medical doctor has over the nurse practitioner, and the accountant has over the bookkeeper. The emphasis is that it is only when a team is required that these issues of role specifics get highlighted.

## 9.3   Conclusion to the Industry Changes

The emergence of the non-legally qualified legal project manager can be summarised as being influenced by two key shifts: the post-professionalism of the qualified lawyer and the post-bureaucracy of the legal profession managerial shifts

that has enabled it. The interconnection of these factors has provided the right conditions within the legal service industry that has been seeing a managerial paradigm shift responding to the market demands. This has led to the legal professional service industry shifting from a closed-door lawyer-only offering to the inclusion of using allied legal professionals in the team, and in some cases contracting non-legally qualified professionals who are working under the guise of alternative legal service providers.

This cascading wave of influencing factors has allowed legal project management to be seen as a solution to the management of that change, and at the same time allowed the emergence of the distinct legal project manager role that has distinguished itself from not being held solely by the lead lawyer to being able to also be occupied by allied legal professionals.

This is only applicable to complex matters where a team is involved, otherwise the lawyer remains fulfilling both the legal project manager coordinating function and the team member-based legal task execution. The complexity of a legal matter and the need for more team members has driven the requirement for this role distinction and insight to the separation of the responsibilities between legal and non-legal tasks.

This has effectively introduced a new career pathway into the legal profession and enabled the function to be more clarified as being a coordinator and the potential of being occupied by a person separate to the one practicing law.

Maravelias (2003) highlights that a distinguishing characteristic of post-bureaucracy is that it shifts the responsibility for setting limitations between professional and non-professional concerns from the organisation to the focus on the individual. This links to the post-professionalism perspective of its influence on changing the overall stature of the lawyer where the trust between individuals exists to enable it.

Figure 7 summaries the key influential factors that were identified in the development and positioning of legal project management focus and goes to explaining its market interest and acceptance.
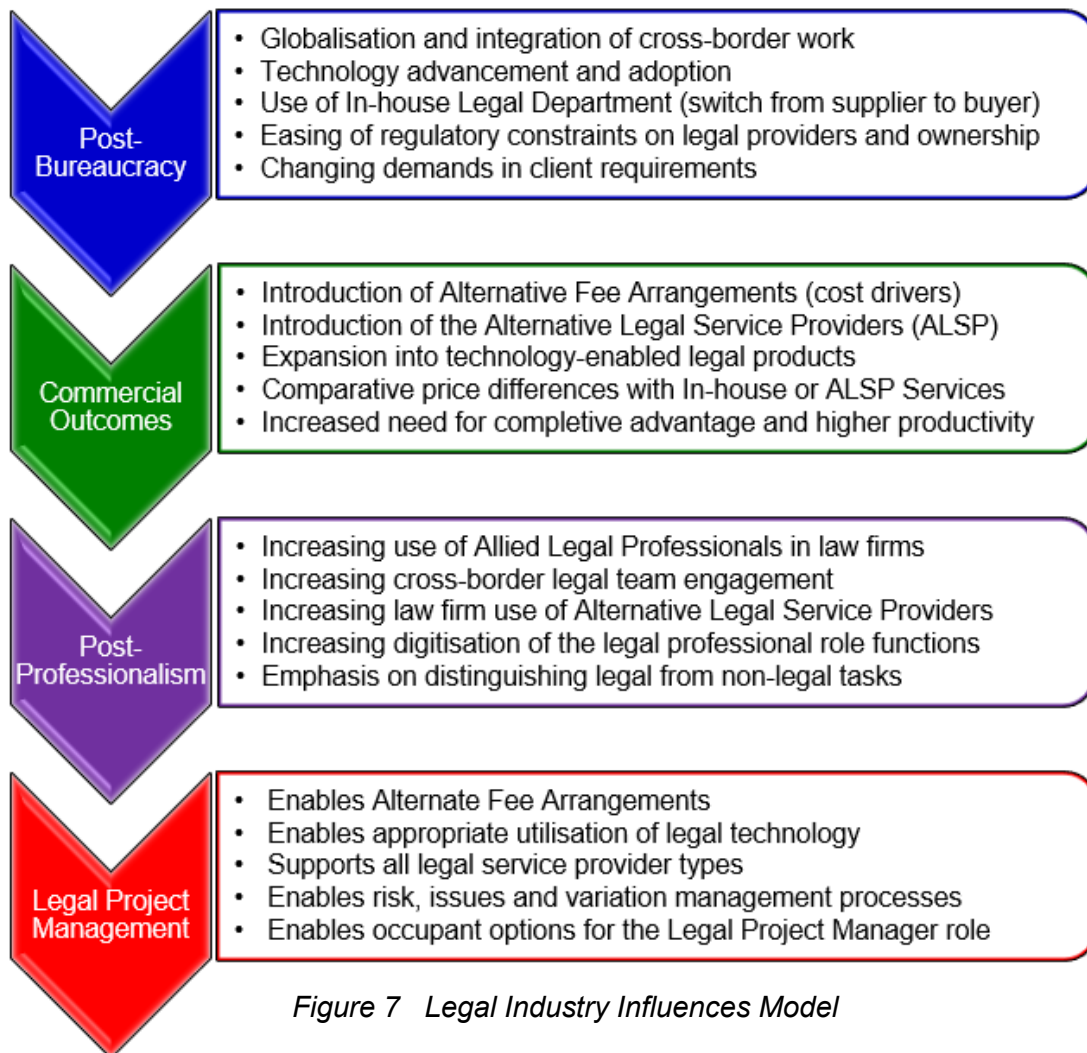
*Figure 7   Legal Industry Influences Model*

What this highlighted is that the law profession and the spotlight on the modern lawyer's specific roles and responsibilities is clarifying what elements need legal expertise to that of what an allied legal professional could do. Effectively, all these factors have converged to bring a focus on the segregation of the 'business of law' over the 'practice of law'.

As the phrase 'legal project management' implies the management of a 'legal project', then what constitutes a legal project becomes important. The phrase 'legal project' as earlier defined goes beyond solely legal matters that represent the 'practice of law' to include legal-related projects.

This includes projects applied to legal operations (e.g., legal technology installations, process improvement initiatives, undertaking research and e-discovery) that relates to how the legal service provider operates its business processes, and the other legal-related practice focused application areas of alternative legal service provider consultancy-based business assignments (i.e., legal-related professional services) and investigation cases (e.g., investigations and forensic examinations) environments.

This recognises that three of the categories of legal projects are end-client focused that represent the 'practice' application of legal-related work and the last category being the legal operation-based legal projects that are focused on the operational function that supports the practice that represents the 'business' of law. It also recognises that legislation may warrant the involvement of a practising lawyer or a licensed investigator, given the increasing use of non-legally licensed  ALSP and allied legal professionals.
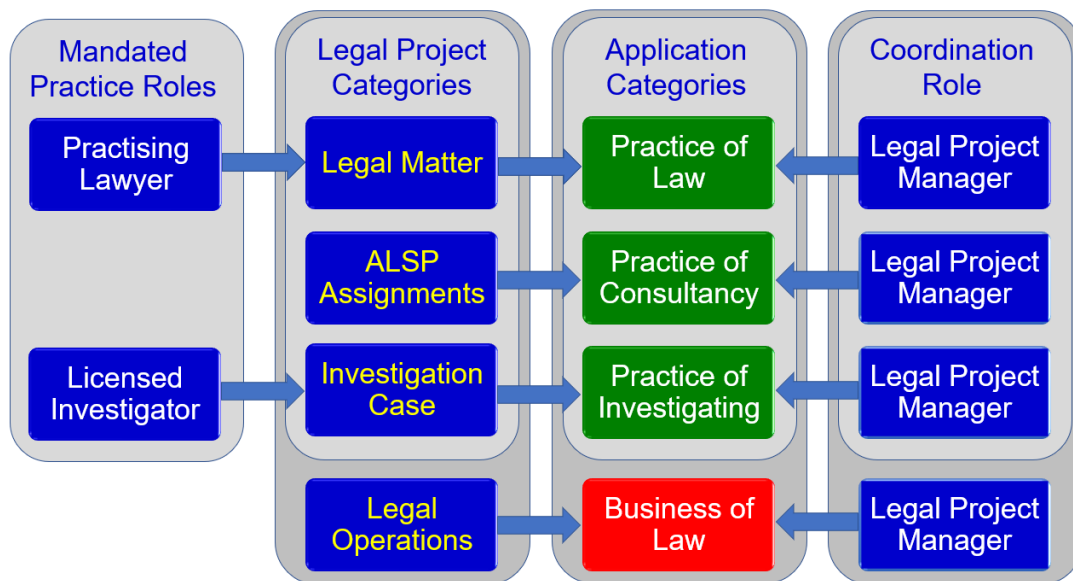


*Figure 8   The Allocation of the Legal Project Manager*

In considering those legal projects that require licensed personnel as a mandatory requirement, they are limited to legal matters requiring a lawyer with a practice

certificate and investigation cases that require a licensed investigator that includes investigators that are recognised by regulatory powers, such as police detectives.

This confirms that the mere acceptance of the principal that a legal project is an endeavour within a legal-related environment highlights the fact that some do not involve the practice of law that has been identified as being only relevant to a legal matter, concluding that not all legal projects must involve a lawyer and a legal project manager role is a separate position to a lawyer.

The argument that lawyers have always managed their own matters, and therefore acted in the role of legal project manager, remains true, notwithstanding the formality one can bring in applying greater project management rigour. What this concludes is that a legal project manager does not have to be a lawyer and in the practice of law there are two options:  the lead lawyer may also be acting in the role of legal project manager that would always be the case for a lawyer working on their own, or there may be a separate allied legal professional that may occupy the role where a wider team exists and the complexity of the legal matter warrants it.

In segregating the roles of lawyer, investigator and legal manager, the legal project manager function becomes a coordinating role over the person doing the legal or forensic-based tasks. By virtue of being recognised as legal projects being the major premise, then by inference they can all benefit from project management practices.

## 10.  Establishing the Occupants of the LPM Role

Legal training today requires formal qualifications, normally either the Bachelor of Laws (LLB) or the graduate entry to a Juris Doctorate (JD) degree. In Australia, to then become a practicing lawyer, the graduate requires continued studies or practice experience to be issued a practice certificate.

The practice of law in the beginning of the 19th century was undertaken by sole practitioners (Friedman, 2005; Hoeflich, 2013), and by the end of the century, law partnerships were formed by multiple practitioners that created the law firms that became common. As law firms grew, there came a need to have administrative and

legal support staff, who were not partners, and around the year 1900 there was a logical growth to the size of legal practices (Dymott, 2015). By the 1960s, the size of firms resulted in the golden age of 'BigLaw'.

A rethink and variations to the traditional law profession structure tended to be through key events, such as the Great Recession of the late 2000's that has been promoted as the "single most influential factor affecting views on the structure, organisation and management of the present-day large law firm" (Dymott, 2015) with the more recent COVID-19 pandemic pushing law firms to have more virtual teams and working from diverse locations.

In more recent years, technological advances allowed small boutique firms to take on complex legal matters (Dymott, 2015), based on the enabling capability of legal software that allowed for less reliance on human resources, supported by the corresponding reduction in labour and infrastructure costs, with shifts to more virtual working and cloud computing outsourced data centres.

Ribstein (2009) identified seven factors that were shifting the legal professions as being the: increase in in-house legal departments, a reduced size and scale advantage, increased partner-to-associate ratios, changing clientele, limited liability, growth in global competition, and the 'de-professionalisation' of law practice. The last point is particularly relevant as it highlights the shift to non-lawyers working on legal-related tasks, with Kritzer (2002) noting that such changes are blurring distinctions between the professional lawyers and non-lawyers. Coupled with the rising costs of legal advice, clients are starting to seek alternatives to law firms such as the non-lawyer law consultants that gave rise to the alternative legal service provider models (Hadfield, 2008). Dymott reflects on several non-lawyer roles that already contribute to litigation and transactional work, citing "economists, accountants, financial analysts, business consultants, psychologists, medical doctors and actuaries" (Dymott, 2015). The use of legal-aligned software has also provided an alternative legal information option (Ribstein, 2004).

The real issue comes down to regulatory limits on legal firms that can extend to who can own them, and rules that forbid firms practicing law with non-lawyer owners

(Haddock, 1987; ABA, 1983; Thornton, 2021), although shifts are now seeing certain countries like Australia liberating such constraints. This has arguably kept the big four accountancy firms at bay from entering the legal services market and becoming a major competitor to the law firms. That would be a game changer to the way in which legal services would be bundled with a wider professional service offering and providing the greatest competitor to BigLaw to-date. In the United Kingdom in 2011, non-lawyer ownership of law firms became allowable through a regulated alternative business structure model (SRA, 2007) that was almost a decade after Australia introduced incorporated legal practices (Sullivan, 2015).

The 'practice manager' role, as similarly used in the medical profession, took over responsibility for office management (practice management) type functions in law firms. This was in recognition to the differences between the legal matter itself and that of the business processes of the legal practice. Practice management as a specialist discipline was recognised through the American legal profession by the 1957 ABA Special Committee on Economics of Law Practice. This recognised the segregation of what could later become legal operations and that of legal matter management.

The role of 'paralegal', otherwise referred to as 'legal assistants', was a position introduced in the 1960's as a means of progressing legal tasks that excluded direct legal advice to support lawyers as a lower cost resource (Cannon, 2011). This was the first role that was endorsed by professional regulatory associations like the American Bar Association that recognised legal tasks could be undertaken by non-legally qualified personnel.

The more recent shifts from using less law firms to engaging alternative legal service providers has weakened the market position of the qualified lawyer. ALSP entities take on legal related service functions without providing legal advice that warrants being legally qualified. These include discovery and e-discovery, document reviews, intellectual property management, and other process-related legal work. Ernst and Young (2019) noted, "procurement models are also shifting, with increased consideration given to ALSP's and legal process outsourcers" where 41% of

business survey participants acknowledged an interest in outsourcing routine legal function activities. The conclusion was that "legal functions are facing pressures from all sides, and those pressures are all compounding to create an environment that is driving change in the digital era".

During my career, the title 'project manager' was historically used in the construction and mining industries. The phrase 'project management' was slow in becoming commonly used, such as those executing organisational strategy who doing it under the guise of 'strategic execution' or 'strategic implementation' (Guohui and Eppler, 2008).

The pinnacle to the formal recognition of the project manager could be associated with the establishment of key project management professional association bodies and their corresponding credentials. Certification is the most commonly used method of recognising the competency of project managers and became the key basis for the role of the International Institute of Legal Project Management positioning itself as a global certifying body.

Hodgson (2002) recognised the professional project manager could be linked to several contemporary tendencies applied to the ways of modern work. He acknowledged the use of technology to restructure business processes (Hammer and Champy, 1995), the increased interest in knowledge workers (Blackler, 1995) and the emergence of the project-based organisations (Galbraith, 1973; Hobday, 2000).

Wyatt (2019) found that the success rate of projects tended to decline as they became larger and more complex. He spoke of the career progression of project managers who tended to learn the key tools and techniques of project management in managing small projects under supervision. He then reported a shift where the project manager leaves the focus of detailed project administration to more leadership-type skills and formalising accountable workstreams. He felt that it was a mindset shift from spending time on tactical tasks to strategic thinking that was able to pre-empt potential project issues. This got me thinking of the legal profession and the belief often touted that they are already doing legal projects and therefore the

concept of formalising it under the new name of legal project management did not make much sense. The counter argument is that the market has spoken with the role titles and recruitment advertisements that emphasise the legal project manager role, and the profession's tendency to use the word legal (e.g., legal technology). Arguably project management formality is less needed when a legal project is being led by a single person over the complexities that team involvement brings on more complex legal projects that brings a larger number of team members to coordinate. Project management practices becomes far more useful when one is leading a team as they have to rely on process and documentation to guide others towards a mutually agreed outcome.

This effectively follows the 'Heisenberg Uncertainty Principle' that one can never simultaneously know the exact position and speed of an object in motion, where the act of measuring a particle's position changes its momentum (Jha, 2013). This is likened to the ambiguity of a person's actions due to their thinking and how unconscious competence takes over from conscious thought to enable functioning that is now controlled by the subconscious (Howell, 1982; Bradley, 1997, and Cannon *et al.,* 2010).

Wyatt's (2019) point was that as "projects grow in size and become exponentially more complex, the effort to measure the status accurately takes an increasing amount of time". This calls for the project manager to focus on the process of the project and the project team members on the product (i.e., the development of the deliverables).  The latest edition of the PMBOK® Guide (ANSI/PMI, 2021) is indicating a more recent shift to a focus on 'agility', however agile project management methodology still relies on having robust project management practices in place. This becomes clearer when you consider agile project management methodologies like scrum vary from the traditional waterfall model of full planning upfront before executing and handing over all deliverables at the end, to a cyclic model that only plans, executes and hands over sub-project deliverables in iterations. Its intent is to deliver value as soon as practical throughout the whole project life cycle. It also accommodates an ease of scope change between iterations that better deals with very uncertain legal matters like litigation can be.

Agile techniques in legal practice are generally more aligned to certain legal work that is uncertainty until particular events occur, such as litigation-based matters where the work requirement can change or only be ascertained between court hearings.

This explains the legal project manager function as seen in complex court cases where a dedicated legal practitioner focuses on the process of the case, separating the legal tasks of the litigator and barrister who oversee the specific tasks associated with the application of the law. Using lawyers for the legal project manager role can be counterproductive as they will have a tendency to want to be involved in the tasks of the law, rather than focusing on the work process comprising of coordinating work packages, scheduling, communicating and reporting.

This is likened to project managers who are the technical experts in other industries who cannot help themselves get involved at technical task level, effectively taking their eyes off the leadership responsibilities of the project. Wyatt (2019) suggested separating the project team's deliverable-based shared goals and that of the line management function of the project manager's focus on the schedule and cost goals.

This phenomenon can lead support to the notion that professional project managers who are not legally qualified can be utilised as legal project managers as they have no choice other than focusing on the legal matter coordination. By virtue of not being lawyers, they cannot undertake those legal tasks and are unable to give legal advice themselves. This gives them the greater focus on the administrative-based coordination, engagement, communication and record management functions.

As the post-bureaucracy changes have loosened the hold on the all-important lawyer, it has bought forth a proliferation of alternative practices that can shift the sharing of power that is being realised in the autonomy of the legal project manager. This has transitioned from solely a legal practitioner to include certified non-legally qualified project managers and those lawyers who no longer had a legal practice certificate.

The emergence of the legal project manager role has now provided a multi-tiered career pathway for the occupants, including opportunities for the:

1.  **Practicing lawyer** – a person who is a qualified, having a practice license and practicing law that represents the traditional legal project manager;

2.  **Non-practicing lawyer** – a person who is a qualified lawyer who does not have a practice certificate and who wishes to remain in the profession, however who are unable to practice law or give legal advice;

3.  **Allied legal professional** – a non-legally qualified person who is trained and experienced to work within support functions of a law environment, such as knowledge managers, paralegals and practice managers;

4.  **Professional project manager** – a non-legally qualified person that has been certified outside of the law profession who are now being invited into employment law firms; and

5.  **Forensic practitioners** – a non-legally qualified person that is deemed to be a forensic specialist, police detective or licensed investigator where they may be used as expert witnesses or their legal project outputs used as evidence in courts.

By the IILPM credentialing non-practicing, allied legal professionals, professional project management professionals and investigators, it has enabled a formal method of linking the practitioner as eligible for the role of legal project manager. This is to recognise that a project manager is a coordinator of the process, whereas the team members are collectively undertaking the work tasks toward fulfilment of the deliverables.

In offering opportunities for non-legally qualified personnel to take up the legal project manager role for a legal matter, the legal service provider would need to consider any need for the incumbent to have legal knowledge and skills. For example, if a single person is running a legal matter, then the need for legal expertise is paramount, whereas where a team is involved and the legal project manager is

simply coordinating the resources, then there is a possibility for a non-lawyer legal project manager.

To assess the requirements of what constitutes a legal task, the following listed factors on Table E provide a method of testing a range of tasks for their level of exclusivity that would require or favour a lawyer to that of another allied legal professional:

| Element | Description | Level of Exclusivity |
|---|---|---|
| Protections of Fiduciary. | The protections afforded to clients from fiduciary obligations of a person or organisation. | Extreme |
| Legal Advice Elements. | The format of information conveyed that would constitute legal advice. | Extreme |
| Regulatory Interpretation. | The legal interpretation of legislation that leads to legal advice or guidance. | High |
| Representing Clients in Court. | The adherence to court process and the ability to represent another party. | High |
| Legal Instrument Development. | The development of legal instruments that may include legislation, contracts and other agreements. | High |
| Legal Guidance. | The format of information conveyed that would constitute legal guidance. | Moderate |
| Legal Instrument Reviews. | The review of legal instruments for legal robustness and compliance and recommendations for changes, such as constitutions and contracts. | Moderate |
| Legal Research. | The ability to undertake legal discovery and e-discovery. | Low |

| Element | Description | Level of Exclusivity |
|---------|-------------|---------------------|
| Investigatory Work. | The ability to undertake physical and online investigatory work. | Low |
| Contract Management. | The ability to review and have oversight to contract performance. | Low |
| Technology Delivered Services. | The ability for tasks to be done by a computer that would be separate to the legal practitioner's intervention. | Low |

*Table E   Specific Situations and Tasks Exclusivity to Lawyers*

Based on this analysis, the allowance of legal professional privilege that ensures the non-disclosure of information between the lawyer and client prevails as a high benefit to using a lawyer, as well as the confidence in being able to attain assured legal advice. The ambiguity comes in the interpretation of what constitutes advice over guidance. This suggested then that most tasks can be provided by other alternative suppliers.

The law fraternity has strong governing rules for allowable legal practices by lawyers, such as the *Legal Profession Conduct Rules 2010 (WA),* that can hamper flexibility in their service provisions, however would not apply to the  ALSP's actions, arguably giving law firms more regulatory governance than their competitors. Such constraints are designed for good purpose, however, they still can arguably inhibit new innovative technology or methods. It also has impacted a law firm's ability to openly promote their services to counter their ALSP adversaries.  For example, in advertising where it is disallowed for a lawyer to "convey a false or misleading impression that the practitioner or the practitioner's law practice has specialist expertise in relation to services offered by the practitioner or the practitioner's law practice" (Western Australian Government, 2013). This may prohibit the promotion of specialist skills afforded to others in the same marketplace where close-to-the-line marketing puffery is avoided in fear of having one's practice certificate being revoked.

The clarification as to who is responsible for legal advice created by artificial intelligence remains in debate beyond following model rules (Medianik, 2017), however it does provide an avenue for those non-legally qualified personnel to play in the market. This philosophical question of independence has been further complicated by an Australian Federal Court's decision in support of an inventor being non-human (FCOA, 2021).

As the distinction between the legal work (practice of law) and the legal project coordination (the process of legal practice) has been established, the five recognised categories of professionals who may undertake the legal project manager role also provides a segregation of risks between the legal advice-based tasks within a legal project and the legal project planning and delivery itself. This makes it clear to the legal project manager the risks associated with the client work, over the risks to the legal service provider organisation in taking on and progressing that legal project.

The overall insurance coverage for a legal project does not change, as the liability and accountability for the legal tasks still exist, however are focused on the specific team member who is allocated the legal tasks. This means that only the lawyers allocated the specific legal tasks are held responsible, and not the non-lawyer legal project manager who is separately coordinating the legal project unless they wrongly intervene.  The liability of the whole legal project remains the same for the legal service provider.

The risk is more on the alternative legal service provider where the work borders on being legal advice or can be construed as legal advice. Most countries prohibit legal advice being delivered by any other person than a practicing lawyer. ALSPs provide legal guidance and support as their service. Given both in-house legal service departments and law firms engage them, their oversight of the ALSP's outputs effectively carries the legal liability, although the ALSP will have their own insurance coverage too.

# 11. Establishing the IILPM Entity

Whilst the need for legal project management was deemed an important value proposition to the legal-based marketplace, creating a credible and trusted entity that could be recognised as a worldwide community for professional practitioners required a focus on establishing a strong governance model.

This was important as having an influence on the legal profession and associated forensic communities would need a model that could withstand potential critics. The success of being accepted and supported by sceptical lawyers who are historically reluctant to change relied on presenting quality in offering standards, training materials and other resources, with the need to establish a recognised certification that would be relied upon as having substance.

Whilst legal project management and legal process improvement calls for several and differing frameworks and tools, a standards-based entity was considered a good platform to bring them together in a meaningful way to present to the market under a single credible brand. The intent was to form a commercial entity that mimicked a professional body, focused as a publisher, educational institute and global certifying body. This was to become the commercial platform for delivering the public works.

The trade name 'International Institute of Legal Project Management' was used to emphasise its global positioning, being an educational-based institute that reflects training and research and using the phrase 'legal project management' to confirm its primary focus.

I have been honoured at the Fellow-level of numerous professional associations, including the Australian Institute of Project Management, Project Management Institute (Australia), Australian Institute of Management, Governance Institute of Australia and Leadership Western Australia. Through these, I had significant exposure to the format of professional association standards and credentialing models to provide a baseline for the design of the IILPM's offerings.

Basing the Company's governance structure on the familiar and already trusted professional association-based model was a strategic decision to resemble what would be typical for a professional community.

Many researchers had attempted to create a topology for defining a profession (Denzin and Lincoln, 2011; Creswell, 2013; Segon et al. 2019). I found it best to align it to a high quality and rigourous model, given the graduates were largely legal professionals who would likely only want to associate themselves with a professional body. This was distinct to being seen as a commercial training or consulting business pushing its products and services into legal service providers. My vision was in creating a professional community that attracted professionals into an ultimately member-based community being more like a standards-based PMI-type organisation.

The IILPM's developed model was designed to be consistent to models used to qualify occupants as a profession-based entity (Flexner, 1915; Khurana and Nohria, 2008; Segon *et al.,* 2019) that meant having its own standards, competency model, credentials and Code of Ethics. Continuing professional development is also important for maintaining professional standards (Frankel, 1989; Allred, 2002) where the IILPM needed to develop a platform for continued interactions with its graduate community from social media posts to online community forums and conferences.

This also led to a five-year recertification requirement for the Legal Project Professional™ certification that reflects the quality level and commitment to providing ongoing professional development to the LPM practitioner community that reinforces the need for further developing the emerging role. All other certifications were to be perpetual.

The International Institute of Legal Project Management warranted a unique business model as it was to converge a commercial legal entity with a not-for-profit like operational model that enabled a:

1.  governance framework to ensure the appropriate level of quality control;

2.   financially viable model that would attract trainers, trainees and ultimately graduate membership;

3.   research and publication capability that would establish standards, guidelines, assessment and workplace tools and ultimately book publications;

4.   training capability comprising a geographic-spread training capability that offers face-to-face, online live, on-demand eLearning and blended educational offerings; and

5.   certification model that would lead to being the world's first truly global LPM certification.

The development of the IILPM followed a written strategy I created prior to registering the trade name that required a staged approach to build the legal and governance structure of the IILPM based on focusing on three levels of governance and quality controls: Groups, Roles and Products as detailed in their elements listed in Figure 9. The diagram does not acknowledge partners and sponsors that would be deemed to be outside the direct community.
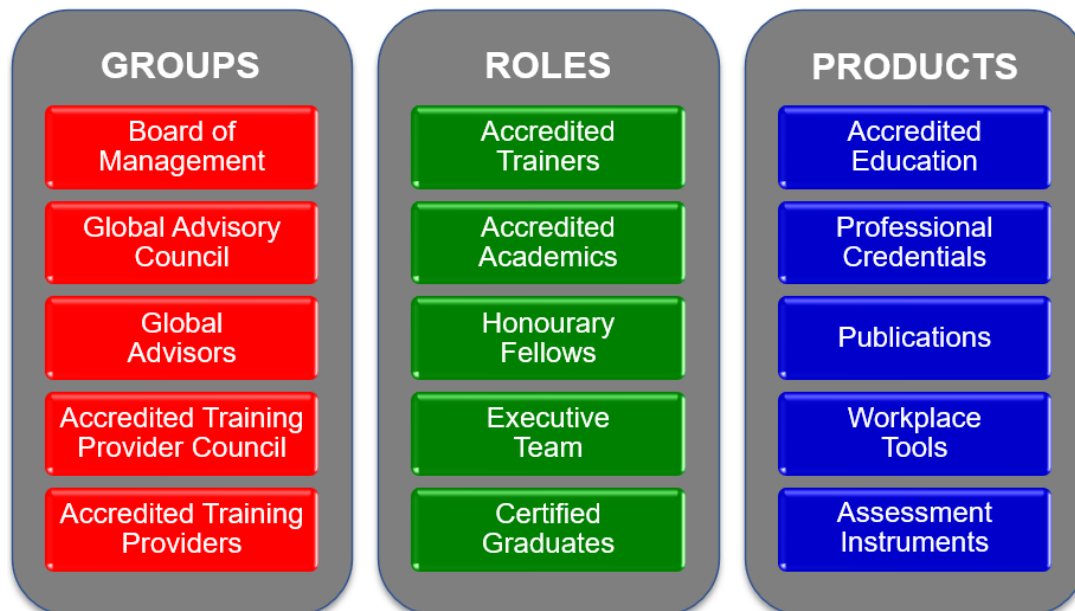


*Figure 9    IILPM Structure Strategy*

The decision to use the Business Education Institute company as the legal entity and then IILPM as a trading name was based on it being an Australian Government registered training organisation, with the ability to undertake the initial research into the legal project management practice (IILPM, 2017) where the findings led to the confidence that there was a potential for an international legal project management institute that offered guiding standards, training and certification. After reaching out to the founding Global Advisory Council members, the International Institute of Legal Project Management (IILPM) was officially established in February 2017.

## 11.1  Third-Party Credibility

To substantiate the IILPM as a credentialing body, I saw the opportunity to initially leverage the existing qualifications available through my Business Education Institute company during the proof-of-concept phase and to later move it to its own company entity with wider shareholdings or transition to a not-for-profit organisation.

The IILPM needed a critical mass of Accredited Training Providers that could support the claim of having multiple country recognition of its credentials. Without having a national government entity as a substantial third-party validation, the credibility of the IILPM upfront would have solely been dependent on myself and the association with individual leaders in the industry recognising it.

There were two main United States-based commercial training entities that offered LPM certification, however in my opinion they lacked the third-party endorsement, academic connections or global partners that was deemed necessary to achieve the envisaged goal. This emphasised the difference between a sole commercial entity driven for revenue over the purpose behind the IILPM to build a lasting professional community. This left an opportunity in the marketplace for the first LPM international body.

There were a number of LPM experts across the world, however those having their own certification models were not considered as eligible to become Accredited Training Providers as the value proposition would not be clear to them, and arguably they would see the model as encroaching on their offerings or market.

This led to the rejection of one who did apply to become an Accredited Training Provider and the other saw itself as a clear competitor. The Fellowship programme was used to connect with them as an alternative to engage with them.

At the early stage, the three key legally-qualified legal project management experts I identified covered the three targeted countries of the United Kingdom, United States of America and Spain. Two were sole traders and one operated within a company structure. My previous experience of establishing a global company in Australia, United States and the United Kingdom favoured me following the same approach, however having a Latin America-based trainer seemed a smart inclusion.

My work in behavioural science showed that individual decisions are based on the premise that 'people always act with positive intent' that means actions are based on seeking some benefit. Their willing involvement had to provide a clear benefit back to them.

The targeted stakeholder groups all have a common underlining interest in third party validation. Fisher and Ury (1981) spoke on the issue, interests and position as key focal points for negotiation that remains a core valid principle today. The issue being the basis of the negotiation, the position being a party's negotating stance and the interests being their intent and desire. This would lead to thinking through the components that would enable their legal entities to become accredited as Accredited Training Providers, beginning the ATP network and giving each person in return the benefit of being:

1.  grandfathered with new Legal Project Practitioner™ certification;

2.  gaining the Accredited Trainers status as being part of a global training delivery network;

3.  gaining Fellow status that recognised their level of LPM expertise (added later once I realised that other contributors in LPM could be realised and associated with the IILPM); and

4.  becoming an inaugural Councillor of the Global Advisory Council with the profile that came with it.

This was a pivotal step in having highly recognised LPM experts who had strong industry profiles and were located in key continents that would give the IILPM a credible position as being global and led by LPM experts.

The identified personnel were approached to have their courses aligned to an envisaged competency model and to accredit them one at a time as a trainer and their entity as an Accredited Training Provider.

I had seen this strategy work in many business transactions, such as gaining a credible event sponsor who would then attract other sponsors, or when bringing a key person on a board of management attracted other board directors, and publishing with a known author attracted publishers. I also knew that the value the IILPM could bring to them was substantial if it worked and my genuine interest in seeing them succeed and the impact we could make together in the profession would be attractive to all of us. I basically needed a like-minded team who could buy into the same vision and would be willing to put the time into making it a reality. I realised I was to put the main effort in and leverage them as reviewers if I was to keep their involvement as the financial value and return would take time to deliver. Luckily, they all agreed, and the Global Advisory Council (GAC) was established. The GAC would act like the Board of Management, effectively being an advisory group to the real Board. This largely protected them from the personal liability law gives to a board director, notwithstanding as shadow director risk.

I later proposed a Fellow model to associate with other substantial long-standing contributors to the LPM discipline, where those individuals would all be grandfathered into the certification on application, effectively providing a tiered level of endorsement and third-party validation. This was an important decision in my mind as it reinforced the IILPM's stance of not being a competitor and followed the same strategy I had seen taken by the PMI who supported national-based project management professional associations who often saw PMI as their competitor. In my view, they deserved the global recognition of their contribution. This was consistent to my thinking of promoting all books published in the LPM domain on the IILPM website who extended the authors who were in the IILPM community.

Only one person who declined a Fellowship as he was running a similar commercial model with its own certification as his colleague advisors were concerned that by applying for a Fellow he would be perceived to be endorsing the entity. With a later change in circumstance, the person became the last Fellow to be recognised, completing the original list of desired Fellows who met a very stringent criteria that I myself did not meet. Being new to LPM, I felt that if I got a Fellowship that it would undermine its purpose.

As the IILPM had the government endorsement as a Registered Training Organisation, followed by multiple countries of the leaders through the Accredited Training Provider and Fellowship networks recognising its credentials, it could instantly be promoted as having global certifications. This was later supported by the formal recognition of the credentials by leading law schools providing it with third party academic credibility. This strategy was to position it as the uncontested global LPM credentialing entity.

The last part of the third-party validation came over time with the publication and media exposure through books (i.e., initially through both the ARK Group and Globe Law and Business publishers), industry magazines (e.g., Legal Business World) and social media publications.  In the Globe Law and Business book titled "Next Stage Level Project Management" (Fuesgen, 2021) I was invited to provide a book reflection quote on its rear with the IILPM logo, further positioning the IILPM.

Understanding that the IILPM was dealing with a sceptical profession, this multi-tiered third-party validation was progressed using the five-part strategy that warranted an analysis of the value proposition offered to each of them  to gain their willingness for engagement.

Analysing the idenified five key stakeholder groups from the perspective of the mutual alignment, benefits and value the IILPM association brings is detailed in Table F that presents an summary of the key stakeholder analysis undertaken.

| Stakeholder Group | Strategy Element | Explanation |
|---|---|---|
| **Accredited Training Experts** (and ATPs) | IILPM Interests: | <ul><li>Enables global recognition through multiple countries where ATPs recognise the LPM standards and the entity as a certifying body.</li><li>ATPs deliver the international-based training.</li><li>ATPs become the frontline IILPM representatives.</li></ul> |
| | Potential Existing Stakeholder Issues: | <ul><li>Operating as a standalone practitioner with no real peer-level support community.</li><li>Lack of third-party endorsement to validate quality level of entity or training.</li><li>Lack of competitive advantage as having no additional benefit to their clients.</li><li>Lack of international personal and entity branding awareness.</li></ul> |
| | Key Engagement Strategy | <ul><li>Provide personal third-party recognition as a global leader in LPM.</li><li>Provide entity level endorsement as a globally recognised quality training entity.</li><li>Enable the increasing of their training fees as their courses become 'globally accredited' programmes.</li><li>Increase their revenue through offering credentials and other IILPM products.</li><li>Enable intra-ATP assignments that may serve global law firms with geographical spread offices.</li></ul> |

| Stakeholder Group | Strategy Element | Explanation |
|---|---|---|
| **Fellowship Experts** | IILPM Interests: | • Recognise those people who were founding pioneers in LPM.<br>• Helps associate the IILPM with global LPM experts who may not be ATPs. |
| | Potential Existing Stakeholder Issues: | • Lack of international personal brand awareness.<br>• Lack of recognition as a historic LPM advocate.<br>• Lack of professional peer engagement. |
| | Key Engagement Strategy | • Ensure the criteria is hard to achieve to make the Fellowship an honour to gain.<br>• Recognise key long-standing experts and their contributions to LPM through a Fellowship.<br>• Engage Fellows in working parties and other initiatives. |
| **Academic Law Schools** | IILPM Interests: | • Help give academic credibility to the IILPM through the association with known law schools.<br>• Enable student graduates to be in the IILPM's community and aware of the brand.<br>• Enable ATPs to have opportunities in academia. |
| | Potential Existing Stakeholder Issues: | • Lack of their LPM programmes having any form of third party recognition (accreditation).<br>• Need to provide graduates with industry-ready advanced standing and competitive advantage. |
| | Key Engagement Strategy | • Accredit their programme signifying their quality and industry relevance.<br>• Enable graduates to gain IILPM certification.<br>• Promote their university as forward thinkers and aligned to industry trends.<br>• Select universities close to where ATPs reside. |

| Stakeholder Group | Strategy Element | Explanation |
|---|---|---|
| **Publishing Houses** | IILPM Interests: | • Achieve law publication exposure to ATPs and give them the chance of authorship.<br>• Help embed the IILPM brand with key legal publications.<br>• Promote LPM and LPI as a key legal topic. |
| | Potential Existing Stakeholder Issues: | • Need for relevant legal topics and new publications.<br>• Ease of engaging with a single entity whose community can provide co-author resources.<br>• Need for association with experts.<br>• Enables IILPM as a distribution channel. |
| | Key Engagement Strategy | • Engage as an ATP community to contribute to legal publisher books.<br>• Build brand by IILPM being an endorsing entity.<br>• Ultimately switch to a self-publication model. |
| **Australian Government** | IILPM Interests: | • Leverage off the Government endorsement as an official Registered Training Organisation.<br>• Enable Australian Government approved qualifications that are internationally recognised. |
| | Potential Existing Stakeholder Issues: | • Need for international exposure to qualifications under the Australian Qualifications Framework.<br>• Need to ensure quality of programmes through the formal Registered Training Organisation model. |
| | Key Engagement Strategy | • Enable IILPM to offer Government endorsed and internationally recognised qualifications.<br>• Potentially expand to create Government accredited qualifications aligned specifically to IILPM topics.<br>• Leverage the qualifications to become advanced standing into university programmes. |

*Table F  Key Stakeholder Analysis for Mutual Benefit*

*Figure 10  IILPM Credential Third Party Validation Strategy*

Much of the advantages of being involved in an professional community or gaining credentials is centred around the benefits of association to a recognised international brand and associated partnerships, as well as being able to access its professional networks. The primary goal of a individual lawyer's association with the IILPM has been to gain recognition from having the global certification beyond the benefits of the training. Third party certification endorsement and particularly gaining international recognition is important to a lawyer and positioning them as having a competitive advantage to their differentiation in a job marketplace.

## 11.2   Governance Model

As a legal entity, the Business Education Institute already had a Board of Management, with the International Institute of Legal Project Management established as a trade name. It was sensible to position it as looking like having its own governance board in the form of the Global Advisory Council to mimic a professional association type operation.

**The Company Board of Management**

Maintaining the original board directors of the Business Education Institute Pty Ltd enabled the founding business owners to retain control and to safeguard the engaged LPM experts in an advisory capacity from carrying personal liability for the Company. The entity is majority owned by the parent entity of the group of companies I also own. I remain as both the Global Chairman of the parent entity and the subsidiary Business Education Institute Pty Ltd entity.

**The Global Advisory Council**

The Global Advisory Council (GAC) acts as a pseudo governance group for the International Institute of Legal Project Management, however legally its members have no liability for the organisation as they are not registered board directors. This effectively makes the GAC an advisory group to the Company's Board of Management. Its key role acts as a governance committee reviewing the strategic and operational matters of the IILPM, approving the Accredited Training Provider applications and recommending the credentials and products of the IILPM and the services provided to the Accredited Training Providers.

I retained the GAC Chair role being the legitimate Chair of the Company and parent entity. This made decisions much easier as I could effectively enable immediate approval from the Company Board, whilst in effect the GAC was providing recommendations to the Company Board as part of their decision processes. There was the potential for overriding any deemed risky position the GAC was wanting to make that would be a Company risk. The importance of having trusted people in GAC cannot be understated and at times I allowed decisions that the majority of the group felt were important, trying not to be a blocker for the IILPM's success.

The founding GAC members in order of joining the IILPM were Antony Smith, Larry Bridgesmith and Anna Marra who were given roles as the inaugural GAC Councillors. Antony accepted the inaugural role of the IILPM's Deputy Chair. Larry's colleague, Caitlin Moon, was also suggested to be part of the GAC and became its

fifth Councillor. She later took up a fulltime academic role with Vanderbilt University and became the first Accredited Academic of the IILPM and left the GAC.

In 2020, I proposed the inclusion of Karen Skinner who was earlier appointed as a Global Advisor for legal process improvement and Ignaz Fuesgen who had proven highly valuable as a strategic thinker. Both were impressive action-based people with a strong commercial acumen and running their own businesses. Ignaz and myself remain as the only non-lawyers on the Council.

The only external negativity that could be said of the GAC's composition is that it is comprised solely of trainers and consultants, without any representatives from large legal firms or in-house legal departments.

**The Global Advisors**

Aileen Leventon introduced me to David and Karen Skinner from Gimbal who were enquiring about becoming an LPM Accredited Training Provider. I concluded that they were better to remain as legal process experts and proposed an additional portfolio for the IILPM.

Whilst legal project management relates to matter management, the wider legal operations directly support legal matters. It was suggested that the IILPM could be a third-party endorser to their expertise and could position them as Global Advisors. This ultimately meant that the IILPM would expand its operations from LPM to include legal process improvement programmes and credentials as well. This was serendipitous as it built the second pillar that was not part of my original plan, yet made total sense on evaluation and has become an important part of the IILPM.

I had to produce a business case to establish a new category of Global Advisor role to the GAC that would still be an LPM-related specialisation that could later vary from legal process improvement experts through to legal pricing experts. A business case was also pitched for a legal process improvement certification that was also thankfully accepted. The GAC approved the proposals and David and Karen Skinner became the first Global Advisors (Legal Process) for the IILPM who later also taught legal project management as well.

What this shows is the importance of exploring opportunities and taking the time to be open to new ideas and explore ways to integrate business components that can work. Interestingly the relationship was formed as I was genuinely keen to support their success and what eventuated was a partnership that has been very beneficial to both. I continue to learn a lot from my interactions with IILPM colleagues who in part become mentors and we allow each other to influence and expand our individual thinking and to look beyond our biases and first thoughts to a greater intellectual outcome.

**The Accredited Training Provider Council**

The IILPM exists primarily as a training and credentialing entity that extended the standards and competency models in practice. The Accredited Training Provider (ATP) structure is the platform for providing all physical presence for face-to-face delivering in designated regions. Whilst an ATP cannot and should not be prevented from trading in any country, the region sets out how they are promoted and what enquiries are referred to them. It is also used to promote the number of countries physically represented by the IILPM.

To support the credibility of the IILPM as the certifying body, all face-to-face delivery was to be done through the ATP network, requiring even myself to create a separate business entity to become an Accredited Training Provider for Australia. The inaugural Accredited Training Providers for the legal entities of the founding GAC members comprised:

1.  Legal Project Management Ltd (Antony Smith) in the United Kingdom;

2.  LPM Alignment that was formed from Legal Alignment LLC (Larry Bridgesmith and later Caitlin Moon) in the United States;

3.  Anna PM (Anna Marra) in Spain; and

4.  Peopleistic Legal PM (Todd Hutchison) in Australia, later changing it to the commercial law firm Balfour Meagher that would position it as more inside the legal profession.

The ATP network meeting were conducted as the Accredited Training Provider Council (ATPC) with a designated chairperson. The ATP network continues to grow, however the criteria for acceptance was made much more rigourous, thereby effectively slowing the progress after thirteen countries were represented. Not all ATPs have been successful that is greatly dependent on the awareness of LPM in their region and their own profile and attributes.

More than one ATP could be recognised in the same region where there are benefits to do so and agreement was achieved by the impacted ATP to avoid unwanted internal competition. With my approach to not seeing competition as a negative, I have been keen to see another ATP in the Australian marketplace that will soon likely be remedied.

## 11.3  LPM Framework

Remembering the ambiguity in the term legal project management, creating the LPM Framework was to become the base of explaining its structure, elements and influencing factors. It became the centrepiece to explain LPM and how it interacts with the practice of law, as well as the business of law. Interestingly it was not needed to be updated when introducing legal process improvement that had already been inferred into the original model.

It was created taking the approach that legal projects still had the four phases of any generic project life cycle. Morris (1994) acknowledges that project management is the same as 'any other kind of management, except that one moves through a predetermined life cycle. Everything else, at this level, is covered by general management practices – planning, organising, controlling and so on' (1994, p. 307). This emphasises the need for legal project management to be presented in a form of life cycle-based framework that is applicable to all areas of legal practice.

The IILPM's LPM Framework was to become the central reference point for which legal project management was to be promoted. The LPM Framework emphasised the main elements of each stage, together with the external factors, productivity tools

and enabling approaches, also highlighting the people and organisational capacity components.

Having a LPM Framework also enables a model to compare individual competencies against the expressed main themes that were used in the LPM Competency Assessment Framework, as well as the platform for building and aligning workplace tools. It provides the centrepiece to all the IILPM developed models and tool-based resources.

My research also further explored its design and functionality through my academic study at Leeds Trinity University (Hutchison, 2018a) where, amongst other things, considered the more in-depth comparison to other global project management standards.  It considered the relevance and applicability of the ten knowledge areas defined by the Project Management Institute and published in the earlier versions of the PMBOK® Guide (ANSI/PMI, 2021). These knowledge areas have been recognised as being relevant to all project management practice.  Whilst each of the knowledge areas is arguably relevant to the application of legal projects (Russ, 2016), it was unclear of the prioritisation, depth of use and emphasis of each function in their applicable to the law profession. This question was answered in my undergraduate studies that provided a critical analysis of the process-driven elements of the functions with an additional emphasis on costing methods for alternative fee arrangements (the second work-based project that extended the first study) that built upon research into activity-based costing models and mathematical programming models (Shapiro, 1999).

Getting insight to the difference between traditional project management and its application to legal project management practice presented the opportunity for me to progress work-based learning (Graham and Rhodes, 2015; Helyer, 2015) as my approach to studying the law profession.

After drafting it, the Global Advisory Council members were utilised to reflect on the model to confirm it met all legal practice requirements and was flexible enough to include other work processes, such as agile methods. It was designed not to be easily criticised as being irrelevant to any practice area.

Luckily, it soon became the accepted global standard that was taken up by other leading legal publishers like Thomson Reuters and taught by top law schools like Vanderbilt University in the United States.

Its development taught me that it was possible to create a single model that can transcend any legal practice area, any specific organisational methodology, any legal service provider type and across any cultural or language divide. This reaffirmed to me that the model was universal, and that legal project management had real relevance and applicability across all legal entities worldwide.   It has since been translated in six languages and is pending a review.

## 11.4   Workplace Practice Tools

The LPM Framework formed the basis for highlighting the need and life cycle aligned requirements of workplace tools, commonly referred to as a 'project management methodology'. For completeness, it required sample tools that would be included in the training where I could leverage my past toolsets and modify them for a legal environment.  This led to the development of over 45 templates being created and embedded into training programmes and being offered as a standalone product toolbox.

As Johnson *et al.* (2009) point out, only personal experience can allow a practitioner to deviate from a structured approach where they had internalised the project management specialist discipline as a sense of security against the complexity and unpredictability that legal matters may bring. This suggests inherent internalisation of the same principles that may be outwardly hidden that they are still following a structured approach in applying LPM. Wastell (1996) had earlier identified the importance of project management structures as a 'social defence' that offers a set of rituals by which "…allow practitioners to deny their feelings of impotence in the face of daunting technical and political challenges".

Whilst experience is often touted as important, Baiocchi (2014) concludes it is only one of the components needed for success, noting "the most effective professionals also employ well-tested protocols and methods".

These methods represent template-based tools that guide behaviour and can be manipulated to serve the legal provider's use and customised to their needs.

The central proposition of theories of post-bureaucracy support the tendency for organisations to delegate more power to non-legally qualified members over time that reflects the breakdown of traditional bureaucratically ordered power relations. Benefits come from allowing others to undertake roles by having process that enables standardised approaches and practices that come from a formal project management methodology that aligns the templates as part of a wider system, being the logical extension of the LPM Framework to workplace tools.

I had learnt while serving on the global Board of Directors of the Project Management Institute that the primary shortcoming in my opinion of PMI was that it never published a methodology. It never provided the 'how to' tools to apply the standards it promoted. This led to the PRINCE2® developed methodology getting global acclaim and its associated certification programme taking the strongest market position as the number one project management certification by sheer international graduate numbers.

The other facet was the popularity of the agile project management approach from traditional practices that did have a place in law and presented a very different method to plan and execute legal projects in iterations. Agile project management is a philosophy based on four values and twelve core principles that were very software orientated and published as the 'Agile Manifesto' (Agile Alliance, 2001). Agile-based approaches were then developed, such as Kanban, Lean, Extreme Programming and Scrum. The Scrum methodology became the most popular methodology as it provided a more robust systematic process to follow. This inevitably led me to modify the scrum methodology into an 'Agile Legal Project Methodology' that aligned the terminology that would be more acceptable to legal practitioners and relevant to legal practice environments.

Its development taught me that most of the traditional project management approaches were still as relevant to legal services than other industries, and many of the basic concepts that made projects successful were just as relevant to legal

practice. Take for example the use of dependencies between tasks that enables the recognition of the critical path that represents the shortest duration for the project. This sets out the calculation of the schedule and can be represented in graphical form as the 'Gantt Chart'.  Most important is that it can signify if the project is late based solely on any task listed on the critical path being late.  It is the single most used method to confirm if a project is on schedule, yet I have not found it as a function on any legal practice management software to-date. What I had noticed was that legal software was more commonly used for managing documents and capturing hours, than planning out the work tasks in practice that enable the identification of the scope, schedule and costs.

## 11.5   Education Programmes and Credentials

Having the LPM Framework, methodology and competency assessment model (v1.0), as well as the need for a credentialing regime required the integrative component of a professional development programme. This was the fundamental link between the need for the IILPM and the network of Accredited Training Providers who formed the client facing training service channels.

This reinforces the commercial platform nature of the IILPM that allows for ongoing products and services to be added over time. This represents an alignment to a 'platform economy' type model (Kenney and Zysman, 2015 and 2016; Thelen, 2018) that represents economic and social activity through a transaction-based mechanism as deployed by companies like Uber, Facebook, Google, Etsy, Amazon, Airbnb and Baidu. Such approaches aim to restructure both economic exchange and patterns of information flow (Cohen 2017) and in the IILPM's case, enable the Accredited Training Providers to have an ability to use the platform for commerce and engagement, whilst having the flexibility to complement and build upon other offerings from their own entities.

This is important as not all Accredited Training Providers are interested in the extended legal process improvement or investigation training opportunities, yet

others may want to later offer software and other solutions through the network that the IILPM creates.

To have the credentials accepted as being comparative in quality to other worldwide project management certifications and meeting the educational requirements to gain a qualification under the Australian Qualifications Framework (AQF) meant I had to carefully align the offerings to educational hour norms. The most common educational period for a project manager was thirty-five hours. This met the prerequisite educational hours for both the Diploma under the AQF and other international certifications requiring educational prerequisites like the PMI's PMP® certification.

The biggest challenge was the commercial viability risk of any education period being too long in duration to result in non-attendance by busy lawyers. It required the balancing between a duration that encouraged attendance and being adequate enough to not only cover critical content, but to also provide enough quality education to warrant a certification. When first engaging with trainers worldwide they were only providing courses of one hour to a half day duration. It was a gamble to create a credentialling system that would not be accepted by the market and fail from lack of take-up due to being deemed too long a time commitment.

I felt that the legal project manager training should be at least three-days (twenty-two hours) as that was the typical duration I had been training in other sectors to cover the critical educational requirements. This would allow:

1. adequate coverage of the key project management elements reflected in the IILPM Competency Framework that dealt with the complete ten knowledge areas of project management;

2. an alignment to the educational prerequisites to get a Certificate IV in Project Management Practice or the Diploma of Project Management under recognised prior learning via the Australian Qualifications Framework that would require only supplementary online education to make the nominal hour requirements; and

3. a training and certification model that would imply to the market place a more thorough and robust professional credential that would also be likely accepted by other project management entities where they could use those hours to apply for recognised prior learning to more generic project management association-based certifications.

A survey of legal practitioners was then undertaken (IILPM, 2017) to validate from a practitioner perspective what would be a market acceptable duration that would both give adequate time to cover materials and present a certification seen as being a legitimate and high standard programme worthy of a professional credential. This was a great relief to me and surprised the original LPM trainers as the survey results suggested the market would accept three-days training as an educational prerequisite for the Legal Project Practitioner™ (LPP) certification.

The lower-level Legal Project Associate™ (LPA) certification would be set at two-days (fourteen hours) to capture a market that would not accept a longer period. It was designed also that an LPA level graduate could then undertake a further day's training to gain the LPP certification at a later stage, which acted as an upsell strategy.

Whilst initially credentials were limited to legal project management, the engagement of Canadian legal process experts Karen and David Skinner had followed a decision to introduce training and certification in the legal project improvement area. That enables the legal project management training to also cater for the legal operations market. This would lead to the inclusion of consultants and legal operations staff into the IILPM credentials.

On the Global Advisory Council's approval and their acceptance, the Skinners came into the IILPM to lead the establishment of the legal process improvement-based education where the Legal Process Improvement Professional™ (LPIP) certification was introduced.

From the conversations with South Africans Ivan Herselman and Marais Dekker about 'legal and forensics project management', where I had been teaching

investigators totally separately and not seeing it connected to legal project management, the last certification named the Investigation Project Professional™ (IPP) was added.

With these three key pillars to the IILPM (i.e., legal project management, legal process improvement and investigations), a suite of global credentials was offered that aligned to specific training programmes, as well as the options to offer qualifications. They comprised:

1. **Legal Project Associate**™ (LPA) – a certification that recognises a person with introductory knowledge about legal project management who has the ability to either support legal matters or work in legal matter project teams (i.e., a legal project team member – not the legal project manager). This required the completion of the 2-day 'Applied Legal Project Management' programme;

2. **Legal Project Practitioner**™ (LPP) – a certification that recognises a person with practitioner level knowledge about legal project management and has the ability to lead legal projects as the legal project manager. This is the premier global certification for a legal project manager.

   This required the completion of the 3-day 'Advanced Legal Project Management' programme and partly met the educational prerequisites for a 'Diploma of Project Management' under the Australian Qualification Framework that would be achievable through completing an additional online programme;

3. **Legal Process Improvement Professional**™ (LPIP) – a certification that recognises a person with legal design and process improvement knowledge and expertise. This was focused on legal operations staff and consultants, although attracts lawyers practicing LPM. This required the completion of the 2-day 'Applied Legal Process Improvement' programme; and

4. **Investigation Project Professional**™ (IPP) – a certification that recognises a person working in an investigative role as the lead investigator, independent of industry. The course was designed to consider its alignment to investigator

licensing regimes. At the time of publication this was still in market testing and is expected to require the completion of at least a 3-day 'Advanced Investigation Management' programme. This would also partly meet the educational prerequisites for investigation qualifications under the Australian Qualification Framework.
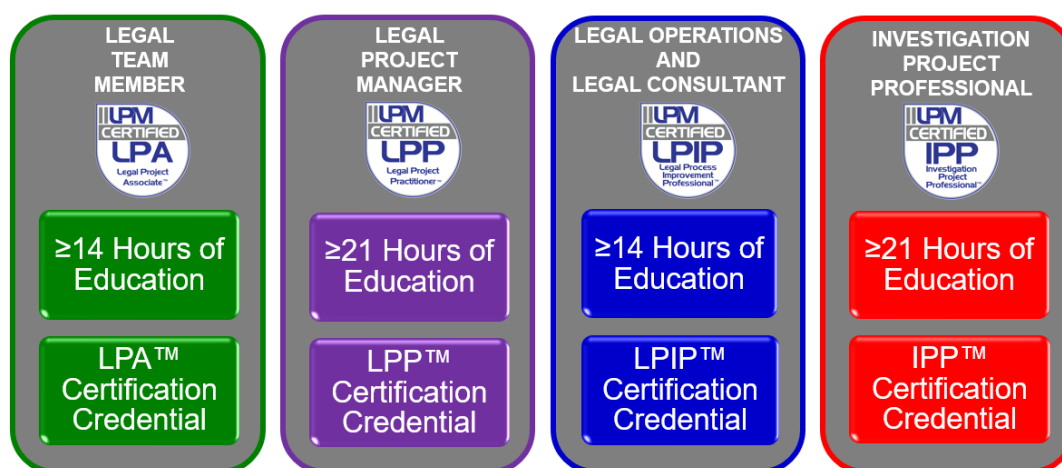


*Figure 11   IILPM Educational Hours and Credential Model*

The ability for the IILPM to develop Australian Government accredited qualifications through its registered training organisation status or qualifications through one or more of its university partnerships that would allow advanced standing from its credentials provides future credential options for the IILPM and its graduates.

This comprehensive education and credentialing three-pillar model completed the IILPM's core offerings that set out the required training and workplace prerequisites that led to these specific credentials.

Its development meant that there was key value proposition for potential Accredited Training Providers to join the IILPM: to have their course materials accredited to specified prerequisite educational elements and to enable their graduates to gain a global certification. This presented the revenue incentive for a partnership, coupled with the increased income from selling a 'globally accredited' course that led to internationally-recognised certification.

The fact that the IILPM university partners in six countries were integrating the training and certification into their programmes reinforced its quality level and acted as a third-party endorsement from well recognised law schools.

## 11.6   LPM Pricing Model

Legal pricing is a complex area that has even seen the evolution of the role of pricing or cost lawyers. I found this area to be the most misunderstood facet of legal practice and there was seemingly no clarity that the client price was effectively the accumulation of the direct costs, indirect costs and a margin. This led to law firms determining their rates often based on industry norms.

The core legal industry pricing model has historically been the 'billable hour' where work is progressed and then retrospectively charged to the client based on time used and disbursement expenses. The billable hour places the risk on the client who could end up with a sizable and unexpected legal cost.  The demand for transparency and certainty in legal fees led to a number of new and alternative pricing models that became known as 'alternative fee arrangements' (Leeke 2016; Rejeva 2015).

These alternative models shifted some of the risk to the legal service provider and called for greater planning effort and stronger methods to manage costs. The shift from the billable hour has been an historic key driver for the popularity of legal project management as it provides the methodology to define, plan and execute the legal matter with trackable tools to monitor and control the legal spend (ABA 2012). Alternative fee arrangements take different approaches that include hybrids of the fixed price model. They are being promoted using different names, as both legal providers and clients are getting confused about the variants of pricing types and their application criteria.

My Bachelor of Science research study (Hutchison, 2018b) aimed to resolve the knowledge gap and provide insights to the most common models used in legal practice, and to develop a simplified model that legal service providers could use in developing their own client fee structures. The research study involved an extensive literature of existing pricing models, as well as the engagement of forty-two

respondents across all identified legal service types and represented practitioners from eighteen countries. The research found that the fixed price model had become the most common model used in small and boutique firms for particular legal services, although the billable hour still has a place and strong standing. It was recognised that certain areas of law, such as litigation, often had regulatory limits on pricing and maximum cost limits, enforcing a pricing regime. In analysing the different pricing models, it was concluded that legal pricing models can be grouped under three key categories: fixed hour, fixed fee and fee plus.

The research also confirmed that there were thirteen main pricing models being used, comprising the billable hour, fixed price fee (flat fee), capped fee (fee collar), success fee (contingency fee), process fee (task fee or unit-based fee), retainer fee (subscription fee), statutory fee (scheduled fee), volume discounted rate, abort fees (break-up fee), retrospective fee, conditional fee, cost plus (percentage fee) and uplift fee. These pricing models were further streamlined to create an eight option 'Legal Pricing Framework' comprising the billable hour, capped fee, statutory fee, fixed price fee, fixed product fee, fixed retainer fee, cost plus fee and conditional fee pricing models.

Its development was based on taking my knowledge from other sectors and my insights on the detailed make up of a project budget and using that as the basis of how legal services were being priced. It also had to consider the many different names given to pricing strategies that were found to be the same approach. It also provided guidance as to the determining factors of selecting a pricing model, including what values-based pricing meant and the options for achieving it.

Given its complexity and my attempt to simplify it, I was surprised the legal pricing experts who I used to review the research did not dispute the model developed and the naming conventions used.

## 11.7  Behavioural Assessment Model

Behaviour is a complex area of psychology and is a field that struggles to define itself as a 'separate and unique scientific discipline' (Hockenbury and Hockenbury,

2010). It is generally studied under the grand theories of behaviourism, cognitivism, and psychoanalytic theories.

Berger (2008) explains that 'behaviourism' studies as analysing observable behaviour that was deemed to be learned, whereas 'cognitivism' studies focus on how people think over time, where thoughts shape attitudes, beliefs, and behaviours. Freud (1953) is attributed to starting the 'psychoanalytic' school of thought that studies the unconscious element's effect on the conscious that leads to behaviours.

Behavioural profiling tools align to 'personality psychology' that studies the psychological force on a person and similarities between people (Friedman and Schustack, 2016). 'Idiographic psychology' proposes that individuals have a unique psychological structure, whereas 'nomothetic psychology' seeks to identify general laws between groups of people and the dispositional trait-based perspective, often referred to as 'psychodynamics'. Klimek (1979) explains that psychodynamics is the forces, motives, and energy generated by deep human needs. It was first used by Freud to explain the process of the mind's psychological energy within the brain (Bowlby, 1999).

Understanding a lawyer's behaviour helps explain their current performance (natural style) and future potential (based on their adapted style and its misalignment to the natural style), as well as what behavioural traits in others they are best to work with in a team environment and how to engage and communicate with others most effectively. I have found it to be the most influencing contributing factor to my ability to lead teams and work successfully with others.

I have primarily studied the DISC model. The DISC model is used widely in assessing behavioural styles (Beamish, 2005) that was coined in 1928 by Dr William Moulton Marston in his book '*Emotions of Normal People'* (Marston, 1928). He defined DISC to represent four quadrants that describe a dominating behavioural pattern:

1.  Dominance produces activity in an antagonistic environment;

2.  Submission produces passivity in a favourable environment;

3.    Inducement produces activity in a favourable environment; and

4.    Compliance produces passivity in an antagonistic environment.

Dr Marston was not the first to identify common traits as it builds on the work of Empedocles' four classical elements (Boyd and Sanderson, 2003; Ball, 2004), and Hippocrates of Cos, who was a Greek physician and often referred to as the 'father of modern medicine', who recognised four humours (Garrison, 1966) that comprised:

1.    yellow bile that aligns to the "D" or powerful choleric personality;

2.    blood that aligns to the "I" or popular sanguine personality (the optimist);

3.    phlegm that aligns to the "S" or the peaceful phlegmatic personality; and

4.    black bile that aligns to the "C" or the perfect melancholic personality.

Practicing lawyers were found to be mostly introvert orientated, often more commonly having C and S traits, where other traits would suggest a desire to be leading their own firm (D trait) or being extremely good at networking and attracting business into the firm (I trait).

The Extended DISC behavioural tool was developed by Jukka Sappinen in 1994 that offers both individual, team and 360-degree analysis tools. Being a Master Trainer in the Extended DISC® model, I have special access to the backend of the tool. With the company's shift to a new FinxS platform it enabled customising the assessment tool reports that gave me a unique opportunity to modify the tool suite for use in the legal environment. This was only possible by leveraging on my behavioural science focused background.

Its development provided a tool that could directly help a practitioner in better understanding themselves and their interactions with others, including their interactions with team members and clients. My significant contribution was matching the different behavioural styles with activities that emphasised options for their business development efforts, as it had been historically a challenge for lawyers to attract work. This is largely attributable to their dominating introvert style that does not like to engage with people at networking events without purpose or a strategy.

As a lawyer gets more senior in the hierarchy of the law firm, there is an expectation that they will bring work into the firm that is linked to their promotion at the more senior levels.

I also considered the best aligned practice areas of law for each behavioural style, although this information was ultimately removed in the report as feedback during testing suggested that it could make a participant feel they were in the wrong area of practice if it did not align to what they were currently employed for.

My behavioural insights were published in a law book (Fuesgen, 2021) and I separately developed an optional add-on module for the IILPM LPM Competency Framework (v2.0) to enable the insights to their key traits that is pending release.

The insight into LPM and its placement within the portfolio management domain indicates that there will be a growing interest in the behavioural factors that influence the organisational culture. As culture embodies the institutional norms, behaviours, capabilities and habits of a legal service provider, by recognising LPM as a distinguishable approach to the norm that enables its practices to be better embraced.

## 11.8    Professional Community of Practice Model

Legal practitioners like recognition. A certification enables them to be seen as being more competent and therefore is welcomed by the legal fraternity as having value.

Having global certification mimics a professional association or credentialing body and helps distinguish a graduate. It provides an achievement level that is an incentive to undertake training and continue with further professional development that enables the graduate to promote their competency level and show their association to a recognised professional body. They also help develop the brand awareness of IILPM and its credentials in the marketplace.

The naming conventions for certification are required to be unique in the marketplace to avoid breaching any existing trademarks and enabling the declaration of its own trademarks.  One existing entity was using the 'legal project

manager' title for their certification, however that is not trademarkable on the grounds that even the LPP can be referred to as a legal project manager certification. Equally, the International Institute of Legal Project Management business name is likely not trademarkable on the legal argument that any entity that is an institute, positioned globally and offering legal project management can use the term in its general use.

The following titles were selected based on being unique and trademarkable:

1. 'Legal Project Practitioner' was adopted for the flagship LPM certification as being representative of a certified person in a legal project manager role;

2. 'Legal Project Associate' was adopted for the lower level LPM certification and aligned to a certified person in a legal project member role. The term 'associate' was well used in, and familiar to, the legal profession;

3. 'Legal Process Improvement Professional' was adopted for those working in the legal process improvement area as a consultant or legal operations professional, with the 'professional' term being likened to a consulting type function; and

4. 'Investigative Project Professional' was adopted for those leading investigation projects, and utilising the term professional to be aligned to the LPIP naming convention.

Its development helps promote the IILPM when the certified person uses it as a post nominal, as well as provides a pathway to a future membership model. Its importance is paramount to positioning the IILPM as a global certifying entity that unites the Accredited Training Providers as an international body.

Lastly, it provides a platform for offering recertification and other professional development opportunities and products.  By having a series of options and specialisations enabled multiple client training opportunities, with only the LPP deeming to require a 5-year recertification cycle. This was due to the ongoing

maturity of the role definition, tools and techniques and the need to be kept up-to-date and relevant to the envisaged role changes over time.

The professional community represents the certified practitioners that are ambassadors for both legal project management and legal process improvement who are changing their work approaches that has a direct impact on client's, and the organisation's, success. These success stories were to be promoted through an annual awards initiative.

## 11.9  LPM Competency Assessment

Interestingly, there was a growing competency requirement in industry for lawyers to upskill in project management, such as the UK's Solicitors Regulation Authority (SRA) that now requires solicitors to demonstrate competence in project management skills as part of their overall legal skillset.

This happened at a time that the functions of legal project management were not well defined, and no packaged commercial tools existed for any LPM competency assessment.

I found that the United Kingdom was typically leading the profession in its recognition of the need for specific project management skills for legal practitioners, followed by the United States of America. Australia was still in its infancy in the concept. In Section D of the SRA's Solicitors Competence Statement (Boake and Kathuria, 2011), it says that solicitors must be able to "initiate, plan, prioritise and manage work activities and projects to ensure that they are completed efficiently, on time and to an appropriate standard".

According to the SRA, solicitors must "*agree the scope and objectives of the work*" with clients and be able to demonstrate effective resource management, planning, budget management, project monitoring, communications and change control. What this shows is the growing acceptance of legal project management skills as a core competency, and the need for law firms to embrace change to remain competitive and relevant. The overall benefits of improved processes enable better identification and management of scope, costs and schedule.

Whilst I had developed the first basic competency framework at the beginning of the IILPM's formation that was included in a research paper to promote the need for a certification (Hutchison, 2017), there was a market need for a more precise assessment instrument that would delve into specific LPM knowledge and skills. This meant that there was a shift between showing generic competency for legal project management to the specific competencies for the legal project manager role.

Both the IILPM and the UK Association of Project Management (APM) in parallel started bringing together a working party to develop a competency assessment model. I chaired the LPM Competency Framework (version 2.0) project where the IILPM took the discussions very seriously that led to months of weekly meetings towards looking at the full complexity of the task, and the need to recognise multiple entity options towards the legal project manager role, and the many knowledge and skills areas required, building on the LPM Framework as its foundation. Whilst the outcome was a significant team effort, it has been included in this reflection as a key element used to position the IILPM globally and to shape my thinking. I later worked on the coding myself and engaged an external entity to assist in creating the online forms and process.

The complexity starts when you consider the level of legal environment knowledge required for the role that was the initial debate of whether a non-lawyer professional project manager from outside the profession could be an immediately effective legal project manager.   This meant the tool needed to cover the LPM specific competencies, as well as the critical profession-based contextual knowledge that assessed the multiple dimensions of:

1.  **Legal Practice** – the legislative and procedural rules that reflects the practice of law;

2.  **Legal Industry Ecosystem** – the industry knowledge of the roles of legal professionals, buyers and consumers involved of legal services;

3.  **Legal Operations** – the policies, systems, processes, knowledge management and the associated supporting technologies that reflects the business of law;

4.  **Legal Project Lifecycle** – the approach, methods and techniques of defining, planning, delivering and closing legal projects that reflects the applied practice elements that represent the project management processes; and

5.  **People Dynamics** – the soft skills used for leading and interacting with a legal project team and engaging with the key stakeholders.
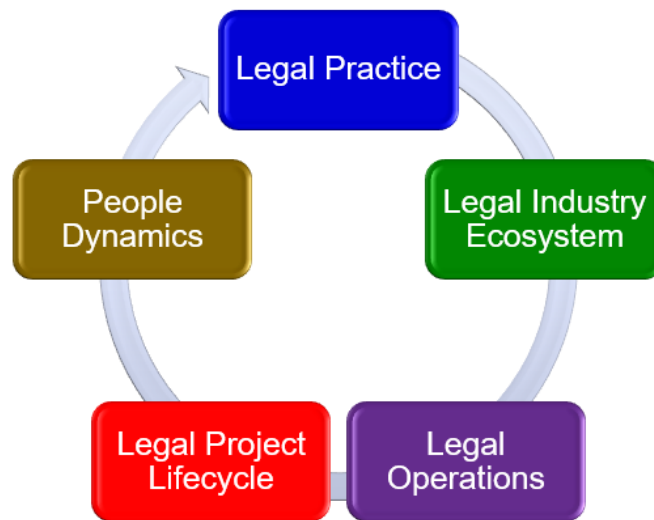


*Figure 12   The Five Areas of Legal Project Management Competence*

It was concluded that beyond the assessment of their seniority and specific position, as well as their years in practice, these five key areas had to be assessed and weighted differently to provide insights to the participant's overall competencies and knowledge gaps for the role of legal project manager.

There were several complexities in its design that had to be overcome in its development that can be summarised as:

1.  **Entry pathways** – as the pathways into the legal project manager role were wide, to include lawyers, allied legal professionals, certified professional project managers and investigators that came with differing levels of legal knowledge. This warranted a different assessment in part of their legal environment exposure that would include specific questions in the survey instrument;

2. **Knowledge assessment areas** – given the integration of legal ecosystem, legal operations and legal project management knowledge that covers all the competency requirements, there was a wider need for assessing knowledge areas beyond specific project skills. This was overcome by the five assessment areas that looked at the legislative and regulatory influences, legal market (external factors), legal profession and the internal influences that would also embrace the cultural elements; and

3. **Rating levels** – given the different entry levels there was equally a variance in the extent of experience that led to recognising five levels of practice capability: Uninformed, Aware, Knowledgeable, Competent and Accomplished;

4. **Legal environment exposure** – the myth that years of practice equates to maturity and competency level is generally overcome through considering the promotional system and roles undertaken, as well as the breadth of exposure to different legal environments. This meant that their role and experiences had to be weighted separate to their specific project management competencies;

5. **Assessment methods** – the balance between providing a useful summary report to the participant and the need for a consultation that would be able to interpret the full results towards assisting in the development of a customised professional development plan. This was overcome with the solution that the summary report would highlight the low rated competencies and provide a ranking of their competency level against a total score to indicate the level of gap. Then there would be an optional consultation where a IILPM coach, having the full results and appropriate training, who would be able to work on a one-on-one consultancy basis to discuss potential professional development initiatives towards creating a customised professional development plan; and

6. **Size of assessment** – the balance of having adequate insights to their competencies, whilst having the absolute minimum number of questions to encourage participation. This was essential in attracting time-poor practitioners to want to use the tool.

Its development was done in two parts, the first was to help establish the legal project manager role from a project management perspective and the second to take a diagnostic look to the roles position within the wider legal ecosystem and working environment.

Having the optional coaching session for the interpretation and personalised professional development plan was designed to give the Accredited Training Providers the opportunity to engage directly with the participant as a mutually beneficial value proposition.

I chaired the main working party that initially went over the 2020 and 2021 period, later continuing in a smaller group in 2022 for the software build. The often-weekly team meetings over several months were to be the most intensive product-based collaboration effort the IILPM had been involved with to create an assessment tool.

I was separately published in a law book discussing innovations in professional development for legal project management skills (Leventon, 2018). Aileen Leventon and I also co-published in the area of competencies (Leventon and Hutchison, 2021) and the Live 2022 online conference event was used to promote its pending release.

Competency assessment models reinforce the knowledge and skills that has been identified as being most relevant to LPM practice and particularly the legal project manager role. This tool was to resolve the critical elements of addressing the competencies of the LPM specific skills needed to more broadly appreciate the complexities of operating within the legal profession, as well as recognising the segregation and integration of both legal projects and the supporting legal operations.

## 11.10  Conclusion to the Portfolio Management Function

There has been an increasing rise in the advice to lawyers about how to improve legal service delivery, and the term legal project management is being used as an umbrella term that reflects all methods to increase performance through better systems, processes and practices.

Workflow processes that support legal matters fall under the domain of 'legal operations' that often exists as a separate portfolio within the organisational structure.

As Altman Weil (2016) noted, **"**Despite the fact that 93% of law firm leaders think a focus on improved practice efficiency is a permanent trend in the legal market, fewer than half of all law firms (44%) have significantly changed their strategic approach to efficiency – seemingly a large strategic disconnect". It suggests a capability issue, however there is likely a lack of understanding of the 'how to' behind change management that is hampering law firms being able to transition, such as switching from solely using the billable hour model to a fixed price model that requires a complete shift in mindset, processes and engagement methods.

As Strom (2016) notes, law firms are using legal project management to, "…lower costs, increase predictability and, most importantly, win clients". Whilst project management is being looked upon as the solution, my original research showed that the term was encompassing generic process improvement, technology and people dynamics (IILPM, 2017).

The confusion is likely a result of the ambiguity in understanding the different between 'operations management' (legal operations) and 'project management'. Where legal project management is focused on the legal projects (delivery), legal operations is focused on supporting those projects (the underpinning infrastructure, systems and processes).

Legal operations are often referred to as 'practice management' and represents the broader elements of legal technology, practice software, knowledge management, client relationship management systems and the overall operating of the business of law, not the practice of law. The complexity comes from the integration between how legal operations serves the different legal practice areas and their legal project types. Take the differing perspectives of 'quality', comprising aspects of people, product and process (Ericson and Larsson, 2009; Yahaya *et al.* 2009), each being a different component.

The inclusion of 'people' refers to their professional responsibility and conduct, as well as having the right licenses, certifications, accreditations and qualifications to do the job. The 'product' refers to the deliverables or outputs of the legal project, whereas the 'process' refers to the workflow and method to progress the legal project, as well as encompassing all the supporting systems and processes used within the legal practice. The portfolio management aspect of LPM has to consider all three quality aspects that influences the culture of the legal project teams and the organisation.

To further explain a legal service provider entity in parts, there is the generic 'business function' that represents the legal structure, finance, governance, sales and administration elements of running any organisation, the 'human resource function' that comprises the people capability representing the combined knowledge, skills and competencies of the term required to operate the legal service provider and the 'practice function' delivering the services to both internal and external clients.  The nature of legal practice, the phrase 'legal operations' represents the back-end infrastructure, business operations and support functions to the 'legal project management' endeavours that in practice comprises the legal projects that fall into the categories of legal matters, investigation cases and legal operations.

From this perspective it becomes clearer that it is the legal project management element that has a cultural aspect to making the legal service provider work as being the bridge between the business of law (legal operations) and the practice of law (legal projects). This is due to being the point where the allocation of systems, processes and human resources is applied to the specific legal projects that is critical to their success. This was likely why 'matter management' was being used for legal matters that had to merge both the legal operations and legal practice elements.

Traditional project management practice had struggled with the same confusion that was largely resolved by the realisation that the project leadership hierarchy was in three parts: portfolio management, program management and project management. The PMI later published standards in each of these domains.

Portfolio management covers the selection and prioritisation of projects by the organisation's organisational chart-based portfolios that are akin to the practice areas in a law firm (e.g., commercial, family, immigration etc). In allocating technology and human resources to a project it is bridging the legal operations services to the specific legal project. In this context, in understanding the bridging function of legal project management is to consider the combined functions of leadership, strategic decisions and allocation of resources to specific legal projects that makes it reflect more the portfolio management function. This combines the thinking, mindset and behavioural aspects that influence the overall organisational culture.

In a legal service provider organisation, the operations management is often a distinct practice management (legal operations) portfolio compared to the legal-aligned practice area portfolios, however both contribute to the practice application of the different legal project categories. The legal operations projects are solely to improve the practice management function with internally focused business of law-type projects, whereas legal matters and investigation cases are delivery services have external focused practice-based projects.

For in-house legal departments, the clients are business portfolios outside of the legal portfolio, but within the same organisation, whereas some investigations can be focused as being applied internal to the organisation or external.
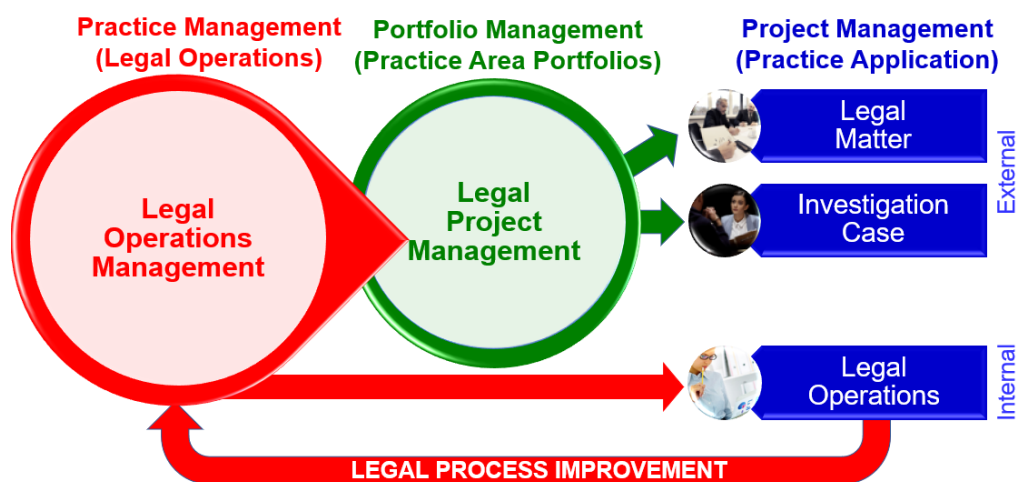


*Figure 13   Practice and Portfolio Management*

Although the IILPM was initially focused on legal matter management, to effectively enable the wider legal project application areas, both the legal operations and legal project management processes needed to be considered. This led to the need to provide separate training and certification in both legal project management and legal process improvement to enable legal service providers to achieve their organisational performance goals.

This also validated the need to include legal process improvement as a key business pillar to the IILPM and I engaged with the Gimbal company that was a Canadian-based legal process improvement training entity where I successfully promoted the owners to become recognised as the IILPM's first global advisors. They were clearly global experts who made a fantastic contribution to the IILPM, and effectively enabled the IILPM's inaugural online live conference.

This was an important aspect of pivoting to better serve the IILPM's market needs, and to also recognise the value in promoting other specialists who could take responsibility for extending the IILPM's products and services. In reality, and on reflection, the IILPM was now covering the full LPM portfolio-level responsibilities. Legal operations provides such a critical element to LPM that it could not be easily separated.

This resolved the question why all ATPs were teaching aspects of legal process in their LPM training, as clearly the two topics are so integrated that is explained from the portfolio management perspective.

With the inclusion of investigations, all the legal-related project categories had been identified and merged into a single brand offering.

# 12. The Evolution of My Learning Experience

Undertaking this professional doctorate bought out a deeper understanding of myself by shifting my reflective thinking previously focused solely on outcomes to my thinking behind my ideas and decisions that led to those milestones. This required contemplation about the merging points of my educational choices, my

career pathways and the positions I occupied, the mentors that appeared in my life that shaped by thinking at critical times, and the influences that made up my core beliefs and values. My project management training had taught me to use a lessons learnt process to reflect on the outcomes of complex projects to see what had worked, and what had not worked, with an intent to making robust recommendations for future and similar projects, as well as organisational improvements. From this perspective, the lessons learnt are identified through assessing the physical actions that led to specific outcomes. The difference I learnt was this undertaking was to take an alternative perspective of maturity in reflective thinking that brought a much more enriched learning experience by examining the underpinning influencing factors and thinking behind those decisions to progress those particular goals in the first place.

It basically has added a new dimension to reflecting on the causation of my thinking behind my key decision points before physical actions had even began. It allowed me to better appreciate how conscious awareness of factors like the market needs were combined with subconscious factors, such as my own knowledge, beliefs, values and past work experiences that had shaped my thinking and biased my decisions. This included how choices impacted previous decisions and how unexpected opportunities arose either slightly modified or changed the previous strategy. The broad IILPM strategy written at the start of establishing the IILPM largely remained the same as it set out the main components of the business. As the IILPM grew, new opportunities arose that influenced new strategic decisions, such as the inclusions of 'legal process' and 'investigations' are distinct offerings. What was evidence that as the original strategy was broad, it lacked the execution strategy detail. Where the strategy detail was not well thought out,  any ambiguity was overcome by relying more on my confidence on what worked from past experiences. For example, I had not been involved in chairing a board solely of lawyers, and relied on my other chairperson experiences and board roles on international boards.  In the areas where I did not have previous experience, my actions were more tempered with caution, with often slower progress that could hampered with indecision. This relied more on following the advice of others.

I also had found that promoting LPM training to lawyers where I was a non-lawyer was harder than anticipated. Even understanding terminology that was common in legal speak risked being misunderstood. I moved my own ATP strategy to be providing the service from within a law firm, however COVID-19 restrictions came that impacted my capability to deliver face-to-face training, as well as my ability to access certain physical sites. This caused a lack of confidence and brought doubt and mental resistance. It does show how past successes and experience helps provide assurance that decisions are more valid with manageable risks, whereas examining the thought processes where I had little or no experience to build on can bring hesitation and slower action.

This meant that in my decision to invest time in building an international institute, largely was a decision influenced on my accumulated past experiences, and the reliance on other team members who had more aligned experiences. The inaugural live conference had Anna Marra as the visionary and Karen Skinner with the practical experience to make that happen, and the inaugural awards saw Ignaz Fuesgen take the reins. This is a part of a healthy team and learning when to lead, and when to let others take charge.

The reflection of the past five years particularly exposed that my thought processes had changed my approach to designing and conducting business, building partnerships and associating with professional communities. It combined the past experiences and observations from my failures, and the heavy influence of others, that suggested different pathways than what I may have otherwise taken.

As there is no widely accepted methodology for determining levels of reflective thinking (Kember, 2010) and given it is a conscious activity that is epigenetic and learned (Gelter, 2010), I found that this shift in perceptual analysis to 'observe the thinker' needed the external probing that comes from the intervention of academic supervision. It brought a new dimension to the analysis of my reflective thinking and one that had not been executed in my normal business life.

Such intervention triggered me to question the very basis of my decisions that caused my actions and how my original strategy had been reshaped overtime by the influences of others and through feedback gained during execution to form the IILPM in its present format. This is not too dissimilar with considering a missile's course set on its initial projection, only to later realise that it is the on-board electronics that keeps adjusting its flightpath based on many influencing over its journey up to the point of hitting its target. For example, I had never recognised the potential connection between legal project management and my investigation work until I heard others speak of applying LPM to a forensic setting. It is in these 'aha' moments that Kounios and Beeman (2009) explained as being the point of interpretation of existing thoughts where a solution to a problem presents as an insight.

It is unique in that it is a form of creativity where the processing of remote or loose associations are made between existing concepts (Mednick, 1962), thereby requiring the integration of information in the brain that had not previously merged that leads to a new point of conclusion. It was the interactions of the firing and wiring of neuro-networks that created an evolved thinking state. It was the mentoring method of my supervisor that guided the critical self-interrogation that reaps the benefits from a coaching relationship (Jones *et al.,* 2002). At times it felt annoying to have to revisit and delve deeper, yet with that journey is where neuro-networks in the brain join and taking more of a helicopter view you get to understand the inhibitors, often self-sabotaging, that have slowed down one's success, or causing more work than other pathways that could have been taken. My experience has shown that writing an autoethnography-based dissertation goes through multiple iterations of writing that evolves one's inquisitive thinking capacity. It invoked a meta-awareness level of thinking that brought forth a new situational awakening and reflective exploration of what is behind the very decisions made along a success journey. This prompted me to revisit my earlier analysis of thinking that I published in my Project Coaching titled book (Hutchison, 2013) where I had connected the experiential importance to the level of thinking as shown in Figure 14.

The concept of giving accumulative experiences meaning that brings deeper understanding is relevant.
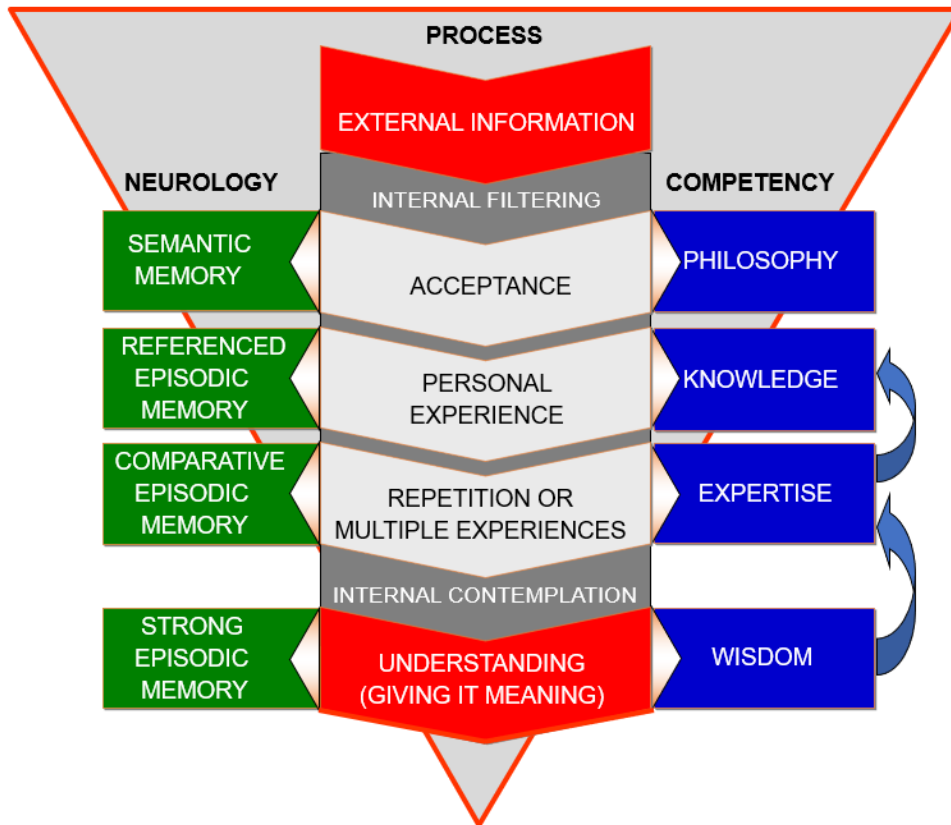


*Figure 14  The Understanding Model*

What this failed to emphasise was our innate ability to also assess our foundational thinking from a more consciously disassociated perspective. This could be achieved by considering myself more as a critic of my own thoughts by asking what assumptions and conclusions would have been at play to make those decisions. It is a process of contemplating the factors that led to decisions that were made, and looking for shortcomings, assumptions, constraints, biases and knowledge gaps, that if better addressed may have resulted in a different and more informed decision. It is a perspective of looking not at the outcome of a key decision, rather the factors that led to the conclusion that it was a right decision in the first place. It would require asking in more depth the 'why' question as to whether the factors considered to get to the presumed right choice were valid.

This interrogation of the key decisions and the causal influences to determine the cognitive basis of the strategy selection was a completely foreign approach to anything I had done before. It required an underpinning view that decisions are biased to the values and beliefs of the performers' involved (i.e., the decision makers), being myself and later those in trusted and influencing positions that supported or questioned my dominant thoughts. The method of detachment was to consciously disassociate myself to a position as more of an observer to enable a new dimensional perspective of the meaning of my life position, not where I was going, but what got me to the position I was in. It is about looking for deeper meaning in the decision process.

One's internal thoughts created through giving meaning to personal observations, experiences and past educational pursuits is then subject to other's influence when shared that brings another dimension to the ultimate decision reached. This is often seen in team conversations that influence and evolve each individual's thoughts to a collective higher level as a result.

Through a reflective process of questioning the completeness, correctness and causal influences of my initial strategic conclusions, decisions and subsequent actions, I gained insights into my own subconscious makeup that influenced my view of the world and how, and through what mechanisms, my own thinking had been evolving. The scholarly study of insights suggests a solution is computed unconsciously before emerging into conscious awareness (Smith and Kounios, 1996; Bowden and Jung-Beeman, 2003).

Although the broad philosophical construct of a global Institute was envisaged before I involved others, the significance that other's input had played in its refinement and application, enabled me to reveal the greater complexity the thinking mechanisms are subject to in taking an idea to a state of reality. In effect, strategy is a situational construct that will naturally evolve over time as the influencing factors change. Its commercial success is often in executing an idea at the right time in the marketplace and the need for such endeavours to be team-based.

Furthermore, the understanding of the marketplace will be guided by the people involved and their accumulated knowledge that would make strategic decisions more informed.

This was evidenced in the shift of my own strategic thoughts as guided by the many external influences that led to the different opportunities that arose over time, such as taking up a bachelor's degree, getting licensed in investigation, contributing to book chapters, undertaking related doctorate studies and the many pivots forced by the COVID-19 pandemic. The subsequential series of iterations away from the original strategy determines each next step as the IILPM was developed.  An analysis of each key milestone of the IILPM from the perspective of the adjustments I made in my thinking could now been seen because of the team's wider influences on my own thoughts.

Larsson (2003) spoke of global virtual team collaboration and the concept of 'thinking together apart' that explored the situational and interactional characteristics of taking the diversity of discussions of a shared object towards a common ground in a team decision process.

It was not an easy process to question each milestone as to what thinking had actually provoked any change in strategy and to rightfully identify the influencing factors that a virtual group of very different people brings to creating and evolving a global entity. I had not thought so specifically of these differences between the individuals involved, including their language, culture, age, business acumen and gender blends, that led to the IILPM's greater international success. I did conclude that two key elements were required:  a key influential thinker that would establish a concept that would help crystallise an initial vision for the team as an object of discussion to build from, and the ability of that leader to gain the buy-in and trigger the required action of the team to realise the team-enhanced vision.

I realised I had become more reflective in exploring the 'why' behind my thinking than I had ever before, which I have now associated as being the 'intent' behind the action to emphasize the analysis of the thinking behind the thought of action.

The reflective nature of questioning the factors that led to decisions was also helpful in exploring my actual contributions and the more meaningful awareness of the intent behind my actions that highlighted the organisational and self-based benefits that drove my behaviours. My core intent behind forming the IILPM was to contribute to improving professional development outcomes at a global level. I could not do this alone, and therefore needed the benefit of a globally distributed team of influencers. The IILPM provided a platform for them to collaborate and work together in forming a consensus position to become more of a single voice to the marketplace.

The underpinning impact of a doctorate degree is that it provides a significant contribution to a body of knowledge. I believe its personal value in my experience was founded in the relationship formed through the academic mentorship process. History has shown that mentors and role models have substantially influenced the development of others' thinking, such as the notable influences of a mentor with apprentice artists and the hint of the comparative likeness in their works (Hayden, 2011). The academic conversations question your perspective and philosophy, promotes further investigative research, and reshapes one's thinking over time.

This was the evolution of thinking that occurs only when you take the time to observe, reflect, question and delve into the conscious thought and its subconscious biases. I realised that as thinking changes at the highest level of those guiding a profession, it influences the very existence of emerging roles and the power they are given that help shape the future of professional practice and the benefits it brings to a society. Equally, this applies to an organisation where the thinking changes for its executive leaders that can then influence and infiltrate the very practices, beliefs, behaviours and norms that can create a positive organisational culture.

This is part of the LPM journey that legal service providers are on that leads to processes that guide behaviour that helps create and sustain a high-performance team.

## 12.1 Conservative versus Innovative Approaches

An autoethnography approach was useful in bringing a study of my background interests in both technology and behaviours that leads to organisational performance. Kim and Lee (2021) suggest that autoethnography "has a methodological value in using personal experiences to illustrate facets of cultural experiences", with 'ethno' means a focus on culture (Ellis and Bochner, 2000). Culture is a key consideration in reflecting on acceptable shifts in both organisations and professions. I realised that my approach to achieving cultural influences for the IILPM was found in assessing my historic preference for using innovation to drive change to the need for a more conservative approach.

In reviewing the content of my public works in LPM, I found an interesting trend over my day-to-day approach in delivering consultancy, training and facilitation aligned to innovative changes. As context, I have taught engineering innovation in university at a Master of Engineering level, and in practice I have led significant lean process improvement projects for entities like Schenk Process (Germany), progressed new product development initiatives for entities like AT&T Bell Laboratories (USA), installed new technologies for entities like the Centre for Renewable and Sustainable Technologies (Australia), and facilitated digitalisation strategy for engineering plants for entities like Tecnicas Reunidas (Spain). All these tended to be revolutionary changes, using new and often cutting-edge and unproven technology. It was providing opportunities to change the work environment and bring tools that were more exploiting new opportunities rather than solely fixing current problems.

I realised that my strategic approach to the legal profession was quite submissive and not as innovative as my normal approach. It tended to take a more safe strategy of identifying and informing the knowledge gaps, solving problems and building the IILPM largely based on known and trusted structures and platforms. This would provide more comfort to the legal profession in transitioning to more guided practices than selling an innovative leap to a resistant sector. I effectively was more focused on the cultural challenges of bringing lawyers along the journey than making the

change a significant leap to a different way of working that would likely achieve no buy-in.

I realised I had adapted my approach to be more about distinguishing the existing processes of legal tasks to those project-based tasks, and then emphasising the opportunities in improvements on the project and process components. It was more of a tactical approach to shifting an industry that was change resistant, both by its nature of needing to bring stability to a society through case law that lags innovation and societal changes and legislation that tends to focus on evidence-based needs of the day. Both lag the effects that innovation has on a population as laws are reactive to current society circumstances.  This was coupled with the behavioural proof that the typical lawyer was more introverted and generally have fear sensitivities that requires them to be more assured of a change before embracing it, with a preference for incremental improvements over radical transformations.   I felt that they would be more assured through associating with systems that do not substantially deviate from their proven models.  I had unconsciously recognised the need to take a more conversative approach to get 'buy-in' for the change by highlighting the nuances between current and improved practices and then providing a pathway towards new ways of working.  This was also a consequence of not having a technology solution, which would have also needed a significant driver to procure it for it to be accepted.

This is a radical shift in my normal approach of implementing technology that enforces cultural change. Apple founder, the late Steve Jobs, noted, "customers don't know what they want until we've shown them" (Isaacson, 2011). This inevitability requires technology adoption to have at least one of the following factors: the executive leadership to mandate its adoption, the adoption where the technology forces behavioural changes by itself (e.g., the enforced workflows that must be followed to use it, or the upgrades it uses to change functionality), or where the innovation brings significant competitive edge that there is a sense it must be adopted.

This meant that my thinking was conscious that innovation was to be in stages and that new ideas had to be supported my statistics, such as trends towards the adoption of LPM practices.

I have also found that terminology tends to be a key challenge in legalising project terms that make more sense to the lawyer, such as 'matter management' than referring to it as 'legal project management'. In reflection, this example shows that matter management is likely the most precise way of highlighting that it is the management of the matter being the most used term for a legal case, whereas the use of project management likely requires a further explanation that a matter is a legal project.

Basically, it was found that the legal profession is best approached with proving new methods and approaches incrementally over time to gain confidence with lawyers and prove its benefits, where the legal operations function can make available technology that can influence how work is done. Once the LPM practices become more understood and accepted, it would then make way for new technology that is founded in project-based principles to be more readily adopted.

# 13. My Conclusions

The International Institute of Legal Project Management has significantly contributed to the awareness, promotion and understanding of legal project management worldwide and has brought further clarity to the responsibilities, competencies and educational requirements of the legal project manager role.

This has led to the professional development and credentialing of lawyers and other allied legal professionals in fifty-two countries that has influenced both legal practice and client outcomes through the hundreds of practising IILPM graduates. It has influenced improvements in individual competency, legal operations practices, legal project practices and the overall quality of legal services in the participating entities.

**The Emergence of Legal Project Management**

Legal project management can be categorised as a specialist discipline of management that is applied in a legal environment that is associated with the planning and executive of legal projects.

An initial challenge in explaining legal project management is when it is confined to describing LPM practices and techniques applied only to legal projects, whilst overlooking the fact that the systems, methodology and tools provided through 'legal operations' effectively form the 'LPM methodology', which is then applied through 'legal projects' in practice. Through this research, it became clear that LPM is better explained as a structured 'portfolio management' approach that acts as a bridging function between bringing the systems, processes and tools from legal operations (the 'business of law'), and applying them in the planning and delivery of legal projects (the 'practice of law'). This ensures the right level of rigour and robustness is applied to the planning and execution of legal projects. This also requires the legal practice areas within a law firm (the 'portfolios') to oversee the allocation of the legal operations 'practice management' elements to the specific legal projects that constitute the 'project management' elements.

CLOC (2020) defines legal operations as "a set of business processes, activities, and the professionals who enable legal departments to serve their clients more effectively by applying business and technical practices to the delivery of legal services". The reference to 'delivery of legal services' is actually done through the client-facing legal projects, although CLOC has included 'project and program management' as part of the twelve functions within legal operations, rather than being its primary conduit to delivering legal services.

Addressing legal project management as a portfolio function, helps to recognise that it covers activities such as the selection and prioritisation of legal projects and the allocation of physical and human resources to them. This effectively has influence over the design and execution methods used in legal projects that plays a pivotal role in guiding productive behaviours.

**The Emergence of the Legal Project Categories**

Legal matters have been the primary focus of legal services. Their attributes of being unique, having a schedule (start and end date), cost, allocated resources and specific deliverables, effectively make them a form of project.

My research discovered that there are three distinct categories of legal-based projects that serve either external clients (in the 'practice of law') or internal clients (focused on improving the 'business of law'). They comprise:

1.  external client-facing practice-based projects:

    a.  **Legal Matters** – the legal projects delivered for clients that can solve legal issues and provide legal protections. These are delivered by, law firms, in-house legal departments or alternative legal service providers; and

    b.  **Investigation Cases** – the legal projects delivered for clients that investigate people, events or items, as well as the collection and analysis of evidence often used in court. These are delivered by law firms, in-house legal departments, alternative legal service providers, law enforcement agencies or independent investigation services entities.

2.  internal serving business-based projects:

    a.  **Legal Operations** – the legal projects used to establish and run the organisation (e.g., governance documents, systems and processes) or later bring further process improvements to the organisation's assets and practices. These are typically delivered by staff or through engaged contractors.

Legal projects in this context covers all projects within a legal environment setting, either contributing to the legal practice or for the legal practice itself.

**The Emergence of the Legal Project Manager**

The emergence of the legal project manager was traced back to two phenomena: the 'post-bureaucracy' of the legal profession that has influenced its managerial controls, and the 'post-professionalism' of the lawyer as a member of that fraternity where the role and its exclusivity over particular tasks has changed.

From a post-bureaucracy perspective, there has been several identified pressures that have brought change to the legal profession, such as globalisation, technology, client demands and pricing models, as well as practice-based legislation and regulatory controls over competition and law firm ownership. This has enabled the new alternative legal service provider entrant to the market that arguably competes with law firms, yet is also being engaged by them. In fact, they are often being engaged by both in-house legal departments and law firms as outsourced options. This has seen market options move from the exclusivity of law firm lawyer-based services to other models and a growing number of lawyers being employed into staff-based in-house legal department roles.

The post-professionalism changes have seen a segregation and dilution of the lawyer role to other allied legal professional roles. The growing use of specialist allied legal professionals, such as knowledge managers, analysts and technologists have over time shifted functions away from lawyers, showing a significant shift in managerial control in the profession to even see the emergence of the legal project manager being filled by non-lawyer occupants. This has even extended to law firms bringing in certified professional project managers from outside the sector.

This has been possible by distinguishing the coordination tasks away from the legal tasks in a legal project. It recognises that a legal project manager can be used to facilitate the process elements of a legal project and concentrate on the non-legal administrative type tasks.

Whilst legal matters had traditionally not been viewed as projects, and therefore those leading them were not seen as legal project managers previously, the term

legal project has emphasised their project-like attributes where results can be improved by taking a more structured and formal project-based approach.

Due to these profession changes, the legal project manager has emerged as a distinct position and with a shift from traditionally having the senior lawyer leading the legal matter to an occupant who may not even be a lawyer.

The future development of the role will likely see it become more of a technologist as technology advances the recent trends towards more working in virtual teams, operating cross-borders and interacting online. Prominent thought leader for the legal profession, Richard Susskind, acknowledges that the professional world is on the "brink of a period of fundamental and irreversible change", emphasising the complexities of technologies in transforming the work of human experts (Susskind and Susskind, 2015).

**The Emergence of the IILPM**

Leading up towards the IILPM's five years in business, it has evolved through bringing like-minded professional practitioners across the globe together to better define the role and responsibilities of the legal project manager.

Its ability to transcend culture and language barriers to enrich legal practice worldwide in such a short time has shown that legal project management is coming of age.

With the IILPM standards, publications, education mechanisms, credentials, tools, competency assessments, awards and support network, the IILPM has achieved the first truly international LPM community. Its first online live conference in 2022 attracted registrants from fifty-nine countries, featuring over thirty speakers and delivered in two languages.

With its number and geographically spread graduates using its standards and models, the IILPM received an international business award for its innovation and approach that was recognised as having made an impact on global legal practice.

It has been an honour to be part of the IILPM's achievements and serving as its lead architect, inaugural chairman and chief change agent, working with a team of hardworking and like-minded colleagues that has enabled us all to evolve our own thinking while contributing in a positive way to improve the legal sector.

The IILPM has become the most influential global network of practitioners operating internationally under the same brand and competency models relating to the legal project manager role. These models have been accepted by academic institutes, including top law schools such as Vanderbilt University in the United States and IE Law in Spain; by leading legal publication houses like Thomson Reuters and Globe Law and Business; by industry through the engagement of ATPs for training; and by practitioners seeking recognition through individual credentials.

The legal project manager role brings a new career path for practising lawyers, non-practising lawyers, allied legal professionals and project managers currently outside of the profession, as well as new law graduates.

The IILPM's contribution will continue to evolve the understanding of the knowledge, skills, competencies, responsibilities, tools and techniques of the modern legal project manager, that will help encourage those aspiring towards the role, and to assist in the professional development of those already serving.

# 14.    Appendix A – List of Acroymns

The following defines the acronyms used in this dissertation:

AFA      Alternative Fee Arrangement

AI        Artificial Intelligence

AIPM    Australian Institute of Project Management

AIRTC   Air Training Corps

ALSP    Alternative Legal Service Provider

APM     Association of Project Management

AQF     Australian Qualifications Framework

ASIO    Australian Security Intelligence Organisation

ATP      Accredited Training Provider

ATPC    Accredited Training Provider Council

BEI      Business Education Institute

GAC     Global Advisory Council

ChPP    APM Chartered Project Professional

GIA      Governance Institute of Australia

IILPM    International Institute of Legal Project Management

IPMA    International Project Management Association

IPP        Investigative Project Professional

LLB        Legum Baccalaureus (Bachelor of Laws)

LPA        Legal Project Associate

LPI        Legal Process Improvement

LPIP       Legal Process Improvement Professional

LPM        Legal Project Management

LPMCF  Legal Project Manager Competency Framework

LPP        Legal Project Practitioner

LPIP       Legal Process Improvement Professional

NLP        Neuro Linguistic Programming

OIC        Officer In Charge

PMI        Project Management Institute

PMP®   PMI Project Management Professional

RegPM  AIPM Registered Project Manager

RPL        Recognised Prior Learning

RTO        Registered Training Organisation

UK        United Kingdom

US        United States

# 15. Appendix B – List of Legal Project Manager Tasks

The legal project manager role may be filled by a lawyer or an allied legal professional that may vary their allocated responsibilities and authority. There remains a challenge for a lead lawyer to see an allied legal professional in the role as a 'manager', as the title implies, however this power has not generally been exercised and the lead lawyer is still seen as the main person overseeing the legal matter.

Given the legal project manager role is a coordinating function, it can cover a wide range of tasks that will vary between the organisation's role delegations and the type, size and complexity of the legal project being managed. One of the continuing challenges for legal service providers is in explaining the role and responsibilities of the legal project manager that is made easier with the following list of typical tasks that they may be involved in, although the terms arguably are not legalised enough to be widely accepted. This list also attempts to guide what phase of the legal project life cycle it mainly applies in, noting that some tasks carry over multiple phases, such as the bookings of meetings.

**General Organisational Support:**

1. Provide input to the design and improvements to the LPM systems, processes and tools;

2. Support, including any informal training and coaching, of other team members in the use of the LPM systems, processes, tools and techniques;

3. Support the identification and allocation of personnel to the Legal Project Manager for specific legal projects; and

4. Support any required setup or configuration of legal technology and other legal operations resources for use by legal project teams.

**General Facilitation:**

1. Coordinate, or lead, the legal project team, ensuring resources are made available to them and the team is well supported;

2. Assist with, or manage, the general client engagement requirements (e.g., general documentation flow, information requests and updates etc);

3. Facilitate, or oversee, the population of information into the legal technology practice software and related information management systems.

4. Oversee the required compliance to legislation, regulatory and organisational policies for the legal project (i.e., quality assurance and compliance);

**Key Define and Plan phase tasks:**

The typical tasks may include:

1. Assist with, or manager, the client proposal document;

2. Assist with, or manager, client engagement documentation;

3. Register the legal project, establishing any electronic or hardcopy folders or files, including the use of the organisation's nomenclature requirements;

4. Assist with, or manage, the client on-boarding process that generally includes verification of identity and conflict checks;

5. Assist with, or manage, the meeting bookings for any legal team, client and other key stakeholder meeting;

6. Assist with, or facilitate, any meetings, including meeting records, with any legal team, client or other key stakeholder meeting;

7. Facilitate a stakeholder analysis to determine the level of engagement and information requirements from key stakeholders;

8.   Facilitate, or assist, with the planning, recruitment and allocation of human resources to the legal project.

9.   Facilitate the creation of the legal project plan and associated subsidiary plans in accordance with the level of rigour required to adequately progress the legal project that includes any legal software population.

This generally involves the:

a.   facilitating the identification of the work task detail;

b.   facilitating the identification of dependencies between the work tasks;

c.   facilitating the identification of the estimated duration of each work task and the overall legal project schedule;

d.   facilitating the identification, appointment and allocation of legal team members to the work tasks and other required legal operations-based resources;

e.   facilitating the identification of the estimated cost of the work tasks, including staff, external human resources, equipment, materials and consumables, and determine the total cost of the legal project;

f.   determining the legal pricing arrangement that applies to the legal project;

g.   facilitating the identification of the client fee (budget) using the appropriate pricing arrangement, including determining the profit margins;

h.   facilitating the identification of quality metrics, including any key performance indicators or service level standards, and the processes to review (inspect), test or audit them;

i.    facilitating the identification of client and legal service provider risks, including the risk treatments for any extreme or high risk events; and

j.    facilitating the agreed communications, including the required information management systems and reporting requirements.

10.    Gaining  all required internal and external approvals to proceed.

**Key Deliver phase tasks:**

The typical tasks may include:

1.    Oversee the contract management aspects of any agreement;

2.    Facilitate the kick-off meeting with the legal team to ensure all the scope and task allocations are well understood;

3.    Facilitate the procurement of any required equipment, materials, consumables and other required expenses;

4.    Facilitate the engagement of any required external specialist or support services;

5.    Facilitate the collection, verification and appropriate management of any evidence;

6.    Facilitate the scheduling of external requirements (e.g., court dates, interviews, document witnessing and depositions etc);

7.    Ensure the allocation, availability and use of suitable legal technology;

8.    Facilitate the coordination of administrative-based tasks;

9.    Facilitate the monitoring, controlling and reporting of work task progression;

10.    Facilitate the capture of team work hours;

11. Facilitate any legislative, regulatory, organisational or client-based compliance or progress reporting;

12. Approve the issuing of client invoices in accordance to work performed;

13. Approve any external payments as per the approved budget;

14. Ensure all corporate information is captured, and data is backed up on the legal technology;

15. Facilitate the capturing and analysis of process issues and ensure any planned remediation is actioned;

16. Facilitate any required mediation to resolve any arising disputes; and

17. Facilitate any scope variation, including any required approvals;

**Key Close phase tasks:**

The typical tasks may include:

1. Ensure all supplier payments are made and all invoices are paid;

2. Ensure all corporate information is captured and suitably archived in accordance with information retention requirements;

3. Facilitate a lessons learnt workshop on complex legal projects and produce a lessons learnt report with recommendations for:

   a. future and similar legal projects; and

   b. improvements to the legal operations systems and processes.

4. Facilitate the handover of all physical deliverables to the client;

5. Facilitate the release of the legal project team.

6. Formally close legal project, including ensuring information is archived.

# 16. Appendix C – Key Public Works

In addition to being the founder and establishing the International Institute of Legal Project Management, was the many research supported standards, frameworks, models and products developed either directly by me or through working parties that I instigated and chaired.

Initiatives like the online 'Live 2022' global conference and 'IILPM Innovation Awards 2022' have had other people take up the main project manager role. This shows that the IILPM has reached a maturity level that will be taken to new heights through others. The most prevalent models I have led are detailed in this appendix.

## 16.1 IILPM LPM Framework

The IILPM Legal Project Management Framework (LPM Framework) represents what has become recognised as a pseudo international standard that provides a model for legal service providers to follow that uses a four-phase life cycle that highlights the key activities in each phase and other factors impacting legal projects.

It was designed to recognise the:

- external influencing factors of the legal market, regulatory and commercial factors;

- four phase life cycle stages of define, plan, deliver and close;

- key functions and elements under each phase;

- key productivity tools and enabling approaches; and

- people and organisational capability elements.

It is structured to consider four key factors:

1. **Industry Factors** – that considers the need to first set the context to the legal environment by considering the external factors, such as the market forces, regulatory influences and the specific nature and commercial factors of the legal relationship;

2. **Life Cycle Phases** – that considers the four-phases of the legal project life cycle where the level of planning and execution effort varies due to the legal project's type, size and complexity;

3. **Productivity Factors** – that considers the tools and specific approaches required to support the legal matter's progress that will vary between legal project type and the legal operations maturity; and

4. **People Factors** – that considers the leadership, communications and interactions with, and between, the key stakeholders that ultimately influences the culture and capabilities of the legal service provider entity.

It was designed to be applicable to all legal practice areas and all types of legal projects, as well as incorporating both standard and agile project management methodologies. It has been recognised and embedded into the educational programmes of universities and key legal publishers like Thomas Reuters.

It also details the key activity and task elements used in each life cycle phase to help provide some guidance on what each phase focuses on.

It has been published in six languages.

# 4-PHASE LPM FRAMEWORK

**APPLICATION OF PROJECT MANAGEMENT TO LEGAL SERVICES**

**Legal Market, Regulatory and Commercial Factors**

| DEFINE | PLAN | DELIVER | CLOSE |
|---|---|---|---|
| • Matter Type<br>• Parties<br>• Requirements Gathering<br>• Scope Definition<br>• Objectives<br>• Assumptions<br>• Constraints | • Scheduling<br>• Resourcing<br>• Cost and Pricing<br>• Quality Metrics<br>• Stakeholder Analysis<br>• Communications<br>• Risk Strategy | • Task Execution<br>• Monitoring and Controlling<br>• Reporting<br>• Risk and Issues Management<br>• Variations Management | • Client Signoff<br>• Lessons Learnt<br>• Financial Discharge<br>• Archive Information<br>• Team Reassignment |

**Productivity Tools and Enabling Approaches**
Legal Design, Agile, Workflow Processes, Templates and Technology

**Leadership, Interpersonal Skills, Legal Service Culture and Organisational Capability**

*Figure 15   IILPM LPM Framework*

## 16.2   IILPM Agile LPM Model

One of the challenges of enabling fixed price litigation services is reportedly the ambiguity in the scope that defies the notion of having absolute clarity in scope upfront as required of traditional project management methods.

There are project management methods that are designed with ambiguity in mind, founded in the software development domain where a new programming language and creating software could not easily be estimated and called for a more 'agile' approach. 'Agile Project Management' is not a methodology, rather it is a set of four values and twelve principles that are published in the 'Agile Manifesto' that was created in 2001 that forms a philosophic view of delivering complexity in parts (Batra, 2020).   Agile methodologies are developed that embody these principles and although there are over twenty different agile methodologies (Rasnacis and Berzisa, 2017), the most popular is the 'scrum' method (Morandini *et al.,* 2021).

Litigation cases are problematic as the scope between court hearings can significantly change. This type of legal matter is better served as doing detailed planning in stages, focusing on only for the next immediate work needed for the next court appearance. This is consistent with an agile approach where it is often planned and executed in cycles where the original envisaged scope can be quite different to what is delivered at the end.

The IILPM specific 'Agile Legal Project Management Methodology'™ with its applicability to a legal environment, better caters for litigation matters.  This has not been widely rolled out as a IILPM global model to-date as it is alluded to in the LPM Framework and was not considered needed as a separate globally promoted model over an available methodology where applicable. The methodology developed includes all the required templates.
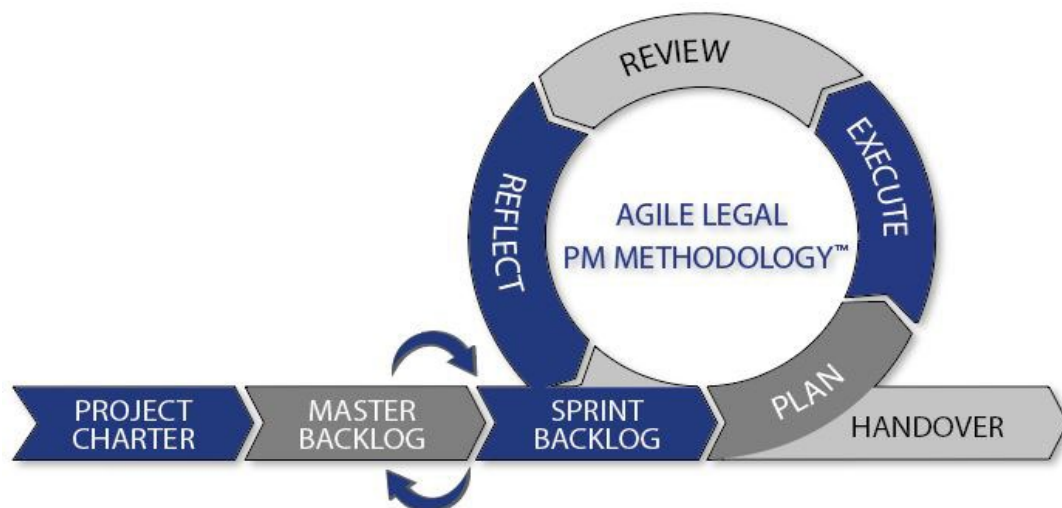


*Figure 16   IILPM Agile Legal Project Management Methodology*

It follows a kanban approach of breaking work tasks into a 'to do', 'doing' and 'done' stages. It works on the premise that there is an initial plan with as much information as possible about the legal project's objectives. The tasks get listed on a 'master backlog' (the master 'to do' list)  that are moved into a 'sprint backlog' (actual 'to do' list) for the work that is immediately going to be done. A defined time period is normally set for the work cycle, generally between one and four weeks.

The 'sprint' is the term used for the next cycle, where the work goes through the stages of detailed planning, executing (the 'doing') , reviewing the work (often with the client), reflecting on team performance and any feedback form the review, and then delivering any completed elements (the work 'done').

Once the work cycle is completed, any further work on the master backlog is then taken for the next cycle, until no further work is left.  This means that as the sprint work is being progressed, the scope sitting on the master backlog can completely change.  Whilst this model is basically a scrum methodology, the terminology and tools are aligned for a legal environment.

## 16.3   IILPM Legal Pricing Model

My bachelor's degree research involved surveying legal practitioners in eighteen countries about pricing models, supported by an extensive literature review of the many naming conventions for legal pricing models. This led to the development of the IILPM Legal Pricing Model (Hutchison, 2018b).

Legal pricing has been seen as a complex area in legal practice that has warranted specialist 'cost lawyers'. It can be fraught by regulatory constraints, high market competition and a need to balance profitability goals against the risks of achieving client engagement and retention.

The traditional billable hour where an accurate estimate is not provided to the client can lead to price concerns and high expected charges.  This has prompted a need for alternative pricing options for clients, and particularly the desire for fixed pricing.

Fixed price models generally provide a better method to meet the client's demand for transparency and certainty (Leeke 2016; Rejeva 2015), and the research findings supported the fact that there is a client preference for fixed price services for private or small business clients.

The research supports other studies that shows a growing trend to deploying fixed fee services and other alternative fee arrangements.

Altman Weil (2015) noted that 81% of the surveyed people agreed that the increase of non-hourly billing methods is a permanent trend. Interestingly this is ever growing, as their 2016 study showed 95% of law firm leaders see price competition as a permanent trend moving forwards. The research also supports that the fixed fee model has become the dominant pricing strategy for legal service providers (McCormick 2016, Pitcher Partners 2016).

Assessing existing pricing model was challenging as different terms were being used for the same models. The developed IILPM Legal Pricing Framework was designed to simplify the plethora of pricing options being promoted into a definitive set of options that could be used by legal service providers to select their pricing strategies.

The findings concluded that there were three key categories of models and eight key specific methods, comprising:

1.  **Fixed Hour Aligned Models** – comprising billable hour; capped fee, and statutory fee;

2.  **Fixed Fee Aligned Models** – comprising fixed price fee, fixed product fee, and fixed retainer fee; and

3.  **Fee Plus Aligned Models** – comprising cost plus fee, and conditional fee.

These eight pricing methods were also assessed for their selection criteria to guide legal service providers as to when they were ideally used. The criteria was primarily based on the clarity of scope, the complexity of the legal project, the standardisation of the offering and the availability of key systems and processes being in place.

The research highlighted that the trend and dominance of the fixed price model was likely related to the size of the legal service provider organisations surveyed, as discussions with large law firms and public companies saw the billable hour still most popular. The participants responding to the study were dominatingly small legal providers (0-5 employees) who are likely dealing with less complex legal matters and more certain with the scope requirements.

The need for legal project management to enable alternative fee arrangements was also evident. Any alternative fee arrangement has a higher dependency on legal project management skills (ABA 2012). The growth in interest and the implementation of legal project management supports the fact that legal service providers are seeking the systems, processes and skill capabilities to offer other pricing options.

The five highest relevance for selecting a pricing model was found to be: level of complexity, extent of legal services required, clarity to the scope, type of legal matter and conditional payment situation. This shows that selection is based on a risk assessment by the legal service provider.

The path towards greater efficiencies was also promoted by higher marketplace competitiveness, and a requirement to rein in costs and become more efficient. All these factors led towards the need for a more process-driven approach found in project management practices.

It can be concluded that fixed price models will become more readily used when legal project management practices become the norm, recognising that the billable hour will continue to have a place in legal pricing models.

My research study that formed the IILPM Legal Pricing Framework led to the following recommendations for legal service providers:

1. Develop the systems and processes to correctly identify, estimate and track costs;

2. Select costing models that are competitive and meet the capabilities of the organisation and its client key requirements;

3. Offer options for pricing to provide the client with a real or perceived choice; and

4. Implement strong legal project management practices to best manage legal project costs and assure a profit is achieved.

It is believed that these recommendations will provide a foundation for legal service providers to remain competitive and sustainable in the marketplace.
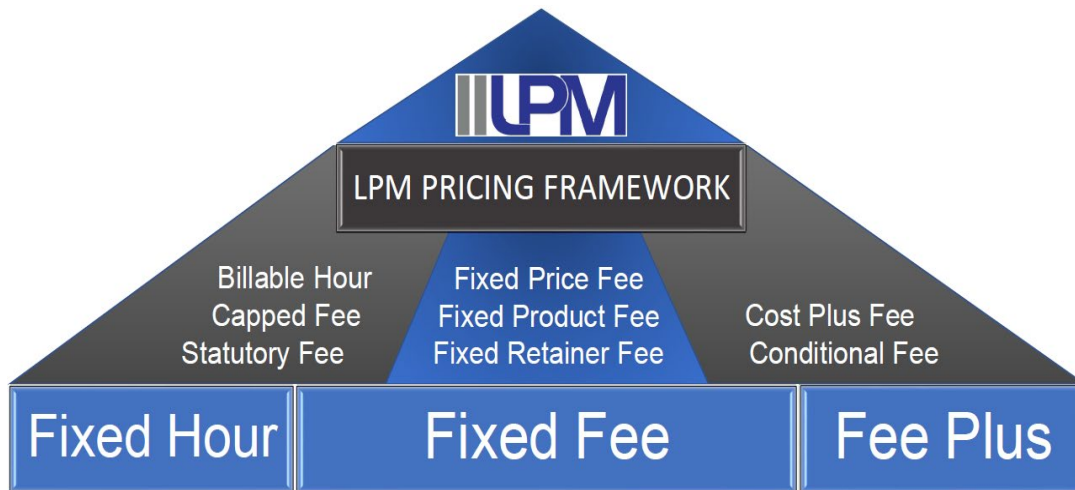


Figure 17   IILPM Lega Pricing Framework

## 16.4   IILPM Behavioural Profiling Assessment Tool

As an internationally accredited behavioural consultant and master trainer in the Extended DISC® behavioural model, I was able to utilise the platform to provide a customised lawyer specific behavioural assessment tool.

In recent times, 'cognitive psychodynamics' has blended traditional psychodynamic concepts with cognitive psychology and neuroscience (Horowitz, 2001). As behaviour links directly to task actions and thereafter results, it provides a good insight to a person's potential to better undertake certain tasks than others.

Behavioural profiling tools can be deemed a form of archetypes that are common, archaic patterns derived from collective unconscious that led to a psychic counterpart of instinct (Feist, 2009). This also enables the study of dominating behavioural styles in lawyers.

The model I developed extended my progressing PhD studies that used the tool, with the Extended DISC toolset being the only accepted tool by Curtin University for behavioural analysis due to its academic rigour and valuation functionality.

Its specific purpose to the legal profession includes:

1. Identifying a person's behavioural alignment and attraction to specific legal practice areas;

2. Emphasising what business development activities are best suited to each individual lawyer based on their behavioural blend;

3. Comparing current behavioural adaptions (i.e., their perceived need to adjust to their workplace) to their natural style to identify their use of energy and to give guidance to how they may maximise their performance by aligning their work style to their natural behavioural style; and

4. Matching people with other personnel having complimentary traits in forming effective legal team members.

There are many other benefits of exploring the behavioural styles of individuals and teams that have been claimed by prior researchers and summarised well by McKenna, Shelton and Darling (2002:316). They present the following areas of improvement (in alphabetic order):

• Career planning;

• Collaboration, teamwork and harmonious relationships;

• Communication;

• Conflict resolution, avoiding or addressing interpersonal issues;

• Direct mail response and sales relationships;

- Meeting effectiveness;

- Morale and job satisfaction;

- Performance and effectiveness;

- Predictability of organizational growth;

- Productivity, and

- Staffing decisions.

Developing the tool provided an opportunity to bring a unique product to the market specific to the analysis of behavioural styles of lawyers and to resolve the law firm challenge of how their lawyers best undertake business development for their specific style. Having access to the Extended DISC behavioural model as a globally accredited master trainer, gave me both the platform and ability to modify the survey assessment report to achieve this new product.



*Figure 18  IILPM Behavioural Profile System*

## 16.5   Legal Project Manager Competency Framework

The IILPM Legal Project Manager Competency Framework™ (LPMCF) provides a global standard for assessing knowledge and skills, as well as guiding the development of all LPM education programmes.

The initial model was formed by researching:

- five key project management related competency frameworks published by global and national professional bodies;

- project management related competency frameworks published by government entities;

- project management related competency frameworks published by private sector entities having commercial models;

- project management competencies being defined in legal profession regulatory competencies;

- market evidence from legal firms of skills needed as defined in LPM job advertisements and position descriptions of actual legal project managers in the industry; and

- industry feedback from global LPM experts in nine different countries to provide the greatest insights to what LPM has become worldwide.

The initial model recognised three key functions that require skills development:

1. the support function represented by those supporting legal matters;

2. the delivery function represented by those in the legal matter project team; and

3. the leadership function represented by those individuals leading the legal matter.

Educational requirements for personnel at both the support and delivery function level was deemed to be largely the same (defined as a project associate role), with the leadership function requiring a high level of project manager expertise (defined as the project practitioner role).

The LPMCF represents an international standard that sets out the competency skills for both the associate and practitioner levels and provides a guideline for training curriculum for use by universities, colleges and private training providers for legal project management-based education, certification and qualifications.

The educational competencies for each level were developed and compared to the Project Management Institute's ten knowledge areas. This enables legal project practitioner education to also be recognised as being consistent with other industry project management practitioners. This alignment to the broader project management specialist discipline enables recognition by other worldwide project qualification programmes, whilst the training context is still specific to a legal services environment.

The initial model also led to the confirmation of the need to establish the International Institute of Legal Project Management as a global certifying body. This enabled promoting a single certification model for worldwide recognition, through the coordinated efforts of geographically spread IILPM Accredited Training Providers whose courses meet the competency requirements where the certification is issuable to their graduates.

The second iteration of the LPMCF (v2) was progressed as a self-assessment tool against a number of defined legal areas in testing individuals that were practicing lawyers, professional project managers and other allied legal professionals that then assessed them to being either a novice, specialist of expert in each analysis area to identify knowledge gaps and to enable a customised professional development plan to be developed. This work was undertaken as a working party I chaired comprising Dr David Rueff (USA), Ignaz Füsgen (Germany), Aileen Leventon (USA) and Antony Smith (UK). This product enables an online component and a face-to-face consultancy-based opportunity.
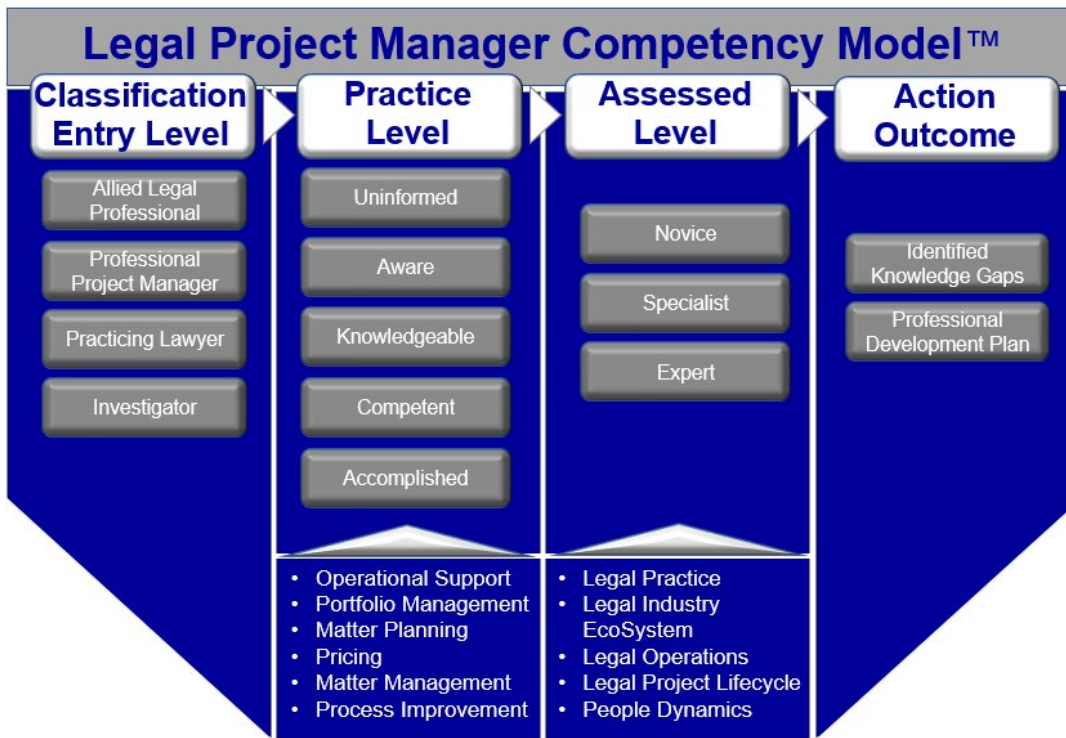
*Figure 19   IILPM Competency Assessment Framework (v2)*

The tool is customised to the selections made, such as whether a person is an allied legal professional, professional project manager, practising lawyer or investigator, and further weighted by their seniority and years in practice.

In addition, there are five areas of assessment, comprising:

1. **Legal Practice** – that assesses the individual's knowledge and practice exposure to legislative, procedural rules and ethical responsibilities relating to the practice of law. This explores any likely shortfalls in their relevant, governance-based and legal code-based exposure;

2. **Legal Industry Ecosystem** – that assesses the individual's industry knowledge and practice exposure to the roles of legal professionals, buyers and consumers involved in legal services as part of the Legal Industry Eco-System. This explores their exposure to working in different legal environments;

3. **Legal Operations** – that assesses the individual's knowledge and practice exposure to policies, processes, information management and the associated supporting technologies relating to the business of law. This explores their exposure to the breadth of legal operations environments;

4. **Legal Project Lifecycle** – that assesses the individual's knowledge and practice exposure to the approach, methods and techniques of defining, planning, delivering and closing legal matters and other legal projects. This explores their exposure to the different project-based elements that make up the practice of legal project management; and

5. **People Dynamics** – that assesses the individual's knowledge and practice exposure to the soft skills required to engage key stakeholders and manage legal projects. This explores their main leadership and communication preferences.

I worked separately with programmers after writing the coding rules and scripts to create the electronic commerce interface, online survey, weighted assessment process, and summary report format.

## 16.6 IILPM Course Accreditation and Training Model

The training requirement was originally set through the outcomes of the IILPM LPM Competency Framework (v1). It set out the minimum duration (based on seven hours per training day) and critical components of the educational requirement outlined in the IILPM Course Accreditation Guideline. This includes:

1. **Applied Legal Project Management** that meets the educational prerequisite requirements for the Legal Project Associate™ (LPA) certification;

2. **Applied Legal Process Improvement** that meets the educational prerequisite requirements for the Legal Process Improvement Professional™ (LPIP) certification;

3.  **Advanced Investigation Management** that meets the educational prerequisite requirements for the Investigation Project Professional™ (IPP) certification; and

4.  **Advanced Legal Project Management** that meets the educational prerequisite requirements for the Legal Project Professional™ (LPP) certification.

I personally created all the course materials for Balfour Meagher's face-to-face delivery courses and all the IILPM main website promoted eLearning offerings.

Accredited Training Providers were encouraged to develop their own materials or have their existing materials accredited that incorporated mandatory training elements to meet the developed accreditation requirements that allows for any national nuances to also be covered, whilst maintaining a level of standardisation.

## 16.7   IILPM Credentialing Model

The basis of being a global certifying entity is to offer internationally recognised credentials that was initially achieved by the third-party recognition of the certifications by the Accredited Training Providers, which then extended to the university affiliated partners, global publications and the law firms that recognised them by supporting their staff to achieve them.

The IILPM currently offers four certifications that are defined in the IILPM Course Accreditation Guideline, comprising:

1.  **Legal Project Associate**™ (LPA) certification that requires a minimum of 14-hours of education through an Accredited Training Provider, through an IILPM eLearning programme or through the Recognised Prior Learning process. This is a perpetual certification that requires no mandatory work experience;

2.  **Legal Process Improvement Professional**™ (LPIP) certification that requires a minimum of 14 hours of education through an Accredited Training

Provider or through the Recognised Prior Learning process. This is a perpetual certification that requires no mandatory work experience;

3. **Investigation Project Professional**™ (IPP) certification that requires a minimum of 21 hours of education through an Accredited Training Provider or through the Recognised Prior Learning process. This is a perpetual certification that requires no mandatory work experience; and

4. **Legal Project Practitioner**™ (LPP) certification that requires a minimum of 21 hours of education through an Accredited Training Provider, through an IILPM eLearning programme or through the Recognised Prior Learning process that also requires the following workplace prerequisites:

   • a qualified lawyer (with or without a practice certificate);

   • completion of an IILPM ATP-delivered university programme;

   • working in a law firm for at least one year;

   • working with internal Legal Counsel for at least one year;

   • working in a court or judicial system supporting the administration of justice for at least one year; and/or

   • working with law firms in the capacity of an adviser, consultant or trainer for at least one year.

In addition, through the Business Education Institute's Registered Training Organisation, a 'Diploma of Project Management' is also offered.



*Figure 20  IILPM Credentialing System*

## 16.8   IILPM Workplace Templates

With the need to produce workplace tools that could be used for training and as a separate packaged product. These are provided in Microsoft Word format for ease of use and to enable the transition to any form of workflow.
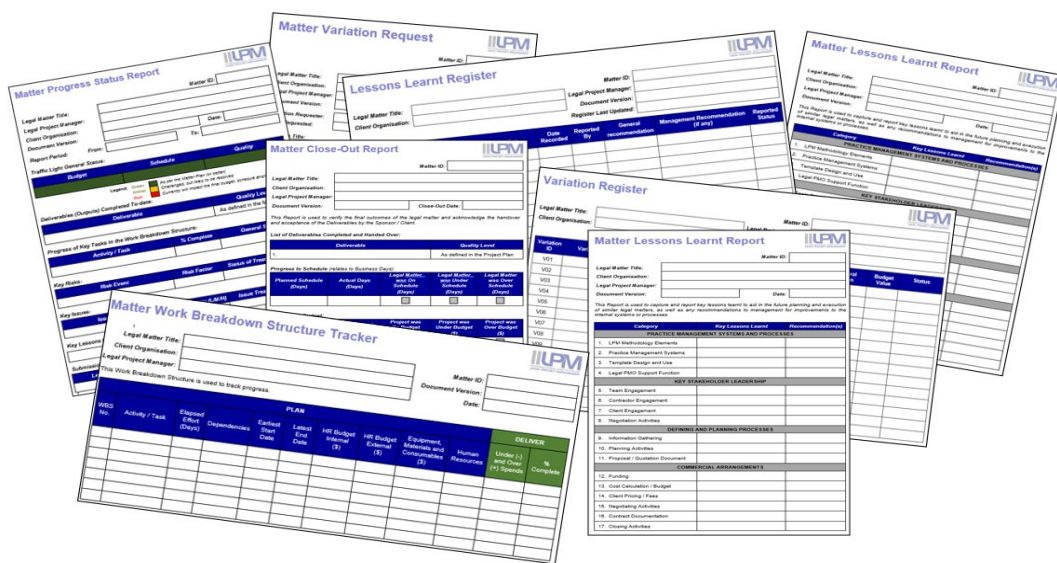


*Figure 21   IILPM Template Toolbox*

The templates are designed for a specific phase of the legal project life cycle, and comprise:

**Define Phase**

- Definition Brief template;

- Matter Proposal template; and

- Work Breakdown Structure template.

**Plan Phase**

- Minor Matter Plan template;

- Major Matter Plan template;

- Risk Management Plan template;

- Quality Management Plan template;

- Communications Management Plan template;

- Quality Management Plan template;

- Organisational Chart Tool template;

- Human Resource Allocation Plan template;

- Stakeholder Management Strategy template;

- Procurement Strategy template;

- Negotiation Strategy template;

- Fee Schedule template; and

- Pre-Deliver Phase Checklist template.

**Deliver Phase**

- Work Breakdown Structure Tracker template;

- Progress Status Report template;

- Risk Register template;

- Issues Register template;

- Cost Tracker template;

- Action Item Register template;

- Variation (Change) Request template;

- Variation (Change) Register template;

- Legal Project Team Kick-off Meeting Agenda template;

- Legal Project Team Meeting Agenda template;

- Legal Project Team Meeting Minutes template;

- Client Meeting Agenda template;

- Client Meeting Minutes template;

- Contractor Meeting Agenda template;

- Contractor Meeting Minutes template;

- Contractor Scope Instruction template;

- Contractor Progress Status Report template;

- Lessons Learnt Register template; and

- Responsibility Assignment Matrix template.

**Close Phase**

- Matter Close-Out Report template;

- Close-Out Phase Checklist template; and

- Lessons Learnt Report template.

**Other Administrative Functions**

- Career Professional Development Plan template;

- DISC Behavioural Sampler Tool template;

- Team Member Skills Matrix template;

- Legal PMO Analysis Checklist template;

- LPM Methodology Analysis Checklist template;

- Legal Project Manager Position Description template;

- Document Review Request template; and

- Agile Backlog template.

## 16.9    Global Videos and Social Posts

I have personally been active in creating short tip-based educational videos shown on the IILPM website and YouTube channel and other social media posts that together with the team has achieved up to weekly posts on several social media platforms, including Face Book, LinkedIn and Twitter.
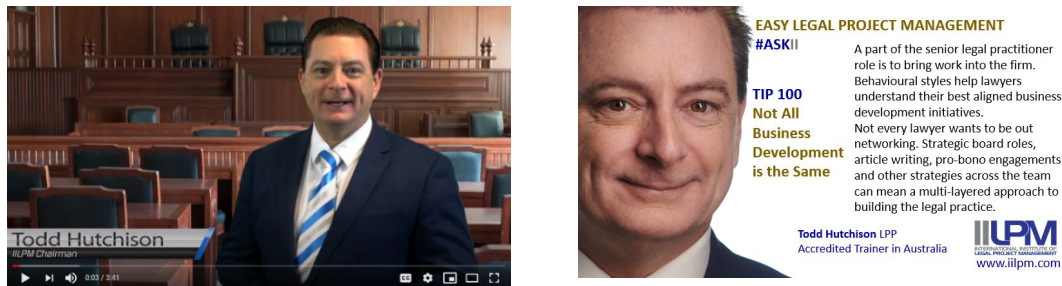


*Figure 22    IILPM Social Media Contributions*

## 16.10    Global Book Publications

I have personally been involved as a chapter contributor on behalf of IILPM to two law publisher books and various articles, including featuring as a frequent inclusive in the international Legal Business World magazine.



*Figure 23    Legal Publications*

Given the IILPM models are based on robust research from legal practitioners operating in multiple countries, the IILPM publishes its own standards, guidelines, practice notes and articles.  Through my own publishing background, the IILPM has the ability and intent to next start its own self-publishing endeavours.

## 16.11  IILPM Professional Community Model

The strength of any global organisation is the value of the personal connections and networks.  The engagement method to train and certify people is designed to ultimately transition to a membership-based model over time to remain as an ongoing professional development and true community-based opportunity. This face-to-face public engagement begun with the Live 2022 online conference event and an annual awards programme. As a consequence, the IILPM bases its engagement design around eight key interactive groups that together forms the IILPM Global Community.
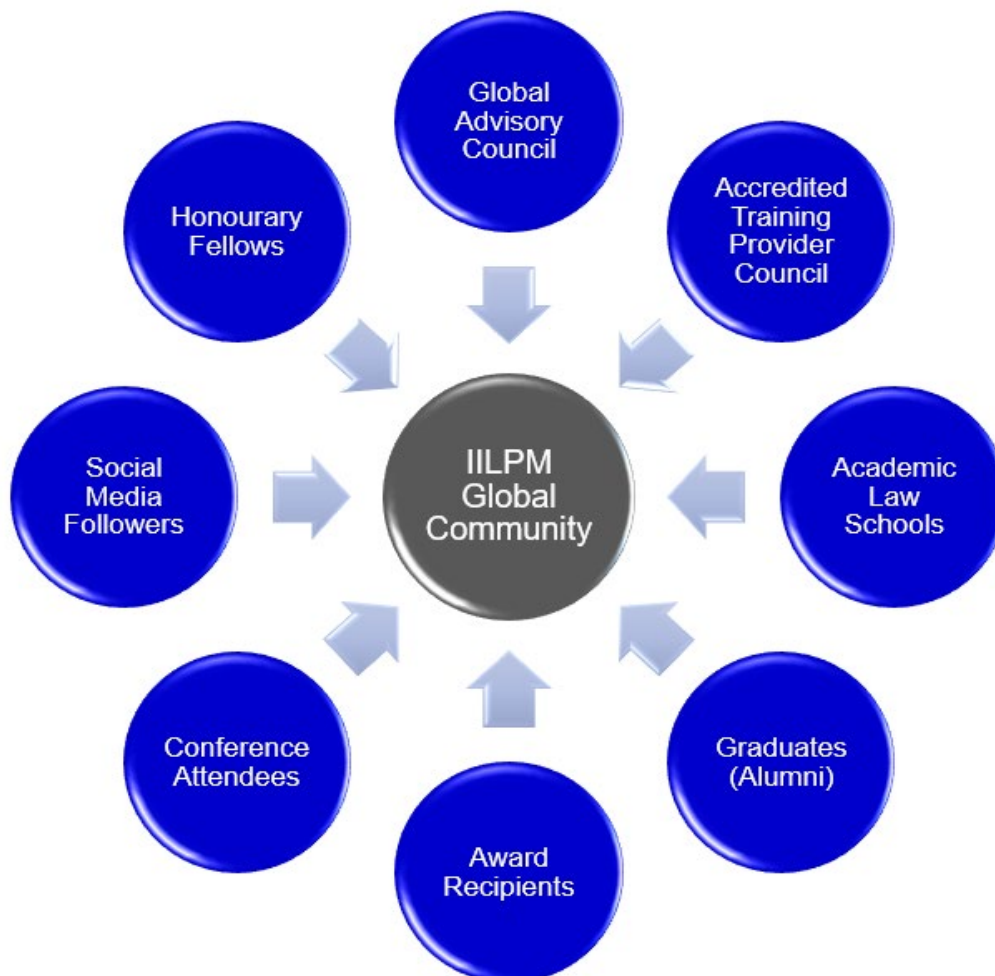


*Figure 24    IILPM Professional Community Model*

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