



Project Management for Legal Professionals

The Agile/Scrum Method

By:

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Charlotte, NC

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A. Introduction

Perhaps you've seen the coffee mug or the meme that says being a lawyer is easy. It's like riding a bike except the bike is on fire and you are on fire and everything is on fire. I thought about that as I was putting together this presentation. I remember thinking their work-life doesn't have to be that way. Work doesn't have to feel like everything is on fire.

Agile project management has taken the business world by storm for the better part of the last two decades, and most recently, Scrum is dominating the landscape. If you're new to project management, Agile, or Scrum, don't worry. It seems mysterious but really it's not. Scrum is a framework that can help you manage your legal matters more effectively and efficiently. I've been using project management methodologies for more than ten years. I spent the first half of my project management career looking for the best method to manage projects in a legal business setting. For the last several years, I've been practicing and coaching Agile, specifically Scrum, and I'm excited to share this information with you. I hope that you'll take what you learn back to your place of work and make that coffee mug obsolete.

B. Agile Umbrella

Under the umbrella of project management there are a variety of methods you might use to manage projects. Project managers refer to these different styles of managing projects as methodologies or frameworks. During Session 1, we focused on Predictive/Waterfall project management. In Session 2, we focus on Agile and Scrum.

C. What is Agile Project Management

When you think about Agile and agility, you might picture a gymnast with amazing flexibility. The word agility is derived from the Latin, *agere*, (aa-jair-ay) meaning "to drive or act." It implies a sense of ownership, and the ability to drive something forward. Other definitions mention "ready ability to move with quick easy grace." The ability to adapt to rapid change with speed and accuracy are exactly the type of

attributes experts have sought to bring into project management. For example, an Agile business is a company that responds quickly and effectively to both opportunity and risk in the business environment. Agile can also mean “having a quick resourceful and adaptable character.” Agility has three characteristics important to project management in this new business world:

- 1) Sense of ownership and authority
- 2) Quick and easy changes of direction
- 3) Resourceful and adaptable

When you take those attributes defined previously as “agility” and apply them to the practice of project management as we know it, you end up with Agile Project Management. For purposes of clarity, I use the term “traditional project management” for methodologies such as Waterfall, which we discussed in Session 1. As I said earlier, Traditional Project Management has proven successful in projects whose solutions can be readily defined, scoped, and estimated (both time and cost).

However, as you know, legal work can have high degrees of unknowns and uncertainties associated with them (e.g., a case of first impression, or a novel-to-you legal matter).

As you probably have seen, sometimes it’s not until after you take on a legal matter that the client begins to realize that what they needed isn’t exactly what they requested. The cost for this behavior is immense when projects aren’t completed satisfactorily, especially if there are missed schedules and budget overruns. This can be a real pain to an attorney when clients don’t understand why they owe so much money, and the work they have most recently requested is still not complete. An approach that deals with the reality of continuous change or incorporates discovery and learning throughout a project is again what we refer to as Agile project management.

D. Agile Principles

At its core, Agile is an umbrella of Values and Principles created by a team of software developers back in 2001. These 12 principles are designed to ensure companies prioritize the right things, namely: customer satisfaction, collaboration, adapting to change, and more. Although these principles were created by software developers, with a little imagination, many of these principles are appropriately applied to other industries, including the legal industry. The following 12 Principles are based on

the [Agile Manifesto](#).

Agile Principles
1. Our highest priority is to satisfy the customer through early and continuous delivery of valuable software.
2. Welcome changing requirements, even late in development. Agile processes harness change for the customer's competitive advantage.
3. Deliver working software frequently, from a couple of weeks to a couple of months, with a preference to the shorter timescale.
4. Business people and developers must work together daily throughout the project.
5. Build projects around motivated individuals. Give them the environment and support they need, and trust them to get the job done.
6. The most efficient and effective method of conveying information to and within a development team is face-to-face conversation.
7. Working software is the primary measure of progress.
8. Agile processes promote sustainable development. The sponsors, developers, and users should be able to maintain a constant pace indefinitely.
9. Continuous attention to technical excellence and good design enhances agility.
10. Simplicity—the art of maximizing the amount of work not done—is essential.
11. The best architectures, requirements, and designs emerge from self-organizing teams.
12. At regular intervals, the team reflects on how to become more effective, then tunes and adjusts its behavior accordingly.

E. Agile Values

In addition to these 12 principles, there are 4 Agile values. Together the 12 principles and these four values make up The Agile Manifesto. To put the Agile Values into perspective, I'll explain each one.

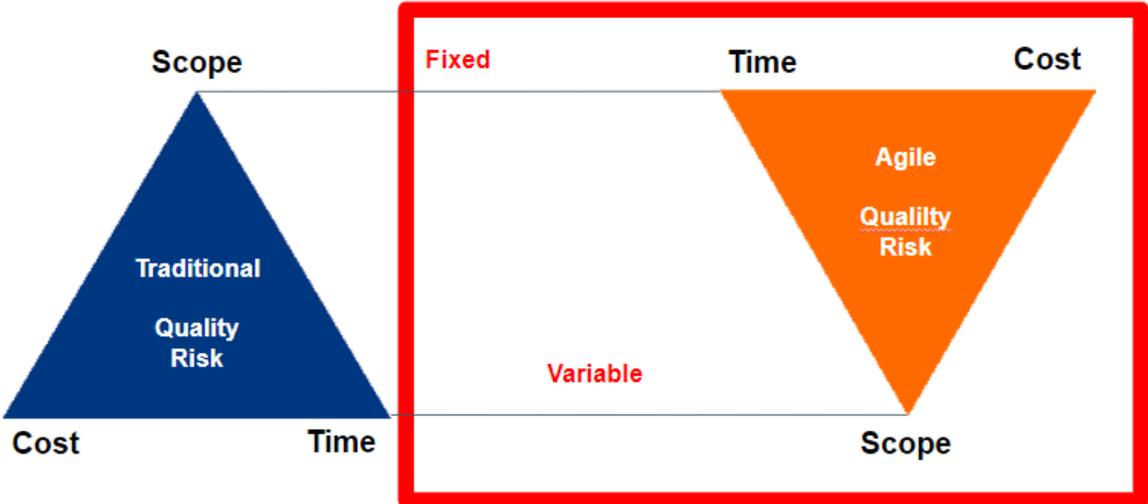
Agile Values	
Individuals and interactions over process and tools	This means Agile places more importance on people than process and even tools. People respond to business needs and drive the development process. Processes and tools are static. they're only as adaptable and flexible as their creator. By their very nature processes and tools are less responsive to change and can be unable to meet client needs.
Working products over comprehensive documentation	This means documentation takes up time. While documentation is important, particularly in the legal field, excessive documentation can result in delays. Agile is about streamlining, not eliminating documentation. A good analogy would be courts of appeal. They typically limit the length of legal briefs because they know there is a critical mass of information where anything additional is just superfluous. So, while documentation has its value, in the Agile mindset, it's the overall work product that is paramount.
Customer collaboration over contract negotiation	This means clients and legal teams must work out the details of delivering work product, but rather than negotiate this process, Agile champions collaboration with clients. Negotiation is "I win, you lose" or "I win bigger than you win." Collaboration is "win, win." Also, negotiation usually involves suspicion and separate agendas. Collaboration requires trust and shared goals.
Responding to changes over following a plan	This is probably the most contentious statement. Traditional project management methodologies have always tried to control the amount of change within a project. Since you have sequential steps - one that has to be completed right after the other - and you have to create a plan for the entire project all at once, change management procedures are designed to keep change within a project to a bare minimum. This has often led to technically "successfully" completed projects but sometimes with none of the presently desired outcomes. Agile project management turns this approach to change management upside down. On Agile projects, the ability to not only respond to but welcome change is important. The ability to embrace change is built into every Agile process, practice and attitude. For example, while scrum has a rule of "no change within the sprint", you are free to add,

	remove, reprioritize or even chuck away the whole product backlog if the product owner allows it. In essence, this means that scrum accommodates any degree of change in between sprints.
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Underneath the umbrella of Agile is Scrum. Scrum fulfills the vision of the Agile Manifesto by helping us organize our work to maximize collaboration, minimize redundancies and unnecessary extra steps, and create multiple opportunities to inspect our work and adapt to change.

F. Agile Triangle

You saw in Session 1 that traditional project management fixes the scope, but allows time and cost to vary to some degree — this is how we ended up with a lot of upfront requirements. Agilists invert the triangle so that time and cost are fixed, and scope is allowed to vary instead. You’ll see why this inversion is important as we discuss the Scrum method and its project life cycle.



G. Scrum

a. Definition

Language changes around us all the time. As we use and adapt words, new definitions are created to match what they mean in current times. Similarly, the

scrum we're talking about is an adaptation of the word scrummage, taken from the game rugby. In rugby, a scrummage, scrum for short, was the method used to restart play in a match after a foul. Visually, it's eight players from each team packed together with heads down, all trying to take possession of the ball. With a little imagination, this makes sense. On a project team, the goal is to get the project done. The Agile Project Management movement comes out of a desire to adapt in real time to the changing circumstances that teams face, and this is where the rugby team comes in. In rugby, the object is to move the ball down the field, one possession at a time, so why couldn't projects do the same thing? Why not change the focus from just winning the whole game to winning each and every milestone and deliverable? So Scrum simply means to run your projects more like a rugby match, pursuing the small goals and deliverables that will get your project done.

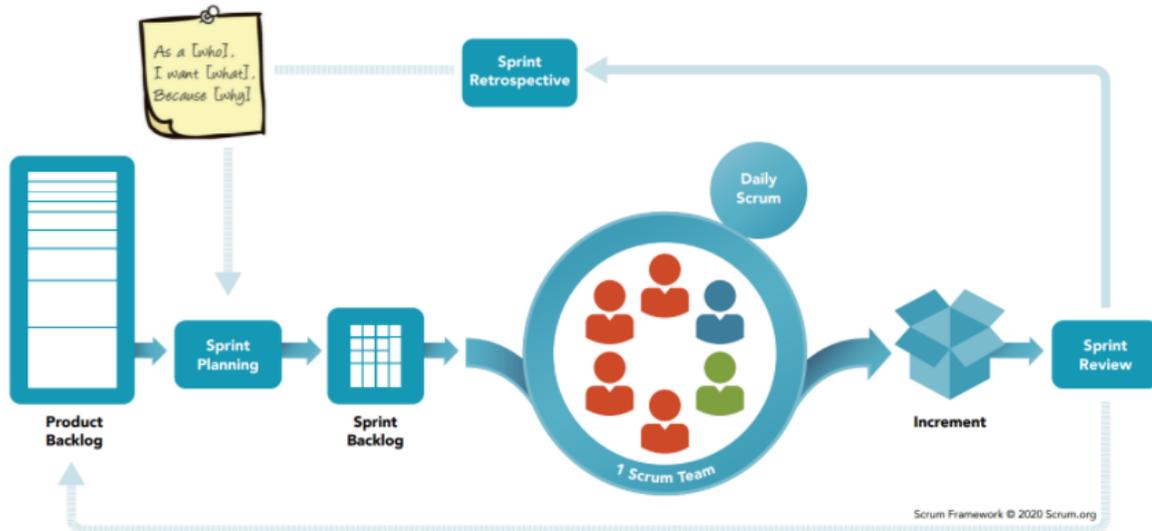
b. Agile vs. Scrum

The terms Agile and Scrum are often used interchangeably, but they're not the same thing. Agile is the label used to define a specific philosophy, mindset and value system as a unique approach to project work. The goal of Agile is to observe the unknowns around you and then using this information, you can devise strategies that help you respond quickly and effectively. There are several project frameworks under Agile, which we saw under the umbrella. Extreme programming, disciplined Agile delivery, and Scrum are all commonly used.

Think of it this way, Agile is the foundational belief system for many project frameworks. Each framework has its own set of practices while sharing the underlying Agile belief system. Scrum is the most commonly used of all Agile frameworks. If you haven't encountered Scrum yet, you probably will at some point. To help you get ready for that, let's take a look at the big picture of the Scrum framework, and then later we'll get more into the specifics.

c. Scrum - The Big Picture

So here's the big picture of the Scrum framework.



I realize it looks complicated, but it really isn't. Let's start with the basics. All project work is done by people with key skills. Knowing this, Scrum has defined three key roles every Scrum team needs. These roles are the Product Owner, the Scrum Master, and the Development Team. Let's talk a little about each role.

First, the Product Owner, or PO for short, is the business representative on the team. They're responsible for defining the work to be done. The PO is the emissary between the business stakeholders, or clients, and the team. The PO defines the priority of the requested work items for the team and makes sure they're working on the highest priority items first. When I think about Scrum in the legal environment, I think of the PO as being the supervising attorney assigned to that case or matter.

The next role is the Scrum Master. This person is responsible for ensuring the team is following the Scrum framework and is working as effectively and efficiently as possible. They also have the job of ensuring impediments, or blockers, to the team, are identified and removed. When I think about the legal environment, I envision this role being filled by a paralegal or an attorney.

Finally, the third role is the Development Team itself. The key differentiator here is that Scrum teams are cross-functional. This means that everyone uses all their skills to complete any task that needs to be done. The group is collectively committed to getting the work done. Another key to remember is that neither the PO nor the Scrum Master micromanages the Development Team. They're a self-managing body and determine together the best way to complete the work. Sometimes you'll hear people

refer to the Scrum Team. When they do, they're talking about all three roles at the same time. We're going to go into a lot more detail in a moment so if you didn't catch all of that, don't worry about it.

Essentially Scrum is a lightweight set of values, principles, and practices. It promises:

1. Fast feedback
2. Continuous improvement
3. Rapid adaptation to change
4. Accelerated delivery

At its heart, Scrum works by breaking large products and services into small pieces that can be completed in a short timeframe.

d. Scrum Benefits

Scrum has a number of benefits, but I'll go over 5.

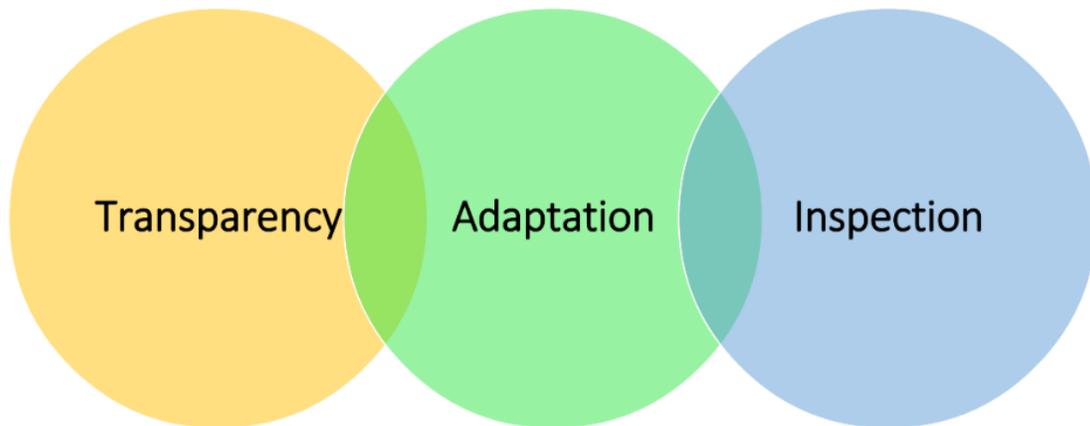
- 1) **Understand how tasks fit into the bigger picture.** Because Scrum allows you to break down complex projects into manageable tasks, it forces you to think about the specific actions needed to reach a goal, and it encourages reviewing and revising those actions with your team. The ultimate goal is always in mind, but the steps necessary to achieve it are the main focus.
- 2) **Keep tabs on your team.** Scrum encourages transparency, but not micromanagement, which is great because who likes to be micromanaged? Nobody. Your team needs to know what you're doing and when they can expect it to be done, but it's up to you to complete your work how you want. There is no real "boss" on a Scrum team, although Product Owners are ultimately held accountable for a finished product.
- 3) **Build in deliverables.** This is another way of saying "hold yourself accountable to deadlines and specifics." It's not particularly helpful to say, "I will file a legal brief by March 15th." That's a good goal, but what specific tasks do you need to complete, and when do you need to complete them? During each Sprint, your items will read more like, "I will conduct legal research on the question of XYZ topic and will review it with the client on

March 1st.” That way, your client knows when to expect it, and you know when it needs to be done. Yes, that may be a part of helping you prepare for that legal brief you are going to file on August 15th but by breaking down the work into manageable chunks, it’s easier to stay on top of deliverables.

- 4) **Stay organized.** Effective project management requires organization, and that requires open communication and tracking. This is really at the heart of Scrum (and effective project management in general). You are laying out a logical roadmap for getting things done. Whether you use Scrum or any other framework, staying on top of tasks is the key to success.
- 5) **Remain flexible but focused.** Scrum sometimes seems like it has a lot of “rules,” but it’s important to remember this: it’s an Agile framework. It’s designed to deliver better products faster. This means you have to leave room in your Sprints for the unexpected, and you also have to be able to prioritize your work to say “no” to low-impact requests that come up. Having a Scrum Master (or equivalent team member) looking out for impediments and figuring out how best to handle them is important to reach team goals.

e. **Scrum Theory & Three Pillars of Empiricism**

Next I want to talk to you a little about Scrum Theory. It’s important to understand the foundational concepts of Scrum. Scrum theory is based on the experiential learning circle. This states that knowledge and understanding come from a process of planning something, doing it, reviewing how it worked and then adapting the process to be used the next time. Scrum theory is based on the three pillars of empirical thinking: Transparency, Inspection, and Adaptation.



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I'll briefly go over the three pillars of empiricism.

- 1) **Transparency:** This means presenting the facts as is. All people involved—the client, the CEO, attorneys, paralegals, and individual contributors—are transparent in their day-to-day dealings with others. They all trust each other, and they have the courage to keep each other abreast of good news as well as bad news. Everyone strives and collectively collaborates for the common organizational objective, and no one has any hidden agenda.
- 2) **Inspection:** Inspection in this context isn't an inspection by an inspector or an auditor but an inspection by everyone on the Scrum Team. The inspection can be done for the product, processes, people aspects, practices, and continuous improvements. For example, the team openly and transparently shows the product at the end of each Sprint to the client in order to gather valuable feedback. If the client changes the requirements during inspection, the team doesn't complain but rather adapts by using this as an opportunity to collaborate with the client to

clarify their need.

- 3) **Adaptation:** Adaptation in this context is about continuous improvement, the ability to adapt based on the results of the inspection. Everyone in the organization must ask this question regularly: Are we better off than yesterday? For profit-based organizations, the value is represented in terms of profit. The adaptation should eventually relay back to one of the reasons for adapting Agile—for example, increased efficiency, improved client and employee satisfaction, profitability on flat fee matters, things like that.

These pillars of empiricism help Scrum employ an iterative and incremental approach to fix the budget, the scope, and the time to completion for a project.

f. Scrum Artifacts¹

Before we dive into the Scrum Artifacts, let's provide a little context first. The Product Owner is the one person in Scrum who is responsible for the success of the Product (e.i. work-product). We explain the roles of the Scrum Team thoroughly in the next section but just know the product owner in a legal setting would typically be the attorney assigned to the case. The Product Owner creates, manages, and owns the Product vision. The Product vision describes the purpose of a Product, the intention with which the Product is being created, and what it aims to achieve for customers (clients). Having a clear and inspiring Product vision helps in motivating and inspiring people, like the Scrum Team, the client, and any other stakeholders. It also provides a common understanding of the direction we want to move towards. Besides that, the Product vision also supports the Product Owner in making choices about what to work on during the project.

As we've discussed, Scrum is a project framework based on transparency and feedback. In service to those values, Scrum defines three artifacts that are open for anyone and everyone to review. If the word artifact seems archaic to you, in archeology, the term "artifact" simply refers to an object that was made by a human. So these are just three key items that are used in Scrum to support the process. Scrum describes three primary artifacts: the Product Backlog, the Sprint Backlog, and the Product

¹ Scrum Artifacts maps to Rule of Professional Conduct 1.1 Competence.

Increment. The Product Backlog and Sprint Backlog describe work to be "Done" that will add value, and the Product Increment is the "Done" portion of the product completed during a Sprint. The three Scrum Artifacts share the same goals: maximize transparency and promote a shared understanding of the work.

i. **Scrum Artifact: Product Backlog²**

The first artifact is the product backlog. The product backlog is managed by the Product Owner and is the single source of work for the development team. The backlog is simply an ordered, or prioritized, list of all the work that could be done for this project (i.e., case or matter). It is also prioritized so the things on the top are things we really really want (or need) to do while things at the bottom were mentioned by the client but may never happen. For example, perhaps your client has dreams of filing a cross-claim against Acme Inc. They don't seem committed to that act but they've expressed it, so you put it on the backlog anyway.

To give you examples of a backlog in other industries, the backlog of an airport is all the flights and the backlog of a road system is all the cars that need to go somewhere. And the backlog of a software development team is all the features of software that needs to be developed.

As the work progresses, items in the backlog will be added, removed, reordered, and evolve on a continuous basis and you eventually shed off redundant things or things you don't need anymore. This process is called backlog grooming or backlog refinement. When you're finished with refinement, the backlog is still a list of things we want to do, we should do, and we need to do. But, not more than that.

User Story. Before we move to the next artifact, I want to talk to you about user stories. A User Story isn't in the Scrum Guide but is frequently used by Scrum Teams. A key component of Agile is putting people first, and a user story puts end users or clients at the center of the conversation.

The purpose of a user story is to articulate how a piece of work will deliver a particular value back to the client. User stories are a few sentences in simple language that outline the desired outcome. They don't go into detail. Details are added later. User stories are often expressed in a simple sentence, structured as follows: "As a [who], I want [what], so that [why]." For example, in an estate planning matter, the user

² Scrum Artifact: Product Backlog maps to Rule of Professional Conduct 1.2 Scope of Representation

story might look like this: As Alicia, I want an irrevocable living trust, so I can have asset protection and avoid probate for my beneficiaries. Alicia might also need other documents or outcomes, and each would be broken down into a User Story. Keep in mind, that this structure isn't required, but it's helpful. When you capture not just what the work product will be, but its value to the client, you have a better understanding of your client's needs, and you know your user story is complete. Once your stories are where the whole team can understand them, you're ready to move those stories to the Sprint Backlog.

ii. Scrum Artifact: Sprint Backlog³

That leads us up to the next artifact - the sprint backlog. The sprint backlog is a portion of the product backlog. As the team goes through sprint planning, they'll create a list of items they need to complete during the sprint, which is typically 2-4 weeks long. This list is called the sprint backlog. So you have the product backlog which is the list of everything that needs to be done for the entire project (i.e. case or matter) and then you have the sprint backlog which is just the list of things that need to be done during the current sprint. The Sprint backlog then is their plan for how they will deliver the Sprint Goal and related Product Backlog items during the current Sprint and it's regularly updated throughout the Sprint as the Development Team accomplishes their work. In short, it's a transparent, real-time picture of all of the work in the current Sprint.

iii. Scrum Artifact: Increment

Finally, the Increment is the last Scrum artifact. An increment is the work product that is completed at the end of each sprint. It also includes all the work completed during previous sprints.

The Product Increment provides an accurate, transparent picture of the state of the product at the end of each Sprint. The Product Increment has to meet the team's definition of done to be considered complete. After it meets the team's definition of done, it's available to be inspected by stakeholders the product owner, and other stakeholders such as clients.

³ Scrum Artifact: Sprint Backlog maps to Rule of Professional Conduct 1.3 Diligence.

Definition of Done. You would think that everyone would agree on the definition of something being done, but that's not always the case. In Scrum, the Development Team works to deliver a new Increment (which is the work product) every Sprint. Each Increment is a new work-product, so the Product Owner may choose to immediately release it. To release it in the legal field looks like having a contract executed and disseminated to all parties so that it's done if that's what you were hired to do. Or, it may look like having a motion filed with all the necessary exhibits and served on the correct parties so that it's done. The Increment is considered "Done" if it requires no additional work. In order to assess when work is complete on a Product Backlog item or an Increment, the Scrum Team creates a shared definition of "Done."

Have you ever had confusion in your workplace regarding whether a task is completed? Have you ever seen a situation where you filed something, but it wasn't served. Or you served something but no affidavit or certificate of service was filed with the court? Or you filed everything, but no hearing was ever scheduled so the motion just sat there. That's why having a definition for done is so important. You have to figure out when a backlog item is done, so you don't drop the ball on an important step and it doesn't go from being a backlog item to being an increment until that definition of done is met.

Time & Cost Estimates.⁴ I want to say a quick word about estimating. As you are planning, you'll need to know how much time you are allotting for backlog items. Otherwise, there's no way to know how many backlog items you can fit into a sprint. That means as a practical matter when the main product backlog is created, there should be a time estimate assigned to each product backlog item (or PBI).

Now, it can be very difficult to calculate exactly how long something will take to get done. That's why I suggest using a more uniform approach to estimating the time for your tasks. When I work with attorneys, I generally calendar a product backlog item or task as one hour, two hours, half a day, or a full day. That gives us a standard for the way our estimates are done.

For example, things that take less than a day to complete will be estimated as 1 hour, 2 hours, 4 hours, or 8 hours. Every task will fall under one of these time categories. There will be no 3-hour estimates; the 3 hours task would fall into the 4 hours category. Larger tasks are estimated as 2 days, 3 days, 5 days, or 10 days. Again, all estimates in between would fall into the next larger category. Extremely large

⁴ Time & Cost Estimates map to Rule of Professional Conduct 1.5 Fees.

tasks may be estimated in months, but generally these large tasks still need to be broken down into smaller tasks to obtain an accurate estimate. Doing it this way also allows you to come up with a more accurate estimate for legal fees, especially under an alternative fee agreement, and makes it less likely that you'll underestimate legal fees and lose revenue.

Now, I should say there are other ways to estimate. I think this is the best way for legal matters given the level of Agile maturity in most firms.

In many other non-legal organizations, you'll hear people talk about story points - which is an arbitrary and relative way of handling estimations. That way of estimating is outside the scope of what we are doing today but I wanted to bring it up in case you know something about Scrum and that's how you do things. That by itself could take an hour or more to explain, so that's why for our purposes I'm sticking with time estimates because historically, that's how we've done things in the legal field.

g. Scrum Team

The fundamental unit of Scrum is a small team of people called a Scrum Team. The Scrum Team consists of one Scrum Master, one Product Owner, and Developers called the Development Team. Within a Scrum Team, there are no sub-teams or hierarchies. It's a cohesive unit of professionals focused on one objective at a time. Effective Scrum Teams are cross-functional, meaning they have all the skills necessary to create value for each Sprint. They're also self-managing, meaning after the Product Owner assigns a backlog, they internally decide who does what, when, and how.

Additionally, the Scrum Team is small enough to remain nimble and large enough to complete significant work within a Sprint. In general, smaller teams from 3-9 members communicate better and are more productive.

The Scrum Team is also responsible for all product-related activities from stakeholder collaboration, research, and anything else that might be required. They use Sprints to improve focus and consistency. And, the entire Scrum Team is accountable for creating a valuable, useful Increment (or work product) every Sprint.

i. Scrum Team: Product Owner

The product owner is a role on the Scrum team responsible for managing the product backlog in order to achieve the desired outcome that a product development

team is commissioned to accomplish. As I stated previously, I typically see this role as being filled by the attorney since they're responsible for the final work-product.

The Product Owner is accountable for effective Product Backlog management, which includes:

- 1) Developing and explicitly communicating the Product Goal
- 2) Creating and clearly communicating Product Backlog items
- 3) Ordering Product Backlog items; and
- 4) Ensuring that the Product Backlog is transparent, visible and understood.

The Product Owner may do the above work or may delegate the responsibility to someone else. But, regardless, the Product Owner remains accountable. I should tell you that the Product Owner is one person, not a committee although he or she may represent the needs of many stakeholders in the Product Backlog including clients.

Also, the product backlog cannot be changed without the product owner's agreement. So, for example, if you work in mergers and acquisitions and you think an additional audit needs to be conducted to ensure due diligence, that potential backlog item should be taken up with the Product Owner first.

In order to ensure the product owner is successful the product owner must be:

- 1) Accountable for what the product delivered
- 2) Authorized to make decisions
- 3) Adaptable to learnings and opportunities
- 4) Available to collaborate with the team

ii. **Scrum Team: ScrumMaster**

The ScrumMaster is responsible for ensuring that Scrum is understood and used appropriately by the Scrum Team. Scrum Masters do this by acting as a guide to the organization on Scrum theory, practices, and rules. The ScrumMaster is often described as a "Servant Leader" role. This description means that the ScrumMaster leads by helping, rather than coercing. It can also be viewed as a role that serves through modeling. But the ScrumMaster is not a secretary or a gopher. The ScrumMaster is

there to ensure that the Product Owner, Development Team, and organization as a whole understand how Scrum can be used to help them accomplish and align their goals.

The Scrum Master is accountable for establishing Scrum as defined in the Scrum Guide. They do this by helping everyone understand Scrum theory and practice, both within the Scrum Team and the organization. The Scrum Master is accountable for the Scrum Team's effectiveness. They do this by enabling the Scrum Team to improve its practices, within the Scrum framework. Scrum Masters are true leaders who serve the Scrum Team and the larger organization.

The Scrum Master serves the Development Team in several ways, including:

- 1) Coaching the team members in self-management and cross-functionality;
- 2) Helping the Scrum Team focus on creating high-value Increments (or work product) that meet the Definition of Done;
- 3) Causing the removal of impediments to the Scrum Team's progress; and,
- 4) Ensuring that all Scrum events take place and are positive, productive, and kept within the timebox.

The Scrum Master serves the Product Owner in several ways, including:

- 1) Helping find techniques for effective Product Goal definition and Product Backlog management;
- 2) Helping the Scrum Team understand the need for clear and concise Product Backlog items;
- 3) Helping establish empirical product planning for a complex environment; and,
- 4) Facilitating stakeholder collaboration as requested or needed.

The Scrum Master serves the organization in several ways, including:

- 1) Leading, training, and coaching the organization in its Scrum adoption;
- 2) Planning and advising Scrum implementations within the organization;
- 3) Helping employees and stakeholders understand and enact an empirical approach for complex work; and,
- 4) Removing barriers between stakeholders and Scrum Teams.

iii. Scrum Team: Development Team

Developers are the people in the Scrum Team that are committed to creating any aspect of a usable Increment (again work product) each Sprint. they're the people doing the work. they're creators or developers if you will. The specific skills needed by the Developers are often broad and will vary with the domain of work. However, the Developers are always accountable for:

- 1) Creating a plan for the Sprint, the Sprint Backlog;
- 2) Instilling quality by adhering to a Definition of Done;
- 3) Adapting their plan each day toward the Sprint Goal; and,
- 4) Holding each other accountable as professionals.

For the Development Team to be successful, they need autonomy and enough space to breathe to do the work they've been assigned. They'll need clarity of goals. They'll need to understand any limitations or constraints and to understand the needs of any stakeholders. They'll need support. Sometimes difficult decisions have to be made in real-time with limited information. In that case, the attorney or product owner needs to back up the decision of the development team to the client or organization if necessary. Finally, the development team needs a purpose. We frequently joke that lawyers and paralegals are problem solvers and that's true of the development team. They solve problems, they find opportunities to do well.

h. Scrum Events

Perhaps the most important element to Scrum and Agile is the enthusiasm for communication, openness and transparency. These factors underpin everything we do in our daily work using Agile and Scrum practices; they're why we value customer collaboration over contract negotiations and why we're not afraid to respond to change as we know that feedback is important.

Agile asks that we learn from our mistakes and identify new ways to improve. As one of the principles of the Agile Manifesto states:

“At regular intervals, the team reflects on how to become more effective, then tunes and adjusts its behavior accordingly.”

It's with this call for open communication that Scrum encourages us to hold five key events during a Sprint, all intended to help us work efficiently and closely

together, as well as to improve our knowledge and become more effective in the future.

These five events are:

1. The Sprint
2. Sprint Planning
3. Daily Scrum
4. Sprint Review
5. Sprint Retrospective

All are crucially important in their own right and it's for that reason I will briefly examine each one here.

i. Scrum Events: The Sprint⁵

The Sprint is the heartbeat of Scrum. It can be viewed as a container for all of Scrum's inspect and adapt loops. The Scrum Team delivers a new iteration of the working product every Sprint. Each Sprint lasts - at most - one calendar month, and shorter Sprints are extremely common. You'll want to figure out what works for your organization.

ii. Sprint Planning

Sprint Planning is the event that kick-starts each Sprint and is where the Product Owner and Developers discuss which Product Backlog Items (PBI's) will be included in Sprint. While the Product Owner has the right to prioritize each PBI for potential inclusion in the Sprint, the Developers are encouraged to respond, raise issues and push back where necessary. The Developers then forecast how many PBI's they can deliver in the Sprint, given their knowledge of velocity, resources, and any factors which could influence the time and resources they have available. The outcome of the Sprint Planning event is to get a Sprint Goal and Sprint Backlog that everyone agrees is realistic and achievable.

The Scrum Master's role is primarily to facilitate the meeting. The Product Owner describes the objective of the sprint and also answers questions from the development team about execution and acceptance criteria/criteria of satisfaction. The development team has the final say in how much of the high-priority work it can

⁵ Scrum Events: The Sprint maps to Rule of Professional Conduct 3.2 Expediting Litigation.

accomplish during the sprint.

Sprint planning involves the entire Scrum team: the development team, Product Owner, and Scrum Master.

Sprint planning is limited to a maximum of eight hours. The general rule of thumb is to allow two hours of sprint planning for every one week of sprint length. That means teams should timebox sprint planning to four hours for a two-week sprint and eight hours for a one-month sprint.

iii. Scrum Events: Daily Scrum

Now, we move on to the daily scrum meeting. I'm going to spend some extra time discussing the Daily Scrum because I hope if you bring anything back with you to the office, this will be the first thing you try. It is the easiest event in Scrum to implement and has immediate benefits.

This is also the only event that happens each day of the sprint. The other events happen once per sprint cycle.

The Daily Scrum is when the development team meets for 15 minutes (or less) every day of the sprint to inspect progress toward the sprint goal. The Scrum Guide says you should meet at the same time and place during a particular sprint for the sake of simplicity.

In the old 2017 Scrum Guide, it said that the three questions to discuss during the Sprint were:

- 1) What did you do yesterday to move towards the sprint goal?
- 2) What will you do today to move towards the Sprint Goal?
- 3) Do you see any impediments that are keeping you from reaching the Sprint goal?

While effective, these three questions were overly prescriptive, and the Scrum Guide was revised in 2020 to say, "The purpose of the Daily Scrum is to inspect progress toward the Sprint Goal and adapt the Sprint Backlog as necessary, adjusting the upcoming planned work." There are many ways to achieve that purpose. But, I still say that yesterday, today, and what's in my way questions are a good place to start if you are new to Scrum. Just don't let the discussion be limited to the three questions if

you have other ways of making the meeting more meaningful.

Additionally, I want to take a minute to talk about the 15-minute timebox. 15 minutes is not a suggestion. It's a part of the Scrum Framework. You can be done earlier than 15 minutes, but your Scrum meetings should not take more than 15 minutes. You should be able to cover everything you need to cover in 15-minutes.

Now, sometimes the Daily Scrum identifies conversations that need to take place beyond the event's 15-minute timebox. The 2017 guide stated these conversations, often called a 'parking lot,' take place immediately after the Daily Scrum. The 2020 Scrum Guide lets the Scrum Team decide when these important conversations occur. Regardless, side conversations that don't involve the entire team need to happen after the Daily Scrum. There shouldn't be one or two people dominating the entire meeting with issues that only pertain to them while the rest of the team stands around wishing they could get to work.

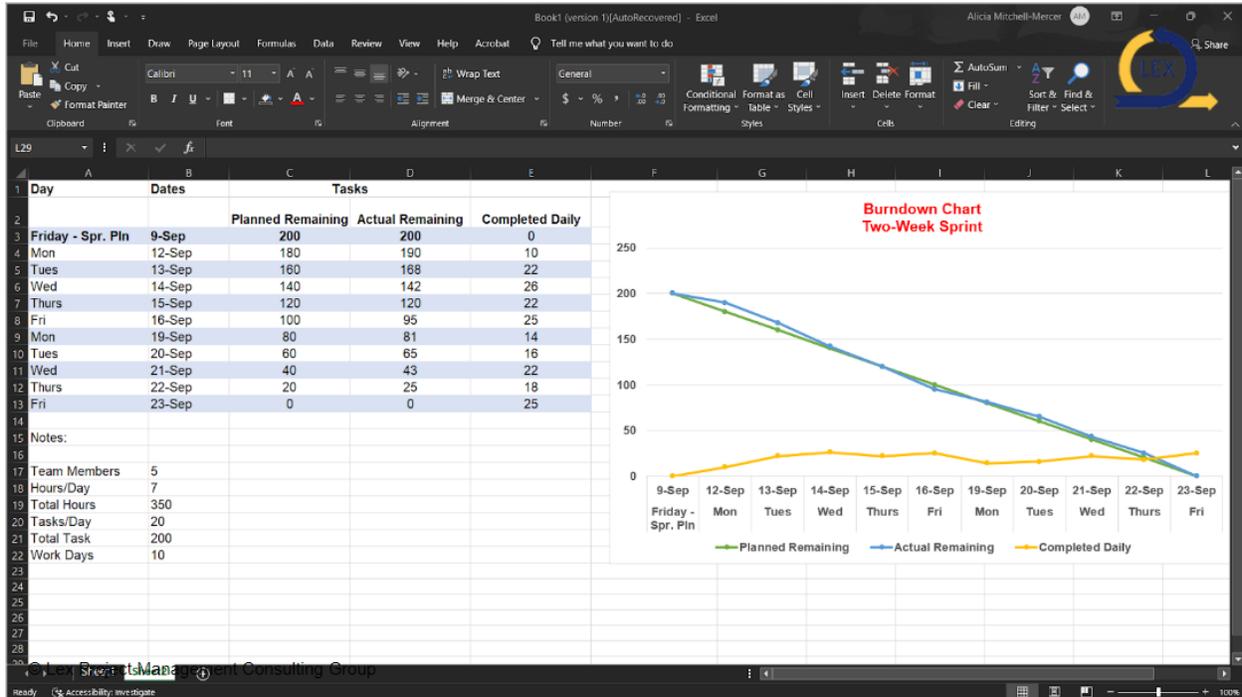
The mandatory participants at the daily scrum are the development team. The Scrum Master typically attends, but that's optional. The Product Owner should attend, but that isn't required. Standing up isn't compulsory. However, many teams find this a useful technique to keep the event short and to the point. People don't get comfortable or settled in.

Scrum wants to use your time and resources efficiently, and the Daily Scrum event is no exception. It's also important to remember that even though it sounds like it, the Daily Scrum is not a status conference. Instead, it's an opportunity for the Developers to check in, assess progress towards achieving the Sprint Goal and to review and plan their activities for the next 24 hours.

Productivity Tool: Burn-Down Chart. Next, we move on to the burndown chart. The Burndown Chart isn't an artifact or event, and it's not found in the Scrum Guide. But, a lot of Scrum teams tend to use them. It's arguably one of the best visual tools to ensure your project is going smoothly. A burn-down chart provides a day-by-day measure of the amount of work required in a given sprint. You put the total of the time estimates for everything you want to accomplish during the sprint on the y-axis and the number of days for the sprint on the x-axis. On the chart, the amount of work might bounce up and down daily, but as you approach the end of the sprint, the slope should generally be trending towards zero. Because historical information is provided in the burn-down chart, it's easy to see if the team is on the right track by quickly tracking the slope of the graph or burndown velocity. This is the average rate of productivity for each day.

For example, on a typical day, the collective team's total productivity might consist of 30 hours of legal work. If you have this information, it's possible to estimate a completion date for the sprint. What's great about the burn-down chart is that you can compare actual velocity with what the team needs to do to finish on time. This is extremely important information to have regarding the status of your legal project. The burn-down chart provides empirical proof of whether work will be completed on time or delayed at the end of the sprint.

As you'll recall, part of the sprint planning process was to create an estimate of time for each client story. The collection of client stories for a given sprint estimates the total amount of work that must be done to complete that sprint. As each team member (attorney, paralegal, etc.) makes progress on one or more of the client stories, that team member simply updates the time remaining for each of their own items so the total amount of time remaining on the group of client stories that make up a sprint changes on a day by day basis hopefully going downward until it hits zero at the conclusion of the sprint. The burn-down chart aggregates the remaining work data and shows it visually. It truly is brilliant because it communicates a massive amount of information in just a few seconds which is very useful when trying to quantify progress at the Daily Scrum.



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iv. Scrum Events: Sprint Review⁶

Next, we’ll learn all about the Sprint Review meeting. Thinking about the principle from the Agile Manifesto — “At regular intervals, the team reflects on how to become more effective, then tunes and adjusts its behavior accordingly.” That principle alone summarizes the reason behind our next two events, the Sprint Review and the Sprint Retrospective.

A Sprint Review usually takes place on the last day of the Sprint and allows the Scrum Team the opportunity to show the Done Increment to stakeholders (clients and anyone else considered relevant and interested). As well as inspecting the Increment, you are also after useful feedback that can help guide the work for future sprints. So, if something could have been done better, now is a good time to discuss it.

The entire Scrum team attends the sprint review. Scrum teams should also invite as many stakeholders as possible because diverse feedback is essential for creating excellent work-products.

⁶ Scrum Event: Sprint Review maps to Rule of Professional Conduct 1.4 Communication.

And for practical purposes, Sprint reviews are limited to a maximum of four hours. The general rule of thumb is to allow one hour for sprint review every one week of sprint length. That means teams should timebox sprint review to two hours for a two-week sprint and four hours for a one-month sprint.

v. Scrum Events: Sprint Retrospective

The final event in the Sprint is the Sprint Retrospective. This is when the Scrum Team reviews what could be improved for future Sprints and how they should do it. The ethos of Scrum dictates that no matter how good the Scrum team is, there will always be an opportunity to improve and the Sprint Retrospective gives the team a dedicated time in which to identify, discuss and plan this. The whole Scrum Team should take part including the Developers, the Scrum Master and the Product Owner. The event should be a collaborative effort, just like the entire Scrum and Agile process. Unlike the Sprint Review, other stakeholders are not typically invited.

If you're confused about the difference between the Sprint Reviews & Sprint Retrospectives, keep in mind that the Sprint reviews focus on the product. Sprint retrospectives focus on the people and process.

Sprint retrospectives are limited to a maximum of three hours. The general guidance is to allow 45 minutes for each week of sprint length. So a two-week sprint would cap the sprint retrospective at an hour and a half; a four-week sprint at three hours.

Agile/Scrum is a far less prescriptive method for managing projects. But, it can be very helpful in circumstances where the scope is relatively less defined and there is a fixed budget and schedule. Conversely, you may benefit by taking processes and tools from both methods of project management (Traditional and Agile) and creating a hybrid method that is tailored to your law practice.

References

- n.d. Scrum Alliance Certification | Transform your workplace. Accessed January 7, 2022. <https://www.scrumalliance.org/>.
- n.d. Manifesto for Agile Software Development. Accessed January 7, 2022. <https://Agilemanifesto.org/>.
- Braun, Amanda. n.d. "Law-gile™." PMI. Accessed January 7, 2022. <https://www.pmi.org/learning/library/law-offices-choosing-Agile-approach-9925>.
- Muir, Ronda. 2007. "A Short History of the Billable Hour and the Consequences of Its Tyranny." Law People. <https://www.lawpeopleblog.com/2007/06/a-short-history-of-the-billable-hour-and-the-consequences-of-its-tyranny/>.
- New Hampshire Bar Journal. n.d. "ENDING THE TYRANNY OF THE BILLABLE HOUR: A Mandate for Change for the 21st Century Law Firm." *New Hampshire Bar Journal* Summer (2010): 66-70.
- North Carolina State Bar. n.d. "RULES OF PROFESSIONAL CONDUCT." North Carolina State Bar. <https://www.ncbar.gov/for-lawyers/ethics/rules-of-professional-conduct/>.
- Ockerman, Stephanie, and Simon Reindl. 2019. *Mastering Professional Scrum: A Practitioner's Guide to Overcoming Challenges and Maximizing the Benefits of Agility*. N.p.: Addison Wesley.
- "The Scrum Framework Poster." n.d. Scrum.org. Accessed January 7, 2022. <https://www.scrum.org/resources/scrum-framework-poster>.

ScrumGuides. n.d. Scrum Guides: Home. Accessed January 7, 2022.

<https://scrumguides.org/>.

Scrum.org. n.d. "The Scrum Framework Poster." Scrum.org. Accessed January 7, 2022.

<https://www.scrum.org/resources/scrum-framework-poster>.

White, M. D. n.d. "The "best of" litigation update 2014: attorney fees update." *The*

Advocate, 149-173.