

TOOL for

How to Create a Legal Department Business Plan



our times

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In an era when corporations are under assault on all sides—by the media, by regulators, by shareholders, and by the public—it is very much in a corporation's interest to put in place formal documents that spell out corporate values, goals, and procedures. A corporation's legal department should take a leading role in these efforts, in part by creating its own legal department business plan.

A legal department business plan is an organizational tool that identifies the legal department's goals, sets forth detailed implementation steps and strategies, and establishes procedures. It is also a conceptual tool that defines how the department can best function within the company to provide optimal services and advance corporate priorities. All in all, the plan reflects a shared vision that guides legal department members on an ongoing basis.

The benefits of a legal department business plan are enormous. A legal department business plan makes the department's goals explicit and gives everyone in the

department a sense of what is expected of each employee. The plan also fosters a deeper understanding of broader company objectives, encourages the development of good working relationships with clients, and reinforces the legal department's importance as a key resource within the company.

By analyzing the services that the legal department provides to clients, the plan promotes a higher level of consistency in the delivery of these services. By generating a greater awareness of departmental resources, the plan helps people respond with flexibility to unforeseen circumstances. Finally, the plan, by virtue of the brainstorming and team effort that go into its creation, builds departmental morale and produces greater cohesion within the department.

In all of these ways, a legal department business plan leads to more effective partnerships with clients, superior client service, and greater efficiencies, all of which contribute significantly to corporate well-being.



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THE FOUNDATIONS FOR A SUCCESSFUL PLAN

Traditionally, business plans have been used to obtain funding for entrepreneurial projects and businesses or as an essential step in selling an established company. They have typically followed a largely prescribed format and include a somewhat rigid financial and market analysis. Although the organization and discipline that characterize traditional business plans are important for legal department business plans, as well, the components of legal department business plans can be far more diversified. Indeed, versatility is a hallmark of legal department business plans.

Because of their versatility, legal department business plans can be organized using a variety of formats, ranging from simple and direct to highly detailed. Regardless of the format, a legal department business plan should include the projects and/or goals that the department is pursuing, the steps that must be taken to complete the projects and/or reach the goals, a statement of deadlines, and methods of measuring success. Without these

components, a legal department business plan will lack definition and focus.

The period of time covered by a business plan can vary. Although annual plans are often used, a longer period of time can sometimes be more effective, particularly if a plan covers major projects that will take more than one year to complete. No matter what time period the plan covers, you will need to keep long-term goals in mind as you develop your plan. Language in the plan that refers to goals and projects whose completion date falls outside the time frame of the plan keeps all department members looking ahead and bridges the gap between the current plan and subsequent versions.

The topics, themes, and focus of the plan will depend on the needs and circumstances of both your legal department and your company. For example, a plan for a legal department that has been downsized might concentrate on a reallocation of resources or a reconsideration of the situations in which outside counsel will be used. Alternatively, a plan for the legal department of a corporation that is expanding through acquisitions might concentrate on internal growth and the integration of the new businesses.

As circumstances and priorities change, the plan should change. When a company-wide computer system is introduced, for example, a legal department business plan should be updated to include references to the new system and how it will be used to support the department's goals and objectives.

It is a good idea to review the format, emphasis, and wording of business plans used by other company departments or your company as a whole. If, for example, the company's overall business plan uses a strict format that emphasizes bottom line results, then the legal department's plan should use the same or a very similar format and should incorporate a similar results-oriented theme. When the corporate culture is more informal, a wider range of formatting options may be available. The wording used in a legal department business plan is also important. If corporate management routinely uses certain key phrases or terms of art, then the plan should be drafted with the appropriate terminology in mind. Taking these steps will generate more effective communications with others in your company.

In order to be successful, a legal department business plan must actually be used. There is noth-

ing worse than spending legal department time and resources to construct a plan that gets placed in a drawer and ignored. Because an effective legal department business plan paves the way to future success and accomplishment, it should be regularly consulted by legal department members.

Another important factor to bear in mind when drafting a legal department business plan is the audience to whom the plan is directed. On the most basic level, a business plan is a set of guidelines for members of the legal department. But a legal department business plan is often distributed to corporate management, business units, and even outside counsel. Under these circumstances, the plan serves a reporting function, as well as an informational and promotional function.

ALTHOUGH THE FORMAT OF A LEGAL DEPARTMENT BUSINESS PLAN MAY DIFFER FROM THAT OF A TRADITIONAL BUSINESS PLAN, A WELL-ORGANIZED AND WELL-WRITTEN LEGAL DEPARTMENT BUSINESS PLAN WILL BE IMPRESSIVE TO THE DEPARTMENT'S BUSINESS CLIENTS.

When distribution of the plan outside the legal department is anticipated, the authors of the plan should carefully consider the best format and method of presentation for the information. Many legal departments convert their business plans into PowerPoint presentations that are introduced to wider in-house audiences in formal meetings. This system showcases legal department accomplishments, such as cost control initiatives, successfully resolved cases, and the closure of significant transactional matters, and demonstrates how the legal department contributes to overall corporate objectives.

Business plans are also an effective way to present legal department achievements to business clients who are already familiar with this form of communication. It is important to distinguish between a legal department business plan and the

department's budget. Although a legal department business plan may refer to budgetary issues, the business plan is far more expansive. The legal department business plan is strategic and visionary in nature while the departmental budget deals with dollars and is more one-dimensional and limited in scope. Although the format of a legal department business plan may differ from that of a traditional business plan, a well-organized and well-written legal department business plan will be impressive to the department's business clients.

The preparation of a legal department business plan is often challenging, but a careful review of the issues outlined above will help you produce a good result.

CREATING THE PLAN

Drafting the Plan

In order to build consensus and generate enthusiasm for the plan, all legal department members should be involved in the plan's formulation.

You can use a number of different procedures to encourage full legal department participation in creating the plan. For a small legal department, you can organize a series of departmental brainstorming sessions to discuss formatting options and to outline the basics of the plan. For larger departments, various department members can draft various sections of the plan and then circulate a unified draft to the entire department. Another way to proceed is to distribute to legal department members a plan already drafted by senior members of the department and to ask for comments, either in writing or in a meeting. At Archon, for example, all lawyers in the legal department were required to write their own personal business plans, which were then used to develop the department's overall plan. Regardless of the procedure followed, the process should be as participatory as possible and should give each legal department member a stake in the final product and its successful implementation.

One of the main reasons for requiring the full participation of legal department members in the preparation of the business plan, in addition to promoting the cohesiveness of the department, is to emphasize the department's significant place within the company and the department's identification

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- allPM.com, a site for project managers, includes information on project management software tools and technology, at www.allpm.com.
- Global Counsel *Best Practice Series: Law Department Structures and Reporting Lines*, at www.practicallaw.com/A28434.
- *Law Department Management*, an ACC InfoPAKSM, available on ACCA OnlineSM at www.acca.com/infopaks/lawdept.html.
- Thomas L. Sager and Scott L. Winkelman, "Six Sigma: Positioning for Competitive Advantage," *ACCA Docket* 19, no. 1 (January 2001): 18–27, available on ACCA OnlineSM at www.acca.com/protected/pubs/docket/jf01/six.html.

- John R. Stout, *Road to Better Business Reputations Will Not Be Smooth or Painless*, at www.fredlaw.com.

ON PAPER:

- WILLIAM D. BYGRAVE, ED., *THE PORTABLE MBA*, 2d. ed. (John Wiley & Sons, 1997).

AT ACC'S 2003 ANNUAL MEETING:

- Are you looking for even more information on this issue? If so, plan to attend ACC's 2003 Annual Meeting October 8–10 at the San Francisco Marriott. Visit www.acca.com/education03/am to learn more about the meeting and register.

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with the company's mission. To this end, important company goals should be incorporated into the legal department's plan. The most current version of the company's goals and objectives, together with supporting documentation, such as a corporate mission statement, should be close at hand when the legal department plan is being drafted.

Incorporating a company's business values into a legal department business plan has two important benefits. First, the legal department members gain a far better understanding of their business clients and feel more connected to the corporate culture. Second, business clients who read the plan gain a far better understanding of the legal department and how it contributes to the success of the business.

General and Free-form Plans

When a legal department creates a business plan for the first time, a straightforward approach and a general format may work best. Over time, a more customized approach may bring greater returns.

Archon used both formulas with good results. When all departments were required to submit business plans to corporate management, the use of a general model allowed the various plans to be compared more easily and resources allocated accordingly. The use of a free-form approach, however, permitted the inclusion of highly creative ideas in the plan and created a greater sense of accountability for the plan's success among department members.

Regardless of the format that is used, a legal department business plan must contain certain core elements to be effective: an identification of the projects and/or goals that the department is pursuing, the steps that must be taken to complete the projects and/or reach the goals, the deadlines, and the methods of measuring success.

Model for a General Business Plan

A useful model for a legal department business plan appears below. A short discussion of the content of the sections of this general model follows.

- Executive summary.
- Priorities.
- Goals.
 - Goal 1.
 - Priority status/reason.
 - Action steps/responsible parties.
 - Success measurement.
 - Dependence of goal on other departments.
 - Dependence of goal on other goals.
 - Goal 2.
 - Priority status/reason.
 - Action steps/responsible parties.
 - Success measurement.
 - Dependence of goal on other departments.
 - Dependence of goal on other goals.
 - (And so forth for each of your goals).
- Consolidated timeline.
- **Executive summary.** The executive summary generally describes the plan as a whole, including its highlights and themes. An executive summary drafted before the plan is written may be incomplete; therefore, the drafters of the plan must check the executive summary for accuracy and completeness after the plan has been written.
- **Priorities.** This section sets the legal department's priorities among the various goals outlined in the plan. You can set priorities by using a hierarchy, denoting the goals as A-level, B-level, or C-level priorities, for example. A legal department's priorities are shaped both by internal factors, such as company-wide cost-cutting initiatives or business unit reorganizations, and external factors, such as significant legal developments.
- **Goals.** Legal department goals are the centerpiece of the general model and, indeed, of virtually all legal department business plans. List and

analyze the goals according to a number of factors, beginning with a description of why the goal has (or has not) been given a priority status. To help make sure that your legal department goals track with what your company wants and needs from your department, see Michele S. Gatto, "SWOT and Beyond: How to Make Your Law Department Effective," *ACC Docket* 21, no. 9 (October 2003): 40–58, in this issue of the magazine to learn how to gather that information.

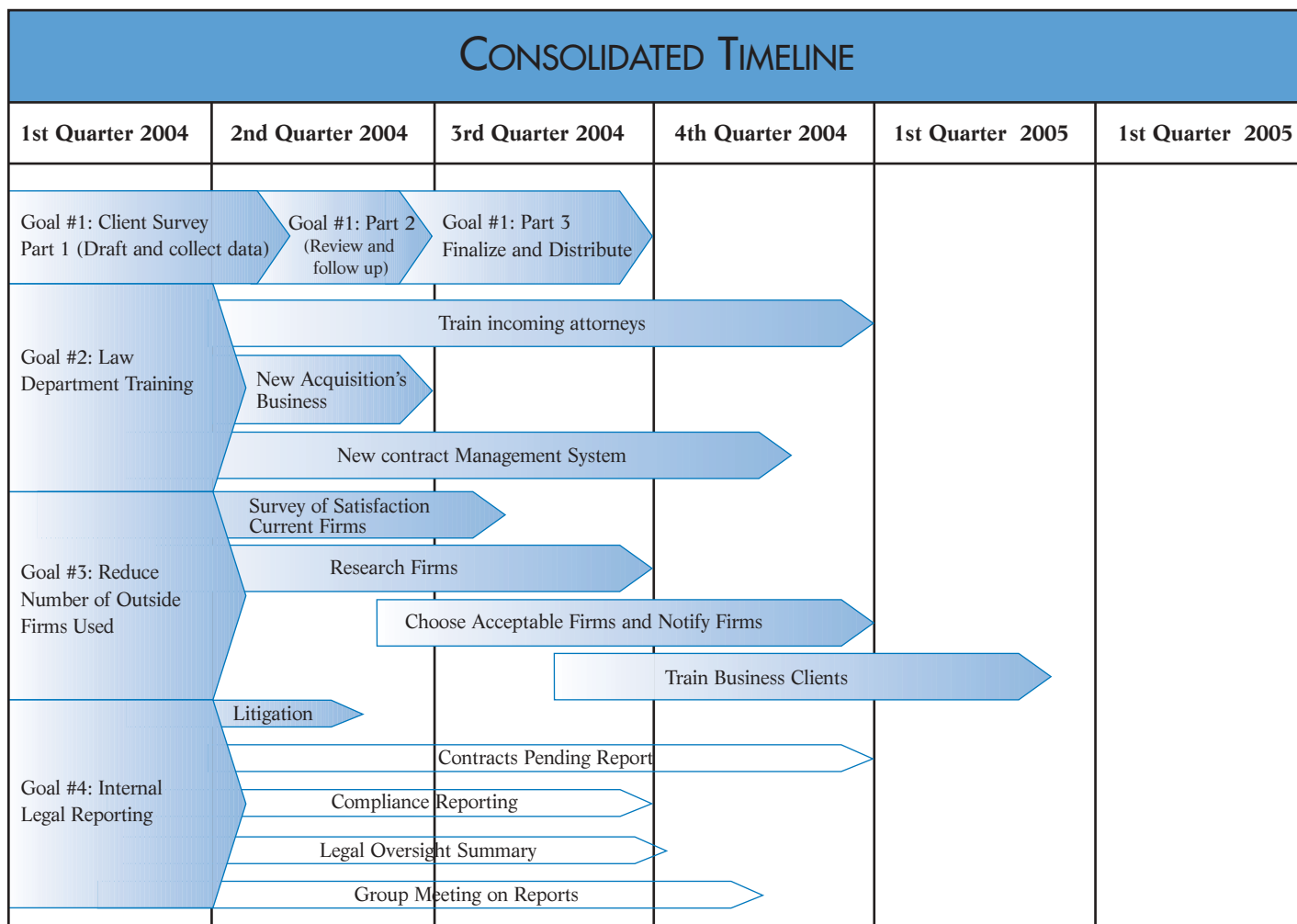
- **Goal priority and supporting reasons.** Priority among goals is based on current information and circumstances; as circumstances change, you can revise priorities. The revised business plan should include the reasons for the new priorities. For example, training for members of the legal department, which might normally be a B-level priority, may move to an A-level rating when the company acquires a new business or a new law is passed and the responsibilities of the legal department expand accordingly.
- **Action steps/responsible party.** A description of specific actions to be taken to achieve particular goals is critical. In addition to enumerating the specific action steps for reaching a goal, a plan should identify the responsible parties so that accountability and a point of contact for each step are made a part of the plan.
- **Deadlines and milestones.** Deadlines for each action—that is, dates by which certain events must take place—are essential in an effective plan. Likewise, milestones—that is, major events or accomplishments that occur over time—should also be listed. For example, the creation of a series of legal department training workshops may have a deadline of January 1, 2004, and the completion of all such training workshops on June 1, 2004, is the associated milestone. Here again, full departmental participation is beneficial because input from legal department members and particularly responsible parties will make the inclusion of deadlines and milestones possible.
- **Success measurement.** The method of measuring success depends on the goal being measured. If the goal is to hire a lawyer with particular expertise, the goal will be achieved when the lawyer is hired. The success of achieving other goals, how-

ever, may be more difficult to measure. For example, it may be difficult to quantify success in such areas as improving interdepartmental communications or shortening response times to requests for legal department assistance. Nonetheless, writing the business plan is useful for the opportunity to discuss these matters and select the best method of measurement for the various goals. Additionally, one way to underscore a legal department's commitment to the success of the plan, as well as the success of the company, is to make a policy of reporting on success to upper management, which success measurement allows to occur.

- **Dependence of the goal on other departments and/or other legal department goals.** The last two subsections suggest that in some cases the

legal department will not, by itself, be able to guarantee the realization of a goal by a specified deadline. For example, a client satisfaction survey cannot be completed if the recipients fail to respond. The real importance of these subsections is their ability to identify areas where delays in achieving goals may occur. For the credibility of the plan and the protection of the legal department, plans should identify potential problem areas and supply options or alternatives that allow goals to be met in a timely fashion.

- **Consolidated timeline.** The final section of the general model is a consolidated timeline, used to array in one chart all of the deadlines contemplated by the business plan. Presenting this information in a timeline (Gantt) chart,¹ such as the sample in the sidebar below, is effective for,



among other things, underscoring the variety of projects that the legal department is involved in, an important point when presenting the plan to corporate management. The chart also shows periods of greater or lesser use of legal department resources on the projects and facilitates internal planning and resource management.

A variety of general models may be used by a legal department in writing its business plan. The example set forth above is one formulation that has been used successfully. Using a format that facilitates planning, promotes participation, and allows for future updates and adjustments is essential.

Customized or Free-form Plans

Legal department business plans should be sufficiently flexible to address a number of subjects and to adapt to a number of organizational schemes. Customized or free-form business plans should include the previously discussed components but also may be organized using a more expansive and/or more individualized approach. See the sidebar on this page for an example of a free-form legal department business plan.

Legal departments in smaller companies or in companies with an entrepreneurial focus may find a free-form plan especially useful for generating ideas and demonstrating the department's adherence to the corporate culture. But legal departments at larger companies can also customize their departmental business plans. Free-form plans often include sections that are intended to expand creativity or deepen the level of analysis, as in the following examples:

- **Legal department mission statement.** A mission statement summarizes the way that the legal department approaches its responsibilities at the company. A mission statement promotes departmental cohesiveness and can be particularly meaningful when it results from one or more legal department brainstorming sessions. Normally, a departmental mission statement appears at the beginning of a plan and supplies the vantage point for viewing the rest of the plan.
- **Current assessment: strengths and weaknesses.** An assessment of legal department strengths can include the specific, such as goals achieved and cases concluded, and the general, such as flexibility, speed, and entrepreneurial spirit. Likewise,

the weaknesses can be detailed (the department is understaffed) and general (lawyers are not included in corporate strategic planning).

- **Keys to success.** In general, this section describes overarching principles that must be followed or changes that must be made for the goals listed in the business plan to be reached. For example, a legal department business plan that focuses on improved customer service might identify better responsiveness and greater consistency as the principles to be followed. This section is useful for sustaining momentum and giving legal department members a way to assess progress.
- **Assessment of previous business plans.** It is always sound policy to identify the lessons learned from experience. An examination of previous business plans used by the department,

SAMPLE OF A CUSTOMIZED OR FREE-FORM LEGAL DEPARTMENT BUSINESS PLAN

- I. Legal Department Mission Statement
- II. Current Assessment: Strengths and Weaknesses
- III. Statement of Primary Objectives for Current Year
- IV. Legal Department Training Initiative
 - A. Description of Initiative
 - B. Action Steps
 - C. Responsible Parties
 - D. Deadlines
 - E. Timeline for Initiative
 - F. Measuring Tools
 - G. Keys to Success
- V. Revised Service Model Project
 - A. Description of Project
 - B. Business Units Involved
 - C. Customer Analysis
 - D. Action Steps
 - E. Responsible Parties
 - F. Deadlines
 - G. Timeline for Project
 - H. Measuring Tools
 - I. Keys to Success
- VI. Departmental Leadership . . . and so forth

including their format, content, approach, and overall usefulness, will indicate which plan works best for the department. Business plans previously used by other departments in the company can also be examined.

- **Service model.** A legal department's service model refers to its way of providing service to its clients. By refining the model, the legal department can dramatically improve such things as turn-around time, interdepartmental communications, and timely interaction with clients on business matters.
- **Services provided.** Business clients (and even some legal department members) may not be fully aware of the wide range of services that the legal department provides. This section lists these services and describes them in an organized and effective way. This section is particularly useful when the department is expanding or otherwise changing the scope of its services. It is also a reminder to the business side of the corporation of the importance of the legal department and is a particularly useful section to include when a business plan is first drafted or circulated.
- **Customer analysis.** Analyzing every business client or, if more appropriate, every business group and determining the best practices for dealing with each one can produce substantial benefits and lead to improved partnerships with business clients.
- **Leadership.** Legal departments contain many potential leaders for the company as a whole. Identifying ways to be more noticeable in the company can increase the department's visibility and demonstrate the added value that the department brings to a variety of situations. In today's closely watched corporate environment, the legal department leadership role is more important than ever.
- **Communications flow.** Intra- and interdepartmental communications can often be upgraded. Identifying how and under what circumstances various kinds of information should be conveyed and the departments or persons to whom such information should be directed can quickly improve the flow of communications. Flowcharts and diagrams may be especially useful to depict the proper communications channels.

Another way to customize legal department business plans is to include project-specific titles and sections, such as document management, outside counsel initiatives, technology improvements, and cost-saving guidelines. This approach is very useful when the business plan covers a period of time marked by major projects within the department or company-wide initiatives. Consistent with the rest of the plan, these customized sections include a detailed discussion of the subject matter, including priorities, goals, success measurement, deadlines, and milestones.

MONITORING PROGRESS

Once the plan has been drafted and responsibilities have been assigned, monitoring progress is crucial. Monitoring progress is not part of the business plan per se but is a related activity that is critical to the plan's success. A successful legal department business plan should have mechanisms in place that permit the monitoring needed to ensure that the plan is being implemented efficiently. One or more persons in the department should be responsible for receiving updates and determining whether any changes to the legal department business plan are required.

A variety of methods can be used to receive information and track the progress made on departmental projects. The most basic way to monitor progress is through updates at regular departmental meetings. Such updates have the added benefit of making the business plan an agenda item at staff meetings and reinforcing its central importance to the department. Alternatively or additionally, emails or memos can confirm that deadlines have been met, milestones reached, and projects completed. As noted above, a senior member of the legal department must be responsible for assessing such information to see whether any adjustments are necessary.

At Archon, for example, a consolidated timeline incorporating all plan deadlines hangs on a wall of the legal department so that members can view the status of various projects at any given time. This approach not only underscores the significance of the plan and promotes a team approach but also ensures that everyone in the department sees the timeline every business day.

Archon used project management software that simplifies the maintenance of this chart, but even a simple chart derived directly from the business plan can achieve similar results. The chart should include the action steps, the responsible party, the deadline information, and a place for notes. Various project management software packages are available to create timelines, charts, and other helpful tools for monitoring plan progress. Whatever method is selected, plan monitoring must be done regularly to be effective. See the sidebar below for a sample tracking chart.

A business plan will change over time to take into account new and often unanticipated informa-

tion and events. This change is a strength of a plan, not a weakness. A plan's flexibility should easily permit amendments and change. Indeed, the plan's very existence will make adapting to these unanticipated events much easier by placing them in an already established context. In fact, the healthiest plans are altered continually and move forward together with the legal departments that they support.

MAINTAINING PLAN VITALITY

The creation of a legal department business plan is not an end in itself. As noted above, the drafted

SAMPLE TRACKING CHART						
Task ID #	Plan Location	Task	Notes	Person(s) Responsible	Start Date	Finish Date
		Client Survey		SS	1/1/04	9/30/04
1	5.5a	Draft and circulate survey questions to legal department personnel for comment and input.		SS	1/1/04	2/15/04
2	5.5b	Hold internal legal department meeting to discuss comments on draft survey questions and finalize.	LL to coordinate scheduling	SS, LL	2/15/04	3/1/04
3	5.5c	Identify recipients of survey questions.		SS	1/30/04	3/1/04
4	5.5d	Circulate survey.		SS, LL	3/1/04	3/10/04
5	5.5e	Obtain survey results.		SS	3/2/04	5/15/04
6	5.5f	Schedule and hold followup phone sessions or meetings with recipients who have not responded.		SS	3/15/04	5/15/04
7	5.5g	Review and evaluate survey results.		SS, LL	5/15/04	7/15/04
8	5.5h	Write and circulate report pertaining to survey results to legal department personnel.		SS	7/15/04	9/01/04
9	5.5i	Hold legal department meeting to discuss results and recommendations.		SS, LL	9/01/04	9/30/04

plan should be reviewed, consulted, and updated on a continual basis. The legal department members should view the plan as a guide that is central to their professional responsibilities. Indeed, the department should refer to the plan regularly in its discussions of ongoing and future projects and initiatives. As circumstances change, the plan should be updated and adjusted. In these ways, the vitality of a legal department business plan is maintained, and the plan becomes a powerful tool for building legal department morale and achieving success.

A legal department business plan should be as visible as possible. The plan should be available in hard copy form and easily accessed on personal computers and laptops. Similarly, the plan can be bound or included in a notebook or other compilation of essential reference materials used by the department. And it could reside on an intranet for ease of updating so that everyone could always have access to the latest edition.

A legal department's business plan should be a central part of discussions on pending projects and departmental goals. Likewise, the business plan can be a regular aspect of staff meetings. Legal department members should be aware that performing their responsibilities under their plan is critically important to the departments and the company. Some legal departments tie annual performance appraisals and bonuses to achievement of business plan goals.

Legal department leaders should be receptive to and encourage input on ways to improve the plan. Quarterly or biannual meetings devoted to discussing the business plan should be scheduled. Consideration should be given to appointing a specific committee that becomes responsible for distributing, amending, and updating the plan on a rotating basis.

Finally, the fact that a legal department business plan can be used to record departmental progress and accomplishment and as testimony to the department's leadership in the company promotes a plan's continuing vitality.

CONCLUSION

Although virtually all American corporations engage in strategic planning and use business plans,

only 16.7 percent of legal departments use business plans.² At a recent ACCA seminar in Dallas, no more than 20 percent of the attendees raised their hands when an informal poll was taken to see how many of the legal departments represented in the room currently used business plans.

This year—in fact, right now—is a good time to consider implementing a legal department business plan. Business plans provide a valuable tool for analysis, goal setting, and accomplishment. Legal departments that use legal department business plans, such as Archon, have gained numerous benefits from the plan, including more productive relationships among members of the legal department, improved allocation of resources, heightened departmental cohesiveness and morale, and more effective communications both within and outside the department. Legal departments that use business plans find that a plan aids in conforming legal and business goals, facilitating partnerships between the legal department and its business clients, and showcasing legal department achievements.

This time of reevaluation and restructuring for many corporations is an ideal time for legal departments that have not already created a legal department business plan to do so. The time invested in creating a successful legal department business plan will be paid back many times over in the benefits received. In this era of increased corporate scrutiny, in-house legal departments have a very important role to play. A legal department business plan will help a legal department reach its full potential at a time when maximum use of resources matters more than ever. A

NOTES

1. A Gantt chart uses a graphic depiction set on a timeline to illustrate the starting point, the end point, and the duration of a project.
2. Corporate Legal Times—Huron Consulting Group LLC 13th Annual Survey of General Counsel, July 2002, at http://cltmag.com/editorial/survey/july02_2.cfm.