

Agile Basics for Lawyers

Agile Clients | Agile Contracts | Agile Practice



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LegalValueTheory.com

Agile»Attorney

Goals for this Class:

**ALERT YOU TO
THE AGILE
REVOLUTION**

**DISCUSS THE
CONTRACT
NEEDS OF
AGILE TEAMS**

**SHOW HOW
LAWYERS CAN
BENEFIT FROM
AGILE**

TO-DO

DOING

DONE!

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What is Agile?

ag·ile ('ajəl/):

A time boxed, iterative approach to project management and process improvement that emphasizes incremental delivery of valuable work from the start of a project, instead of trying to deliver it all at once near the end.



STATE OF AGILE

Company Experience and Adoption

COMPANY EXPERIENCE

HOW MANY?

The number of organizations that practice agile.



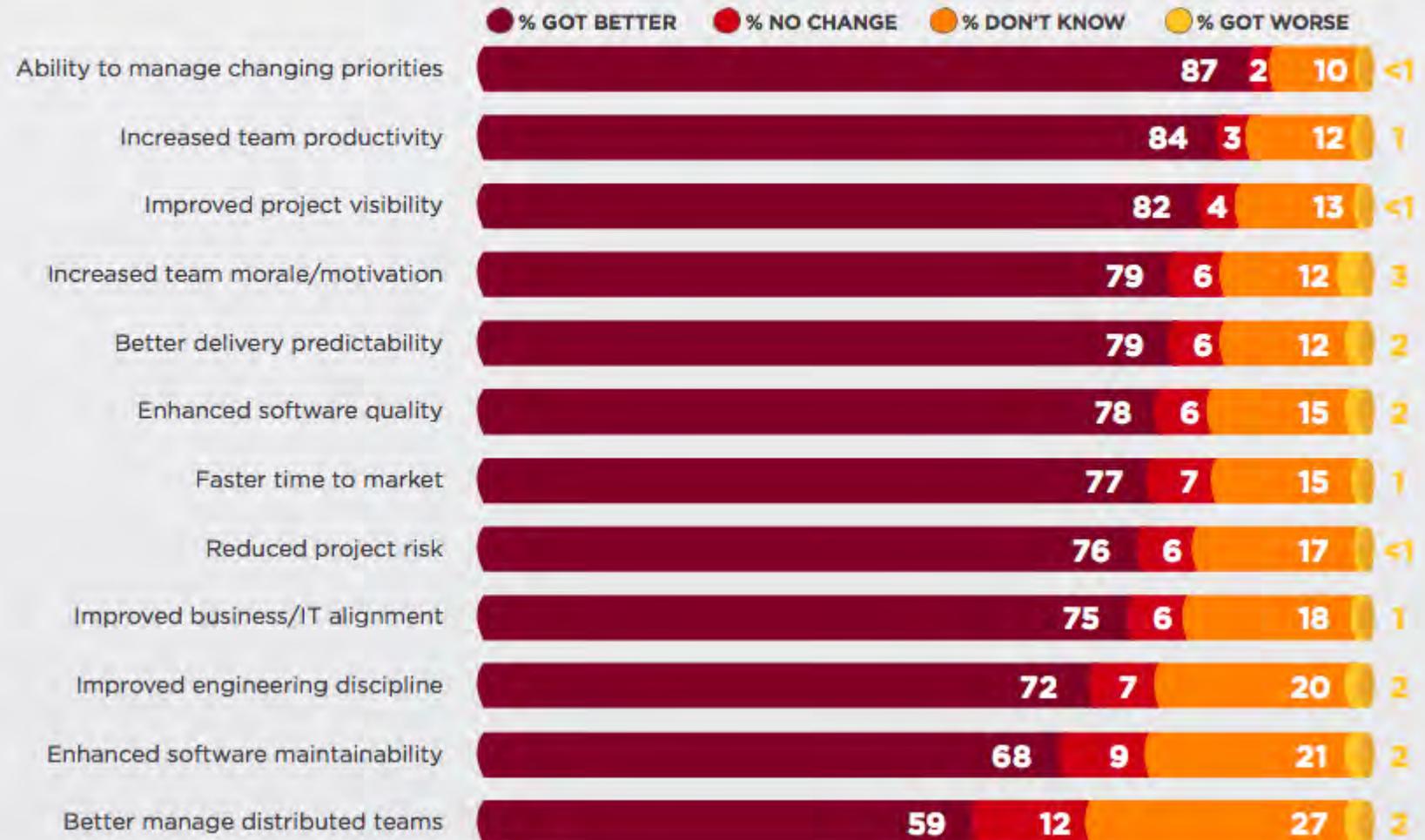
HOW LONG?

	2014	2013
<1 year:	15%	8%
1-2 years:	29%	40%
3-5 years:	32%	33%
5+ years:	24%	19%

Approximately 24% of respondents worked in organizations that have practiced agile for greater than five years, up from 19% in 2013.

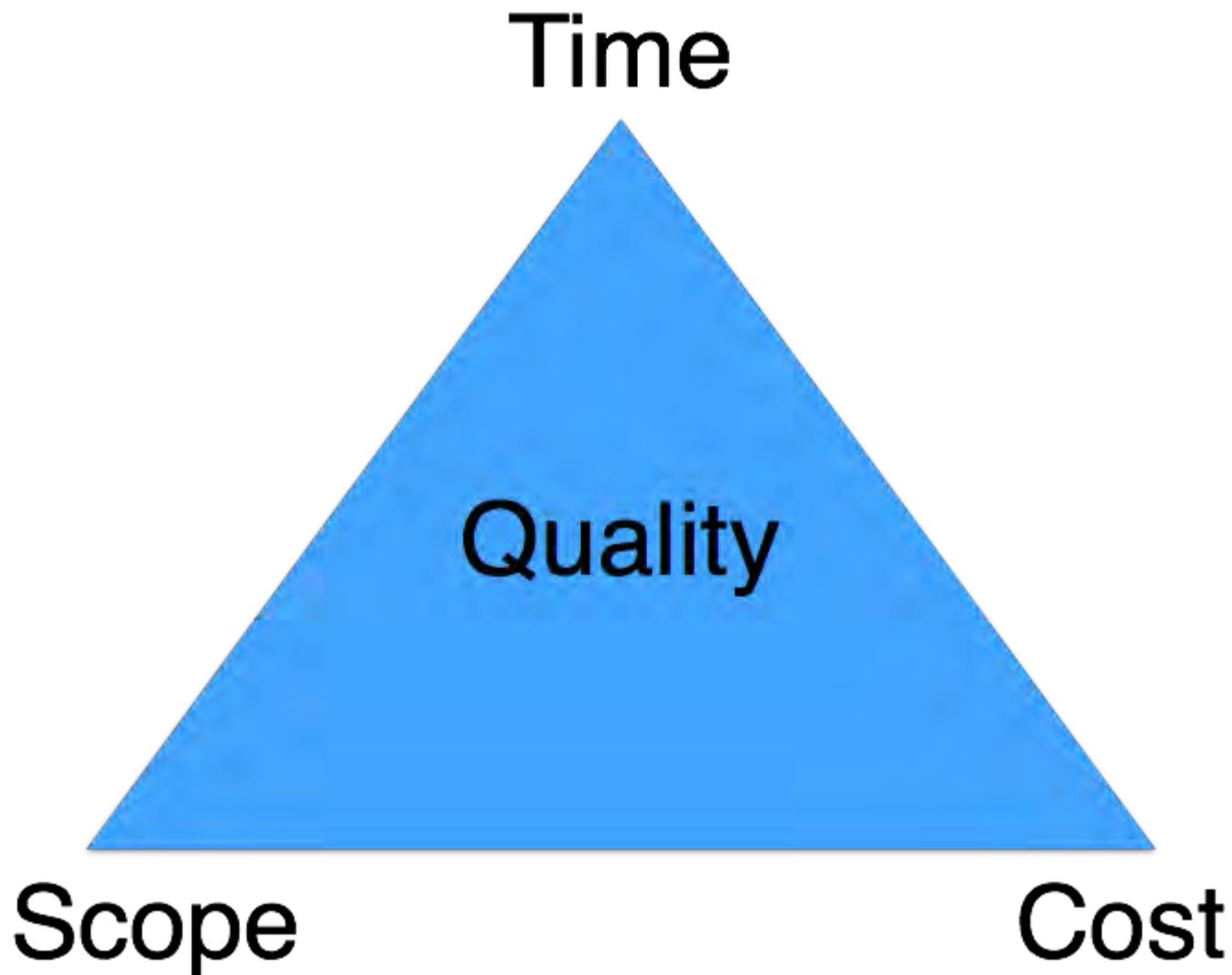
ACTUAL IMPROVEMENTS FROM IMPLEMENTING AGILE

For four years running, the top three benefits of adopting agile remain the same: manage changing priorities (87%), team productivity (84%), and project visibility (82%).



**Why
Agile?**

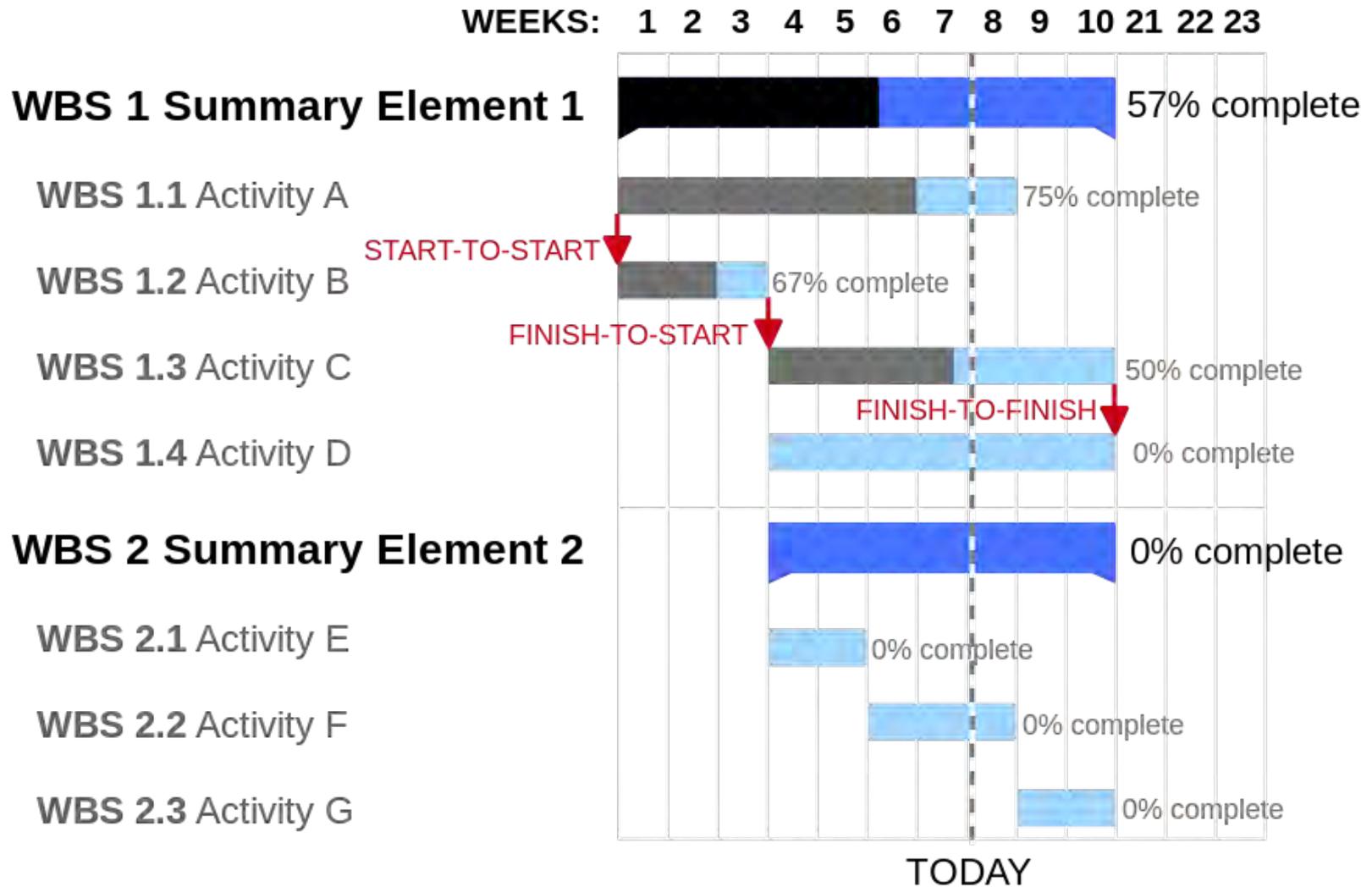
Triple Constraint / Iron Triangle of Project Management



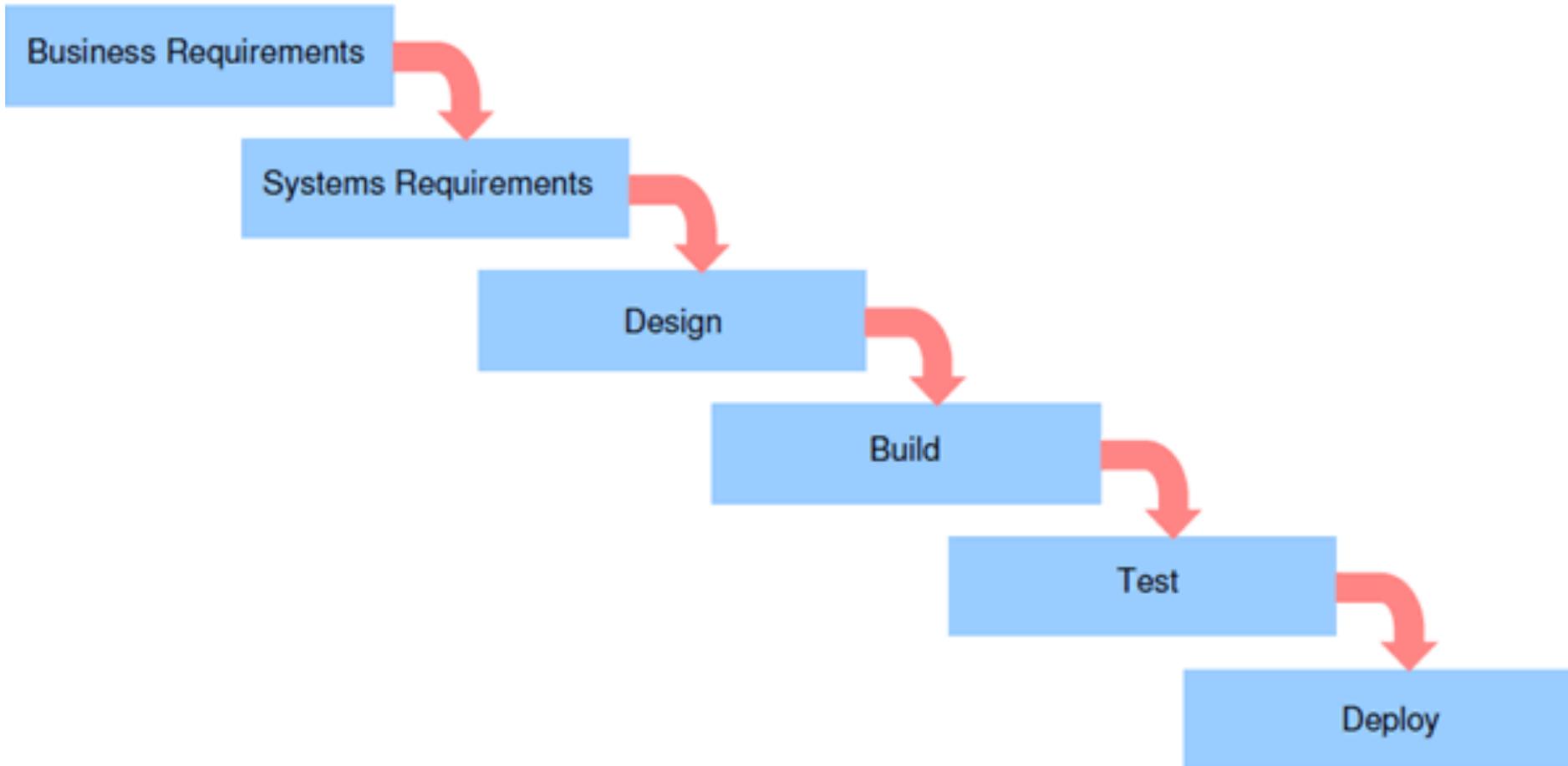
Pick two...

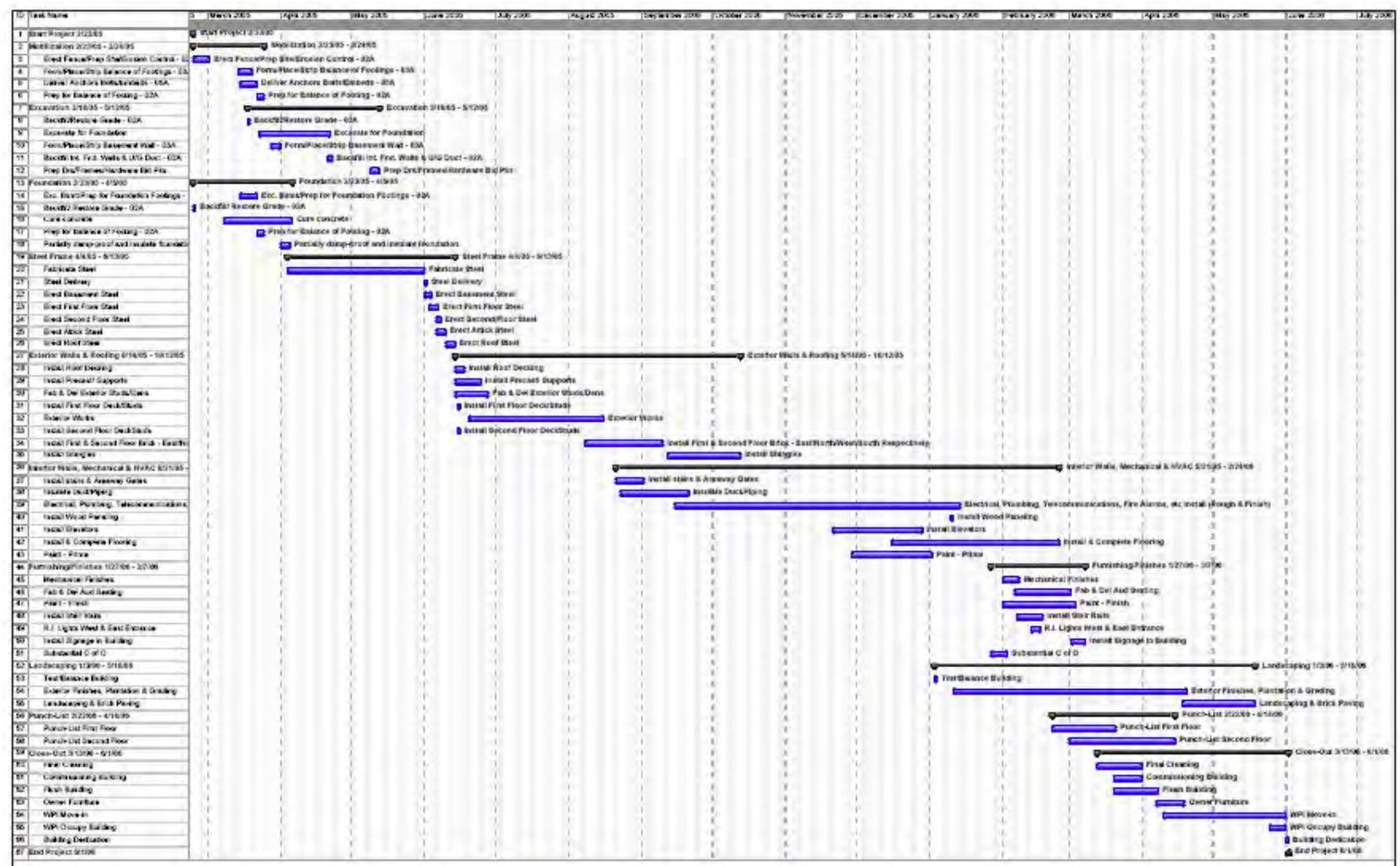


Traditional Project Management



Waterfall Project Phases



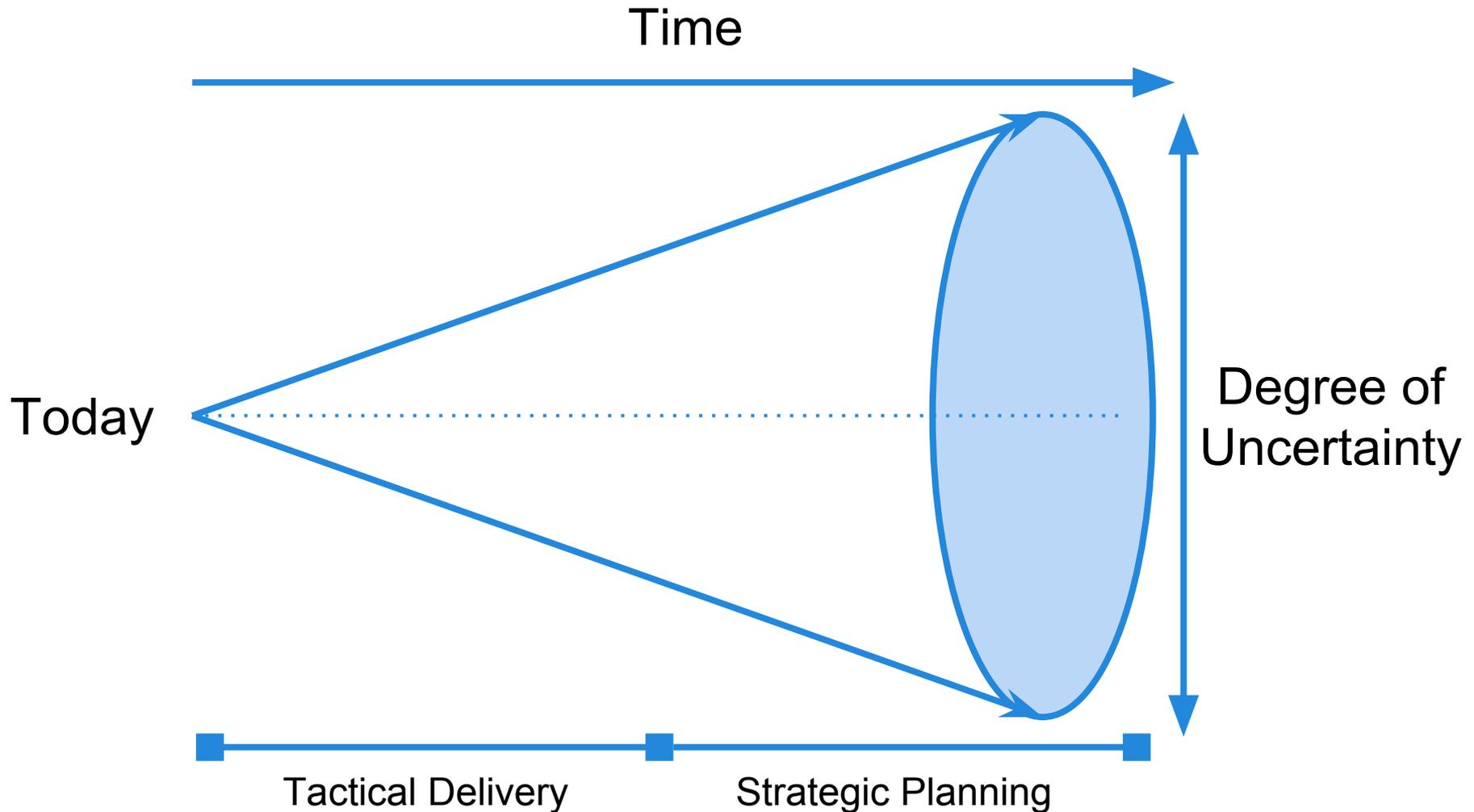


Planning

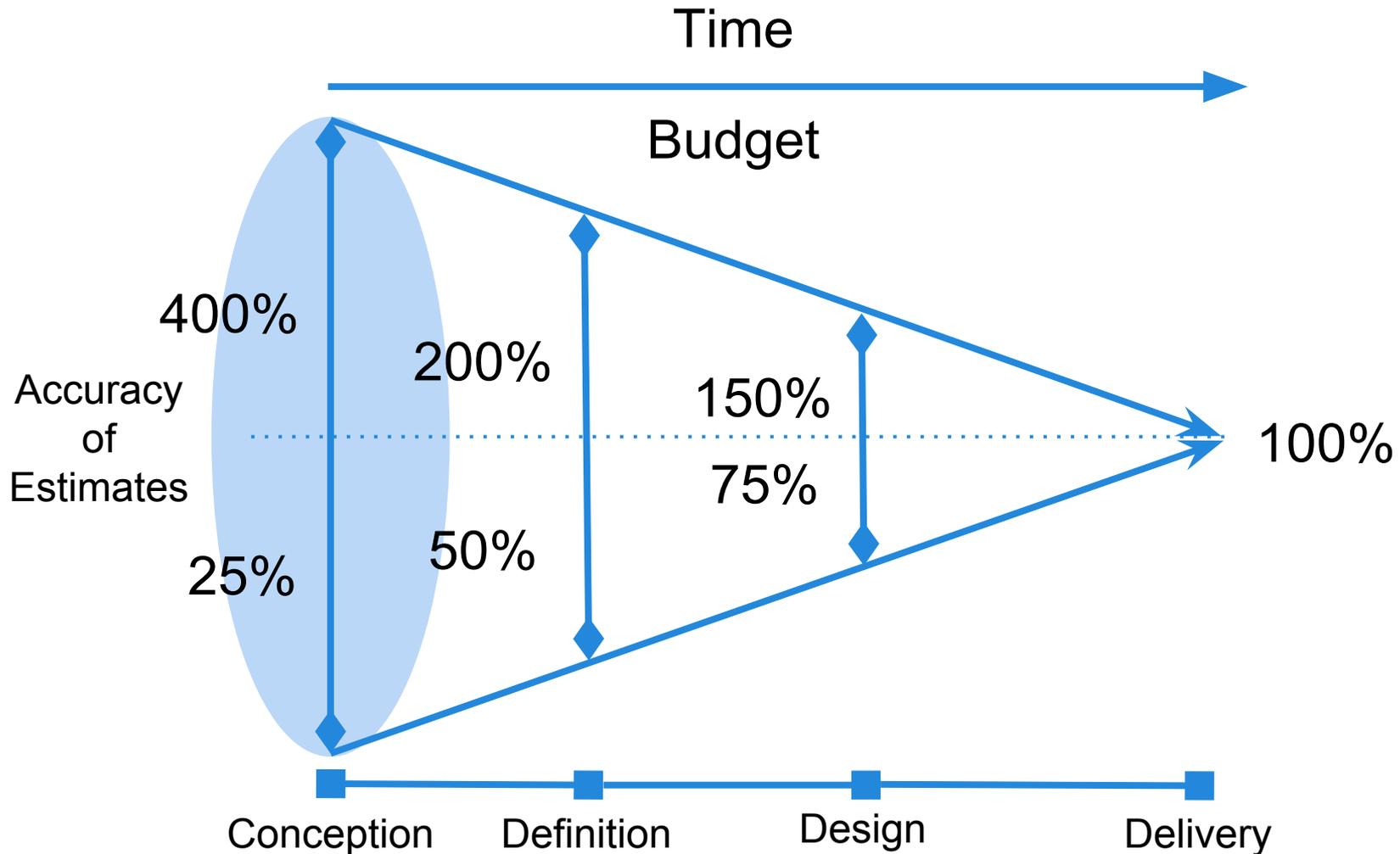
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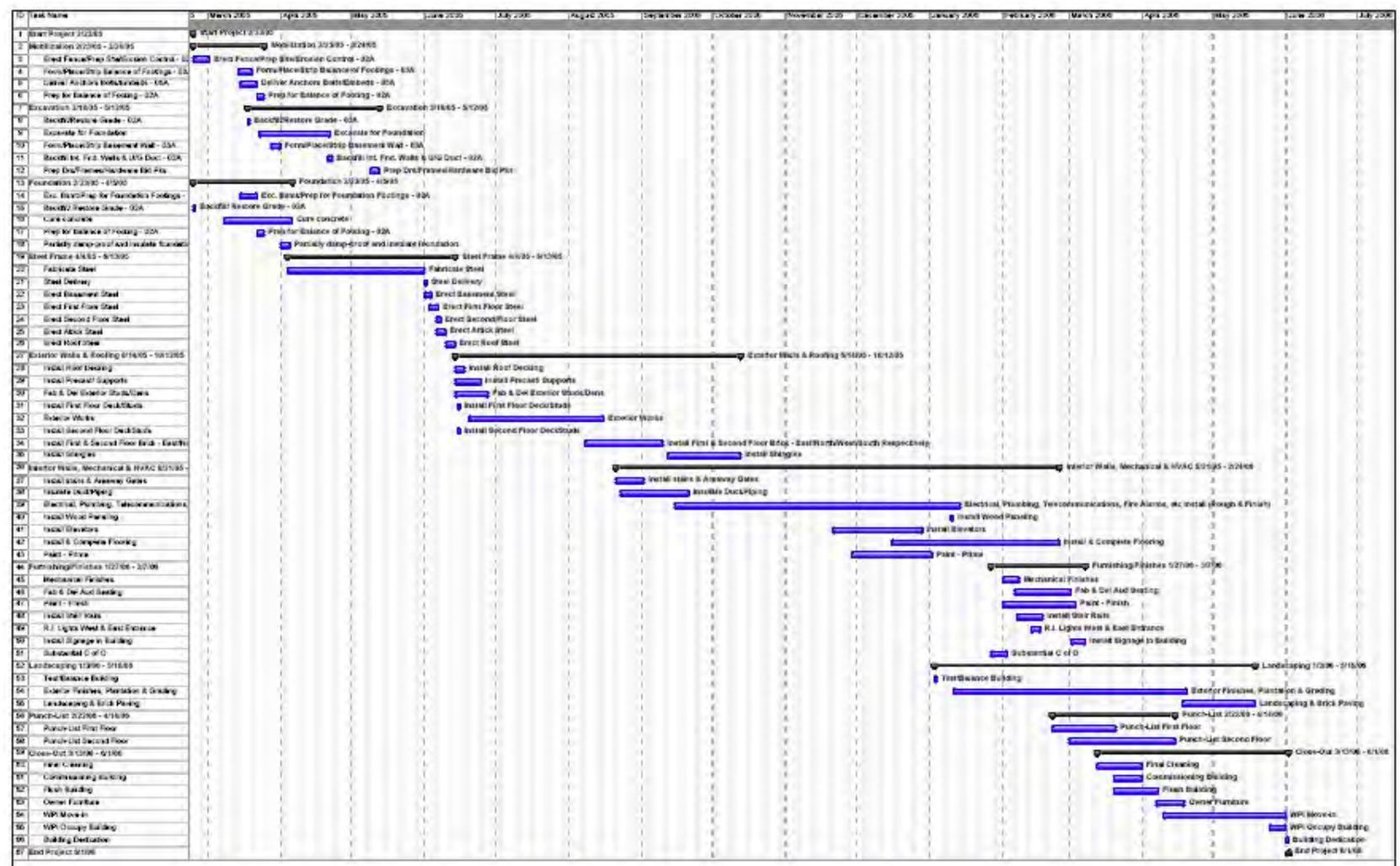
Guessing

Cone of Uncertainty



Cone of Uncertainty (fixed scope)





Agile Project Phases (Scrum)

The Agile: Scrum Framework at a glance

Inputs from Executives,
Team, Stakeholders,
Customers, Users



Product Owner



The Team



Burndown/up
Charts



Scrum
Master



Daily Scrum
Meeting

Every
24 Hours

1-4 Week
Sprint



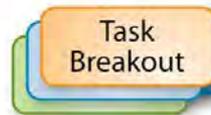
Sprint Review



Product
Backlog



Sprint
Planning
Meeting



Sprint
Backlog

Sprint end date and
team deliverable
do not change

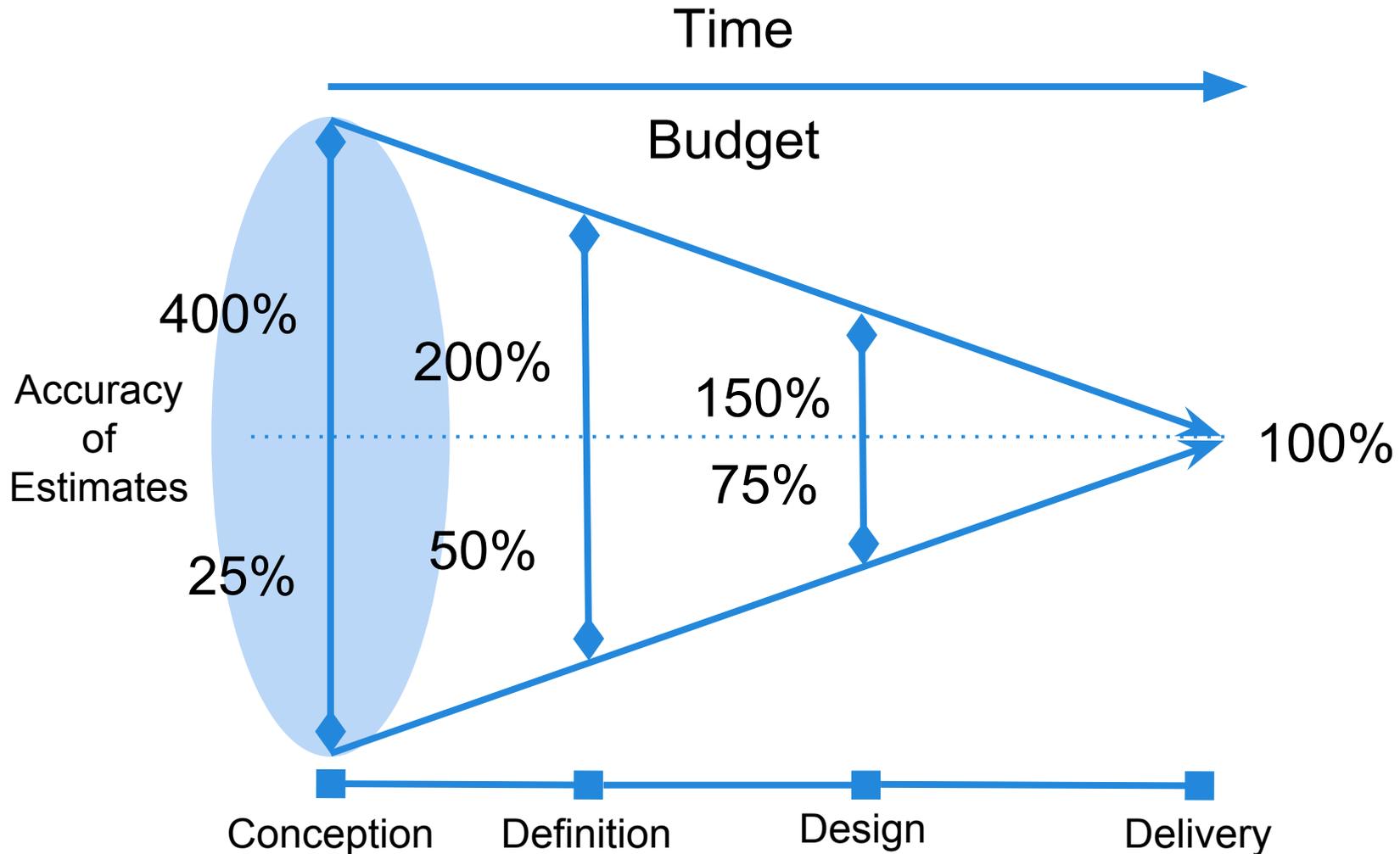


Finished Work

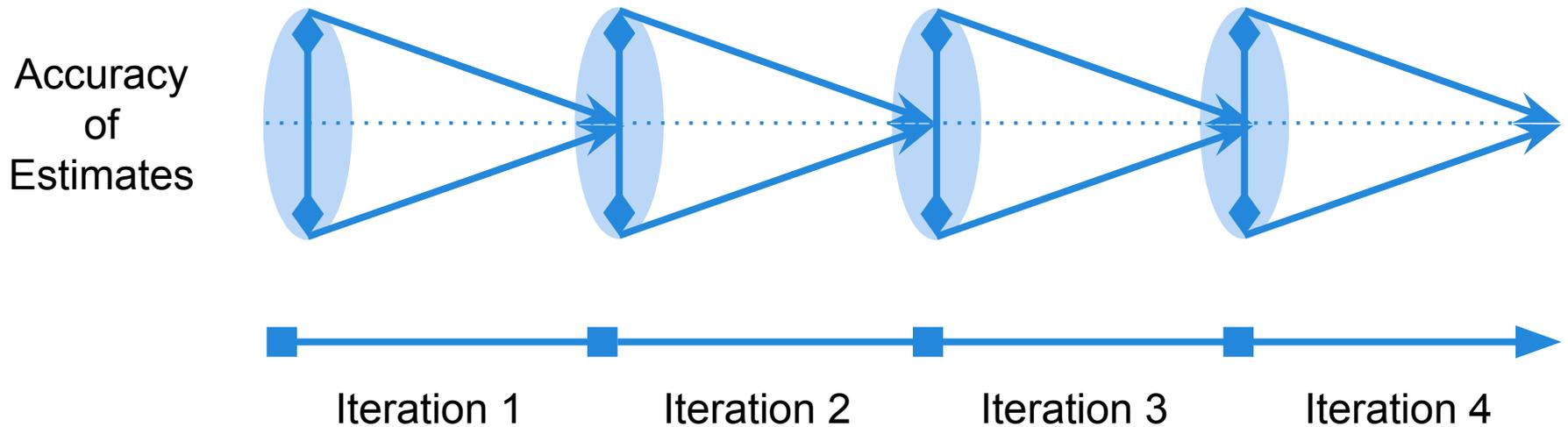


Sprint
Retrospective

Cone of Uncertainty (fixed scope)



Cone of Uncertainty (Agile)





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Deliver Customer Value

TOC

(Theory of Constraints)

Improve the Whole

Inherent Simplicity

Find the bottleneck

Eschew localized efficiencies

Limit Work In Progress

Kanban

Make work visible

See the goal

Team Accountability

Definition of Ready /
Definition of Done

Limit WIP

Lean Startup

Minimum Viable Product

Validated Learning

Iterate Quickly / Fail Fast

Acknowledge & Challenge Assumptions

Constant Experimenting

Others

Scrum

Extreme Programming

Paired Programming

Crystal

Dynamic Systems Dev.

Feature Driven Dev.

Test Driven Dev.

Agile

Work collaboratively with customers to define value,
and then deliver value incrementally

Lean

Deliver value by eliminating non-value-adding activity.

Systems Thinking

Understanding how the interconnectedness of systems delivers value

**Questions
about
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Manifesto for Agile Software Development

We are uncovering better ways of developing software by doing it and helping others do it.
Through this work we have come to value:

Individuals and interactions over processes and tools
Working software over comprehensive documentation
Customer collaboration over contract negotiation
Responding to change over following a plan

That is, while there is value in the items on the right, we value the items on the left more.

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That is, while there is value in the items on the right, we value the items on the left more.

The Health Insurance Marketplace is Open!

Enroll now in a plan that covers essential benefits, pre-existing conditions, and more.

Plus, see if you qualify for lower costs.

[APPLY NOW](#)

WANT TO LEARN MORE FIRST?

[START HERE](#)

Get covered: A one-page guide

Find the Marketplace in your state

Get lower costs on health insurance

See what Marketplace insurance covers

Ge



Wonkblog

The way government does tech is outdated and risky



A



178

By Lydia DePillis October 21, 2013 [Follow @lydiadepillis](#)

As we learn more about what went wrong with the design and launch of

Most Read Business

1 Five really good



THE NEW YORKER

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OCTOBER 28, 2013

DON'T GO CHASING WATERFALLS: A MORE AGILE HEALTHCARE.GOV

BY RUSTY FOSTER



ELEMENTS

Health

Feds say agile development contributed to Healthcare.gov failure

HealthCare.gov Learn Get Insurance Log In Español

Individuals & Families Small Businesses All Topics - Search

Still need health coverage?

FIND OUT IF YOU QUALIFY

for a Special Enrollment Period or Medicaid/CHIP

- Report income or life changes
- See plans and prices
- Small businesses: Apply any time
- Learn about fees & exemptions

Health Insurance Marketplace

HEALTH INSURANCE BLOG

- 29 4 ways young adults can get covered this summer
- 25 Understanding your health coverage
- 22 7 things to know about reporting a life change

TOP CONTENT

- Getting coverage outside Open Enrollment
- Using your new insurance coverage
- Using your new Medicaid or CHIP coverage

CONNECT WITH US

- Share Your Story
- Watch Videos
- Questions? Call 1-800-318-2996

Trending Research



Mobile App Analytics: What winning mobile developers use

#GBSUMMIT



Stewart Rogers @TheRealSJR

We're on a boat... #GBSummit @ Downtown Sausalito [instagram.com/p/2UBSaLEcZ8/](https://www.instagram.com/p/2UBSaLEcZ8/)



30m



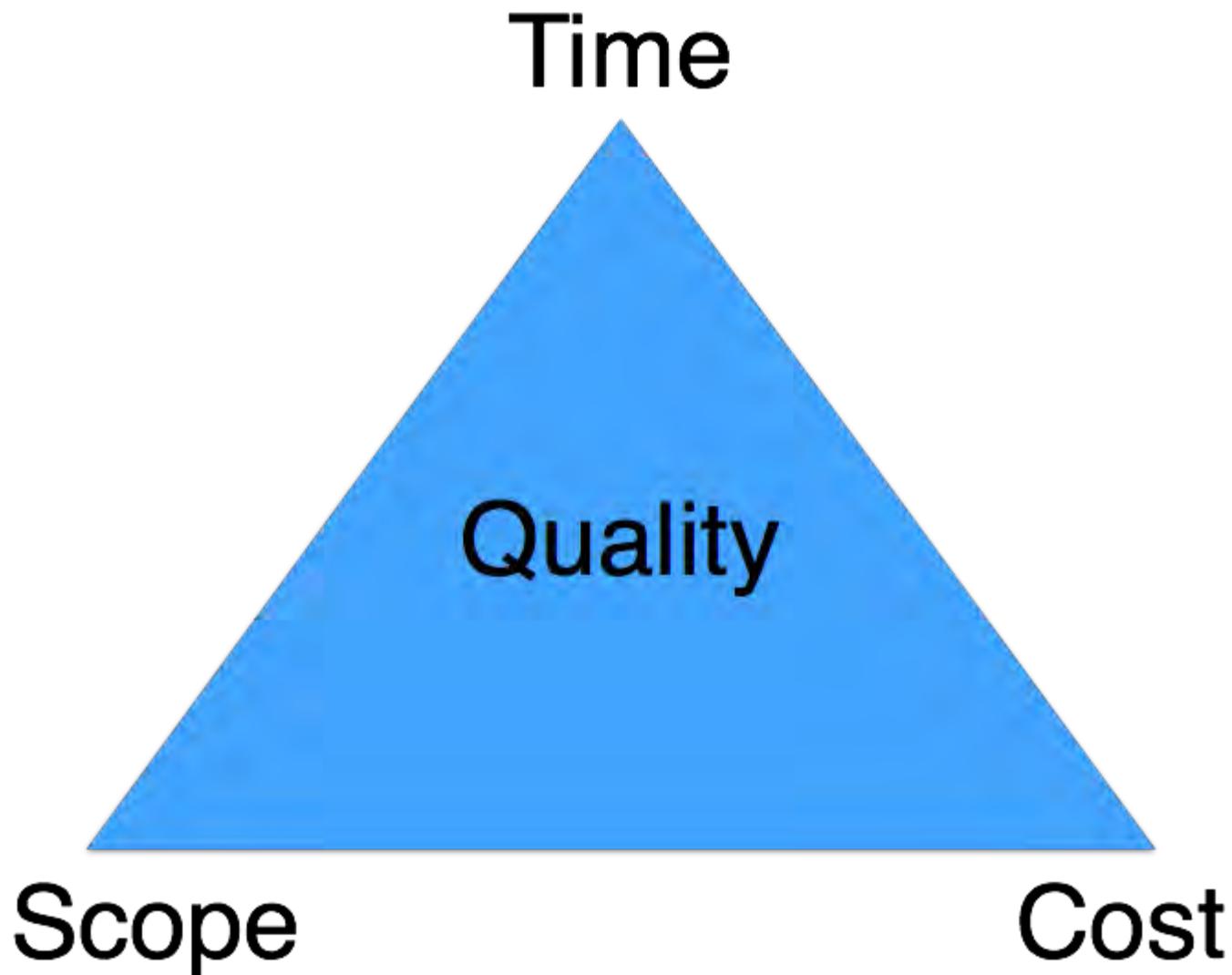
Michael O'Donnell @Photo

Why healthcare.gov went wrong—a lack of “Agile”

The federal government isn't good at buying IT services. Most large public IT projects **are over-budget or over-time**. While it's still a mystery exactly why people trying to sign up for insurance on healthcare.gov faced site crashes and data transfer problems, **there's general agreement that procurement and workflow procedures—how the government buys stuff—is at the heart of the problem.**

... some government agencies *have* adopted Agile methods, with good results. But government tech workers Quartz spoke to stress that **most public employees who write the contracts for tech projects are career civil servants without an in-depth understanding of modern software development.**

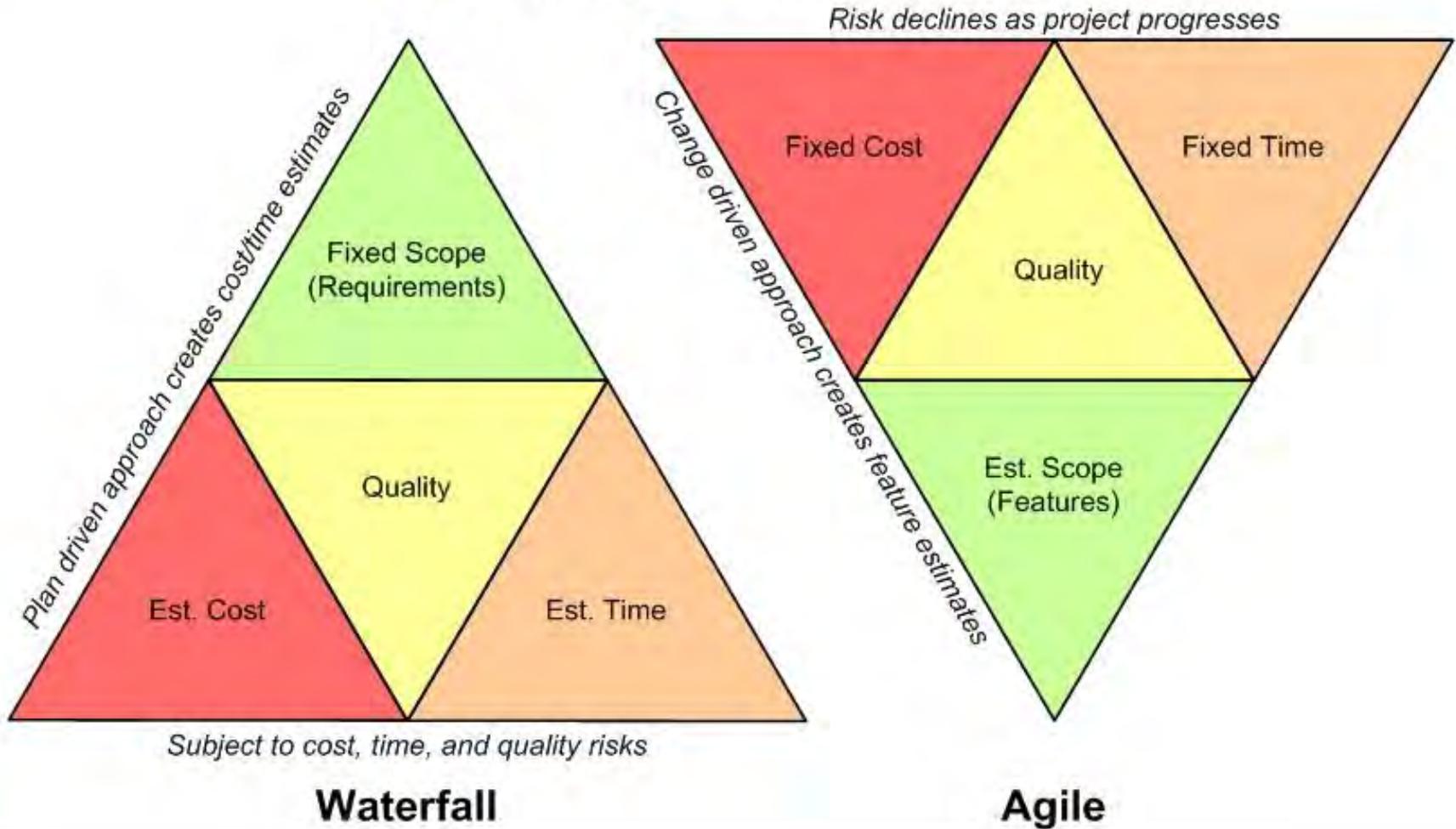
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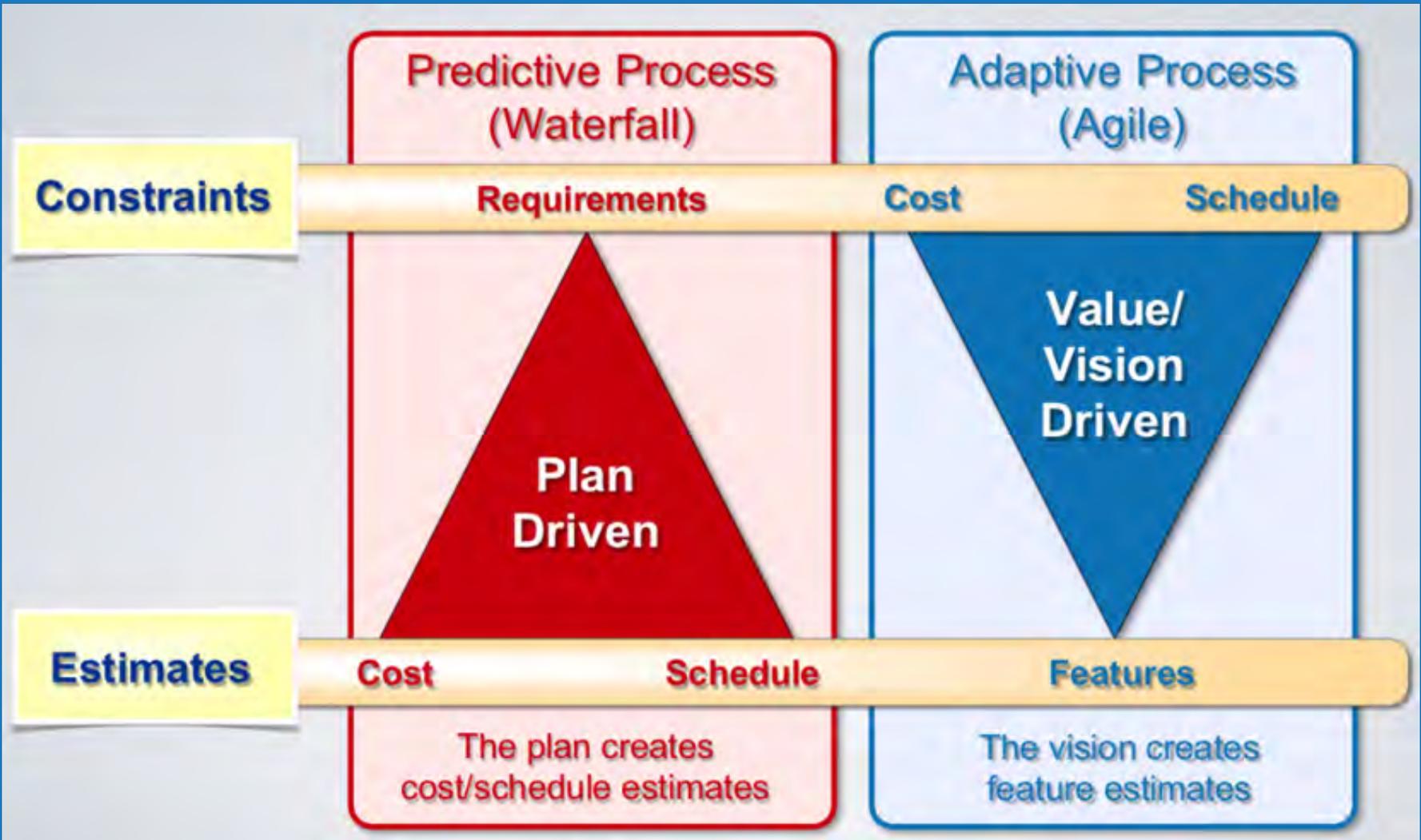


Pick two...



Iron Triangle Paradigm Shift





Barriers to Agile Contracts

- (1) Old templates / forms don't support Agile projects and new forms are hard to find (and unproven).
- (2) Little to no case law involving disputes over Agile contracts.
- (3) Poor understanding by lawyers and procurement agents about how Agile works.

Features of an Agile Contract

- (1) Follow the Agile Manifesto.** Emphasize (and incentivize) efforts to:
- Promote interaction and teamwork over extensive planning.
 - Deliver working product early and often.
 - Engender collaboration between the parties rather than strict role-setting.
 - Acknowledge change as something to be expected and desired rather than controlled.

Features of an Agile Contract

(2) Support the Cadence of Agile Delivery:

- Most Agile techniques involve iterative development.
- ◆ Lots of small work orders under an MSA are usually better than a single contract.
- Risk-shifting provisions should acknowledge the short time-frames of Agile iterations.
- ◆ With periodic delivery windows, the contract can end after any iteration is complete.

Features of an Agile Contract

(3) Understand the risks, benefits, and impacts of contract choices:

→ Fixed Scope Contracts (Time & Materials):

- ◆ Time and/or Budget will tend to vary.
- ◆ Customer benefit risk is on the business.

→ Fixed Budget, Fixed Time Contracts:

- ◆ Inherently Agile: Scope will vary and that is expected.
- ◆ Customer benefit risk is shared by both.

Features of an Agile Contract

What about Fixed Price, Fixed Scope, Fixed Budget contracts?



katmary

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The black unicorn

Created for dA Stock Users Gallery Challenge #6 ~ Girl & Horse

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AGILE

A Nontraditional Approach to Legal Project Management

by Kim Craig and Jenny Lee of Seyfarth Shaw LLP

"Make it bend — trees are flexible, so they don't snap. Scar it, give it a twisted branch — perfect trees don't exist. Nothing is perfect. Flaws are interesting. Be the tree."

— Labsurie Halse Anderson

POTENTIAL CLIENTS
~~BRAINDUMP~~

QUEUE
(waiting on X
to be ready)

To Do
THIS WEEK
(Ready for WORK)

DOING (1)

WAITING
(ON WHO/WHAT
SINCE WHEN?)

DONE





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Chief Innovation Partner

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Jay leads the firm's innovation initiative, DWT De Novo. As Chief Innovation Partner, his focus is on deploying people, processes and technologies that help us do our work more efficiently and at less cost to clients, and in ways that create greater value for our clients. Having served as in-house counsel for many years, Jay understands the pressures faced by in-house legal teams. It's with this understanding and his many years practicing as a business transactions lawyer in the technology field that Jay looks for creative solutions to clients' business and legal challenges.

Agile Legal Resources

Agile Attorneys Google+ Community:

<https://goo.gl/YOsB0M>

Portland Legal Innovation & Tech Meetup:

<http://www.meetup.com/PDX-Legal-Hackers/>

Seyfarth Lean Blog (@LeanLawStrategy)

<http://www.seytlines.com/>

Legal Value Theory Blog (@JEGGrant3)

<http://www.legalvaluetheory.com>

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