

Stakeholder Feedback Checklist

There is much to be learned from Strategic Management about gathering feedback to determine what went right, what went wrong, how to handle differently in the future. Clients want to know that their lawyers are learning from their mistakes—or that they know what levers to pull to get success the next time. Gathering feedback through a post mortem or debrief is a good way to do this.

Checklist:

- ☐ Schedule as part of the plan close to conclusion of the case or if you are new to planning and it did not go well, give people time to absorb and collect feedback.
 - ☐ Schedule 90 minutes to 3 hours—show your commitment.
 - ☐ Use an agenda recommended in Lean Routine.
 - ☐ Invite a wider group of participants who can learn from the lesson.
 - ☐ Get a neutral facilitator, but not outside of the firm.
 - ☐ Write up the most critical lessons.
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Lean Routine:

1. Consider timing. If you did not have a plan or a roadmap, a system of methods applied in a lean way, and it blew up on you, you will want to schedule a post mortem out a bit to ensure that everyone has time to gather perspectives. If you had a plan, followed your lean methodology, the post mortem is simply one more step in the plan. Go ahead and schedule it right after the conclusion of the engagement.
2. You will want to plan the post mortem to be anywhere from 90 minutes to 3 hours—it is very important to ensure that all of the feedback is collected and that you are taking the time to do that.
3. Use an agenda such as this:
 - a. What happened and why—make sure to get agreement on that?
 - b. What worked well?
 - c. What could have been done better?
 - d. What were the most critical lessons?
4. Consider using a neutral facilitator—but not an outsider. Clients are often not in favor of outsourcing this discussion. It might not be you, but it should be someone in the firm.
5. Think about having participants who can learn from the exercise. It might widen the distribution, but it will help others in the firm to learn from the methodology and the specific lessons.
6. Send out a recap of the most critical lessons.

7. Here is a reminder of some specific questions we suggested you ask your team and the client post litigation.

What factors do you believe made a difference or contributed to the outcome?

- *We managed to explain our case in simple terms.*
- *The 3D model and the video illustrations seemed to have the most impact.*
- *Use of the 3D model seemed to help the Judge understand our reconstruction and technical analysis.*

What problems did you encounter, unexpected, or otherwise?

With hindsight, what could have been done differently?

Do you have any observations about the quality or preservation of evidence?

Do you have any observations about how the trial played out?

Did you have any problems or surprises?

What lessons would you say were learned?

Were you prepped properly? If not, what might have helped you?

Do you think the correct decision was made? If not, why not?

Could the lawsuit have been prevented or resolved sooner?