



Agile Contracts

Business Agile Symposium

30 May 2018

Agenda

- Why lawyers don't like Agile
- Additional barriers to Agile
- Commercial challenges
- Q&A

Why lawyers don't like Agile

- Lawyers like certainty
 - outcome, cost, time, etc
 - conservative approach
 - predictability
- Impact on contract drafting
 - risk allocation
 - rigid requirements
 - inflexibility
 - resistance to change
- Contracts are “lose-lose” – failure generates
 - claims for damages
 - lack of a solution

Additional barriers to Agile

- Myths
 - lack of financial control
 - uncertainty of outcome
- Need for cultural change
 - collaboration
 - risk ownership
 - employee empowerment

Commercial challenges

- Agreement on scope
- Preserving balance between flexibility and certainty
- Collaboration
 - allocation of duties and responsibilities
 - IP ownership
- Consequences of interim acceptance
- Risk and liability
- Commercial models & controlling the cost

Questions?



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