

“IT Litigation & the Bad Contracts that Foster Failure: & What YOU Can Do About It!”



A COMPANION THOUGHT PIECE FOR THE 3.5 HR. MCLE PROGRAM OF SAME NAME
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This report may be used as a standalone article. However, it was originally designed as a companion thought piece to be used in conjunction with the digitized recording and accompanying detailed slides at: www.attorneycredits.com for the “IT Litigation & the Bad Contracts that Foster Failure – & What YOU Can Do About It!” MCLE presentation.

It provides some additional context and knowledge about the successful IT contracting model to help the listener/learner do a better job in developing, negotiating, documenting and managing IT contracts. Some additional areas, not in the presentation are included here that I believe may be helpful to attorneys wishing to improve their knowledge and skills in IT contracts, IT project turnarounds, IT deal making and IT litigation.

My thoughts are organized into four sections:

I. Why Systems Fail?: Background, Statistics and Experiences

- A. IT Litigation Claims
- B. Statistics on Successful, Challenged and Failed Systems
- C. System Failure Examples
- D. Why Systems Fail?

II. The Role of IT Contracts

- A. Why Are Contracts So Important?
- B. The Makeup of Your IT Contracting Team
- C. Most Lawyers Leave Out the Critical Contract Clauses in their Contracts
 - 1. The Lawyer Side of the Contract (What most lawyers do best!)
 - 2. The IT Management, Project Manager, SME Technical Expert Side

III. Method for Achieving IT Contract Success

- A. Defining Success
- B. The Systems Approach to IT Contracting
 - The contract must relate to the SDLC phases and tasks
 - The contract must also cover/relate to the changed corporate environments
- C. Eliciting and Defining Requirements – Why Still So Difficult?
 - i. So Many Stakeholders – and Many with Different Needs
 - ii. Sources of Requirements
 - iii. Types of Requirements
- D. Changing GUI (Graphical User Interface) Requirements
 - 1. DD: The Digital Dinosaur (~70 years and up)
 - 2. DI: The Digital Immigrant (~40-65 years old)
 - 3. DN: The Digital Native (approximately 20-35 years old).
 - 4. DNA: The Digital Native Always (approximately 5-15 years old)
- E. Risks Known BEFORE Project Starts!