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Practice Innovations

*Managing in a Changing
Legal Environment*

Three editions of *Practice Innovations* are published each year.

July 2006

Communicating best practices and innovations in law firm information and knowledge management to legal professionals.

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L-322683



AT A GLANCE: A top consultant suggests ways in which information resources (IR) managers can work effectively with finance and with business development to develop strategic awareness. An unbeatable combination—strategic awareness, team spirit, and resource management—creates the opportunity for IR to help their firms rise to new levels of excellence.

By Silvia L. Coulter, Managing Partner, Coulter Consulting Group, and President, The Legal Sales and Service Organization, Boston, MA

Information Resources Today:

New approaches and new teams

Helping firms wend their way around the competitive landscape requires a strong understanding of strategy, confident and strong working relationships with other firm team members,

and excellent knowledge of the powerful resources available to help beat the competition. This unbeatable combination—strategic awareness, team spirit, and resource management—creates an opportunity that allows information resources leaders and their teams to drive their firms to new levels of excellence.

Strategy is not a buzzword

At a recent conference of law librarians, I asked, “How many of you work with your marketing and business development directors?” Almost everyone in the room raised a hand. Then I asked, “How many of you have good working relationships with these individuals?” Over half the hands went down.

Today the competitive nature of firms creates the need for information resources (IR) professionals to work closely with other individuals in firm leadership positions, specifically, the business development director, the finance director, and the IT director. Without these team members on the side of the information resources professional, the ability to gain strategic awareness wanes and with it the focus of how to help drive the firm across the finish line of excellence.

Teamwork today is more important than ever. Here are a couple of ways in which the finance and business development team members can work effectively with the information resources managers to develop strategic awareness.

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“The delivery of consistent service across the firm suggests the need to dust off old KM plans and rethink them with a key client focus.”

Develop client awareness

Understanding where the firm’s business is coming from is essential. Almost without exception, the top 200 clients of any law firm represent close to 95% of the firm’s revenue. In most cases, the top 100 clients represent 80 to 90% of the firm’s revenue.

Developing strategic awareness through aligning the information resources team members with team members from finance and business development will help IR to build strategies to support the top clients of the firm. From finance, IR should obtain a list of top clients, including information about current firm services those clients use. This information will allow the IR team members to focus limited IR resources directly on key client retention and growth by providing marketing and the firm’s key client relationship partners with information about clients. After being briefed about these clients, the IR team will be able to better identify resources relevant to the retention and growth of the clients and can begin to provide invaluable knowledge about the client companies, including the board of directors, key management teams, ongoing new developments, and industry briefings. This kind of *market intelligence* is incredibly valuable to support the firm’s efforts with the retention and growth of these valuable firm clients.

Ongoing news about client financials from the finance team will be essential to track client growth and the potential impact on firm revenue. Working in harmony, the IR and Finance and Marketing teams can

begin to tie themselves to the revenue side of the firm—another benefit for resource justification in the future.

Along with understanding the firm’s top clients and the financial performance of those clients comes an understanding of the services those clients buy from the firm. The services, made up of many documents, can be *cataloged* into libraries. Not new to some top-flight, well-managed firms, but new to many firms, is the ability to manage this information and to provide consistent work product across the firm and its offices to clients. Here’s where the real strategic awareness begins.

Building competitive advantage can only happen a few ways in the legal profession. One of those ways is to deliver consistent, high quality work product and become known for that work product. Here’s where the IR team *teams up* with the partners—the producers of the work product of the firm. Identifying standards, from which all work product may be drafted and customized for clients, is critical to delivering consistent work product to clients. Think of the number of offices or departments in any law firm. Inconsistent work product creates loss of revenues and ultimately loss of clients.

In some firms, creating standard work product has been referred to as *knowledge management* (KM). Often assigned to a partner no longer interested in practicing and often not politically connected to the firm, knowledge management has taken a

back seat on many firms' strategy buses. Take the lead on effective service strategies that include the work product itself. Start by aligning work product with key client strategies. The delivery of consistent service across the firm suggests the need to dust off old KM plans and rethink them with a key client focus. No one in the firm is more educated and experienced at cataloging this service data and information than the IR team.

One way to approach this may be to review the current work product received by the top 100 clients (or the top 50 if that makes more sense in a smaller or mid-size firm) and review the consistency of work product across the firm's offices and partners. Start small and build. Creating a sense of team and alignment with the partners and the clients through the work product is powerful—possibly more powerful than any other strategic initiative of the firm. After all, it's about the clients. The next awareness to build is team spirit.

There is no I in TEAM

After focusing on client awareness—the clients and the services/work product they buy—it's time to focus on the IR team. IR team members, like the lawyers they support, are responsive to requests from lawyers to support the clients for whom they are working. They chose their profession for a reason. Many of them are introverted rather than extroverted personalities. This style is not always team oriented. This is not to say IR team mem-

bers are not team-oriented; but, rather, underscores the nature of the work they perform and the personality profile they exhibit to others. The focus on strategy and supporting the firm's efforts is one that is external and requires strong teamwork with other resource professionals in the firm. Strong teams build strong strategy, and strong teams win. Keeping in mind the ultimate focus is the client, it may be useful to think about various ways in which to strengthen the IR team and to improve team intersections with other key teams in the firms. Before building team awareness, it will be useful to build self-awareness.

Retreat to 360

Plan a retreat for the IR team and invite other key department directors who you deem appropriate (e.g., business development, finance, IT). The focus of the retreat should be to lay the groundwork to build stronger team awareness. Start with a 360-degree evaluation for each member of the IR team. These are confidential and can be taken online by the team members and the people they selected for feedback. These useful tools will help individuals understand their strengths and their areas for growth. Find a facilitator who knows law firms and can keep the process simple and easy to understand. These individual views of self can be extraordinarily profound and have a significant impact on developing a strong individual awareness and, thus, a stronger team awareness. By using tools like this in a retreat setting and

by inviting other key leaders to the retreat, the IR team will begin to develop strong ties to other strategic areas of the firm's support team. The overall goal will be to focus on firm strategic initiatives with others and to develop ways in which to support the growth of firm revenue. Everyone talks team; this is a way to use experience and tools to develop a team through self-awareness. The win/win is repositioning the IR team as a strategic team with proactive thinking versus a passive, back-office library resource.

With strategy and team as a focus, other key elements of the IR professional's strategic role is understanding, harnessing, and deploying strategic resources.

Knowledge is power!

The IR professionals today must see incredible opportunity unfolding. Never before has the impact of knowledge and the resources available for capturing and delivering knowledge been stronger. It's exciting!

What I keep hearing from the IR team is “my firm won't approve the budget for **** market intelligence tools,” or “our firm will only allow us to select one of these tools,” or, worse, “if marketing wants this, they can put it into their budget.” First, position these tools in support of the firm's key initiatives—client retention, client growth, and market positioning.

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AT A GLANCE: Knowledge mapping provides an attorney a different technique to brainstorm, generate, and connect ideas in a powerful thinking and recording method that can be used for legal research and for documenting cases.

By **Pooja Songar**, a Sponsored Programs Administrator in the Division of Research and Graduate Studies at Kent State University and a graduate student in the IAKM program and **Asst. Professor Michael J.D. Sutton**, who coordinates the Knowledge Management concentration in Information Architecture and Knowledge Management (IAKM) Program at Kent State University

Knowledge Mapping

in Legal Research and Litigation

“Knowledge mapping allows you to capture the flow of your thinking, visualize it, classify it, and structure your ideas using words, images, numbers, colors, and relationships.”

Pictures are worth a thousand words because they can provoke more powerful associations to enhance critical thinking and memory than text alone. Graphical illustrations or visual representation of ideas, information and knowledge facilitate active learning. Knowledge mapping, mind mapping, concept mapping, thought mapping, and radiant thinking is one such technique that allows you to brainstorm, generate, and connect ideas. Knowledge mapping presents the legal profession with a powerful thinking and recording method for documenting legal cases and research.

What Is Knowledge Mapping?

Knowledge mapping or mind mapping was developed by Tony Buzan in the 1970s as a non-linear approach to organizing ideas and information. Knowledge mapping may be used for report construction, brainstorming, journaling, problem solving, case study, research, and anything else that involves people, information, and problems. Knowledge mapping allows you to capture the flow of your thinking, visualize it, classify it, and structure your ideas using words, images, numbers, colors, and relationships. Knowledge mapping helps to

1. Give you an overview of a large subject area
2. Enable you to plan a course of action and make decisions
3. Develop a research strategy
4. Identify and/or solve problems
5. Draw conclusions
6. Let you see the whole picture and the details at the same time

Knowledge mapping is an improvised version of the traditional outlining and highlighting of text. Knowledge mapping permits you to connect the important text or keywords left after highlighting the text. You can also categorize and personalize information in a knowledge map using colors, icons, pictures and relationships.

How to Map Knowledge?

You can either use one of the several available open source and commercial software applications for creating your knowledge maps or draw on a blank page, depending on your personal taste and preferences. Some basic steps to follow when creating knowledge maps are

1. Start creating your knowledge map by putting the subject, theme, or topic as a word or symbol at the center of the page.
2. Start dumping your ideas into the map. Allow ideas to expand outwards into branches and sub-branches. You can also group sub-topics with boundaries.
3. Your brain works best in five to seven minute bursts to capture the explosion of ideas as best as possible. Get creative: use colors, images, symbols and cross-linkages to

enhance your knowledge maps. Put down everything that comes to your mind, even though it is irrelevant, as you can always reformat later.

4. Continue expanding the central theme until all main topics are covered.

Figure 1 on the following page is a simple example of how knowledge mapping captures information about a subject.

Knowledge Mapping in Legal Research

Knowledge mapping helps to organize research because it is easier to develop a knowledge map with central and branching research ideas than to develop the traditional outline. Knowledge mapping helps the researcher search and locate patterns in the legal material under study. For example, if a researcher's topic is "Kids and Guns in Washington State," the researcher may have ideas about the topic, but may not know where to begin the research. The researcher could brainstorm ideas and develop a knowledge map about "Kids and Guns in Washington State" (as illustrated in Figure 2 on the following page). The researcher could continue adding more information to the knowledge map as the research advances.

Knowledge maps can be converted into traditional outlines later, if needed (see Figure 3 on the following page). Knowledge maps could help the researcher sort out complex ideas and form coherent associations between concepts.

Knowledge Mapping in Preparing Briefs

Instead of writing important case information in the issues, rules, analysis, and conclusion (IRAC) format on a separate sheet of paper, knowledge mapping could be employed easily to construct briefs. Case information could be the basis for a knowledge map. The central theme of the map might be the issue of the case. Several branches containing facts, rules, analysis and conclusion could be developed. The facts branch could list the case facts and their supporting details as sub-branches. The rules branch could list rules of the case with any exceptions listed as sub-branches.

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The analysis branch could list the analysis of the facts and rules with supporting details as sub-branches. The knowledge map could isolate the main points of a case, and thus, it would become easy to recall the main points by looking at the map. The IRAC format requires a significant investment in document scanning time. Because of the volume of text in the IRAC format some critical points might be missed, whereas visual cues would be obvious in a knowledge map.

Knowledge mapping can also be used in note taking during meetings with clients as it helps to capture the important keywords used in discussions with clients—on average only 10% of the keywords in a conversation are needed to recall what was said. According to Tony Buzan, a major challenge in reviewing textual information is that the important key concepts are scrambled with unnecessary and less important information. Knowledge maps can be memorized and recalled easily as they use both the left and right sides of the brain in assimilating and connecting information.

Knowledge Mapping in Trials

Some of the principle elements of litigation are arguments, exhibits, facts, law, strategy, and witnesses. Knowledge mapping could be very beneficial in preparing case plans for trials. As well as providing an overall structure, knowledge maps could also furnish visual sensibility to the existing relationships between these elements. Lawyers could develop knowledge maps to obtain detailed insight into a case. The knowledge maps could help lawyers remember the questions they want to go over with witnesses and the arguments they want to present to the jury, since one knowledge map could contain information worth several pages of text. Knowledge mapping software may be set to presentation mode, as an alternative to Microsoft® PowerPoint, allowing flexibility and a unique point of focus for meetings. Lawyers could also present graphical information in knowledge maps together with the verbal arguments to the judge or jury, strengthening their arguments.

According to Stephen J. Harhai, Family Law Specialist, key skills for case preparation are analysis and organization. Analysis involves determining facts, finding the applicable law, and creating a meaning from their interrelationship. Proper organization and accessibility of known facts and information can minimize the re-creation of previously located information and solutions.

Stephen suggests that knowledge mapping should be used as a multi-dimensional tool to facilitate both analysis and organization of information for case preparation.

Mindman, Mind Manager, and The Brain are some mind mapping software tools Stephen suggests for litigation.

Figure 1

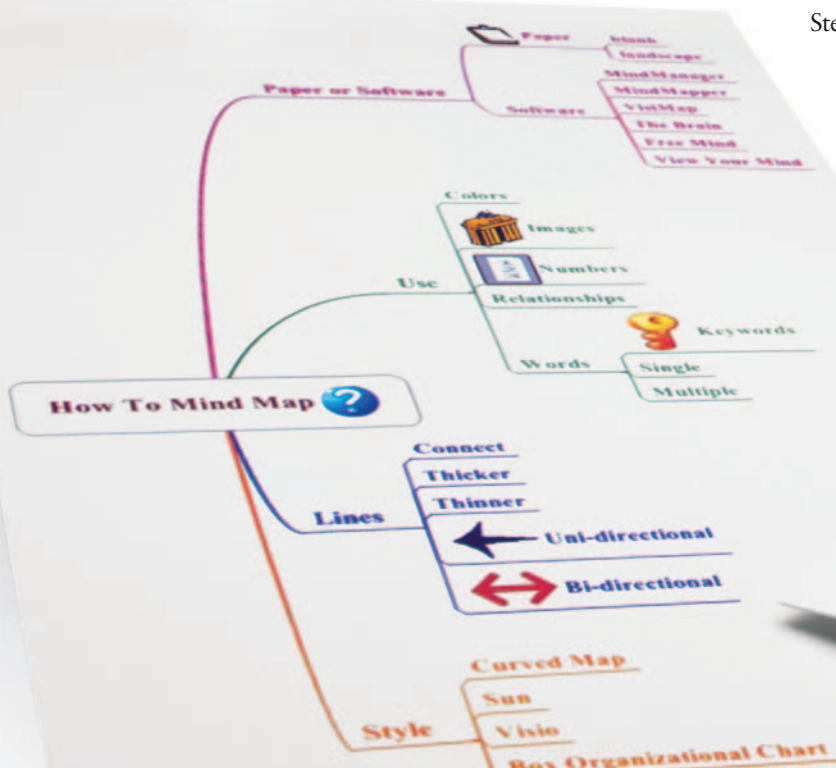
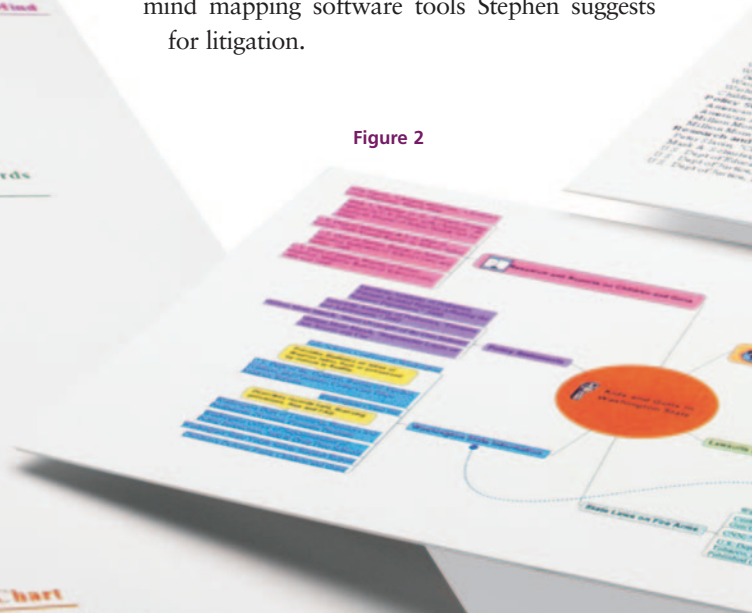


Figure 2



David Swanner is a plaintiff's attorney dedicated to the practice of personal injury and worker's compensation. In his article "Twelve ways technology can make you a better Trial Lawyer," <http://www.legalunderground.com>, David stresses that the use of mind mapping software for preparing trial cases and presenting information allows a lawyer or paralegal to enter relationship information easily about each case, such as people, places, and events (see Figure 4). The legal professional can then sort the information by cause of action to see exactly how each element might be proven. Knowledge mapping software also allows the inclusion and triggering of audio clips, video clips and photographs. The best part of all is that the user can add, modify, or delete information "on the fly," if necessary.

Dennis Kennedy, the former director of Legal Technology at NetTech, Inc. and founder of DennisKennedy.com, a legal technology and Internet consulting firm, has been using knowledge mapping for several years. Dennis likes knowledge mapping because it allows him to brainstorm and structure his thoughts using graphics, colors, and words in an associative map. Knowledge mapping promotes free flow of ideas since it does not force a rigid structure onto your thoughts the way that traditional outlines do.

Figure 3



Kennedy considers knowledge mapping tools such as CaseMap, The Brain, and Trellix to be "legal thinking tools" and some of the best options available for lawyers at present because they work the way lawyers work.

Available Knowledge Mapping Software Applications

Several open source and commercial knowledge mapping software applications, such as MindManager, MindMapper, VisiMap, The Brain, FreeMind and View Your Mind are available and could be very useful in legal research and litigation. More information about open source knowledge mapping software tools may be found at http://en.wikipedia.org/wiki/Mind_map. Chuck Frey is a creative thinker with over twenty years of experience in public relations, marketing, business strategy, and information services. He founded Innovationtools.com and recently reviewed features of eighteen knowledge mapping software applications. A detailed software comparison chart is available from his site. The sidebar

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Figure 4





AT A GLANCE: The future of document management lies in the emerging technologies that law firms will use to maintain their vast and divergent document collection.

By Kingsley Martin, Senior Director, West km

The Future of Document

Technology innovation is likely to change the landscape of document and content management in the next few years. Emerging technologies will bring about the merger of separate computer applications used to maintain document collections in law firms, such as document management, e-mail, knowledge management, and records management. This article focuses on the merger of document and knowledge management to help law firms plan for the future and minimize technology expense.

The current approach of maintaining separate content platforms is, of course, expensive. In the case of document management systems (DMS), law firms have become locked into a three-year cycle of upgrades or conversions, with each switch costing larger firms millions of dollars and loss of productivity as lawyers and staff adapt to the new system.

Future development of content management systems can be evaluated by reference to its principal requirements. The primary features are

- (a) document collaboration services to facilitate effective creation and distribution of work product;
- (b) document access tools to quickly access current work-in-progress (WIP); and
- (c) work product retrieval (WPR) tools to locate precedent.

If we consider each of these requirements in turn, we can examine the changes that are likely to occur.

Document Management – Managing WIP

A DMS is a firm's electronic filing system and is deployed in most mid-sized and larger law firms¹. It stores and maintains files and manages the collaborative process of document creation with features such as check in/out, version control, and security.

Many law firms purchased a DMS because the native operating system lacked such collaboration tools. However, the management of WIP is one area of probable change, because document collaboration services will be built into the operating system, offering all the features required by law firms, and providing the stability demanded by practitioners. One such technology is Microsoft's SharePoint^{®2}—an extensible, Web-based information sharing application that allows developers to build “web parts” to display and manage documents, database records, and other content. It provides document collaboration features including check in/out, version control, and document-level security. It may be deployed in its native form. Alternatively, firms will likely have the option to purchase law firm-specific modules built on the base platform. As a result, some firms may choose not to maintain a separate application to manage WIP.

Document Management – Organizing and Sharing WIP

The second major requirement of the DMS is the ability to access current work files. For purposes of locating current (and prior) work product, the DMS platform relies on two main technologies: full-text search and document profiling.



Management

Full-Text Search

A full-text search engine is familiar to anyone who uses Internet search tools. But, it is less widely known how accurate these systems are in finding all relevant and only relevant content. Even in the hands of an experienced researcher, full-text search will likely yield one-third of the relevant documents, and two-thirds of the search results will likely be irrelevant³. Compounding this challenge is the fact that the DMS is an unrefined collection containing both valuable and unwanted documents. Not surprisingly many lawyers have abandoned the DMS as a research platform because they cannot easily locate files and it requires them to review too many unwanted documents.

Document Profiling

In addition to full-text search, a DMS uses a document index or profile to organize files. A document profile is a set of properties or meta-data that captures important information about the file, such as author, title, client, document type, and subject matter. This method of document indexing draws from long experience managing libraries that provide card catalogs organized by author (bibliographic information) and topic (subject matter information).

Information	Accuracy	Utility	Future Development
Date	Very High	WIP	Matter-Centric Pages
Author	High ⁴		
Client	High		
Doc. Type	Low	WPR	Practice-Centric Pages
Subject Matter	Very Low		
Jurisdiction	-		

However, in most cases the profile information is accurate and reliable only with respect to system and bibliographic information (such as author and client) and, therefore, is useful only for retrieval of WIP. The information required for precedent retrieval, in circumstances where the researcher does not know the author or client, is frequently not captured, inaccurate, or too broad to be useful.

To address the needs of access to WIP, law firms can build or buy matter-centric systems that collect and organize all information generated or received in connection with a client representation. Based on SharePoint or other similar portal platforms, firms can provide a means to access WIP internally through the firm's intranet or share selected files with clients and others through secure

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extranets. Furthermore, by creating a matter-centric computing environment, lawyers will not need to complete separate profiles for each document, because the technology knows the author (through login information) and knows the client or project for which the document was created (by reference to the active matter page). Applying this technology, law firms can now contemplate profiling other client-related items, such as e-mails, research materials, and calendar activities because of the reduced burden on the attorney.

Knowledge Management — Finding WPR

A Knowledge Management System (KMS) is a platform that maintains and organizes precedent files, practice guides, checklists, and/or best practices. The KMS serves the third major requirement of a content management system—and the most challenging—namely, the ability to locate prior work product that can be used as a model for current projects.

However, the DMS offers limited tools to retrieve documents when the researcher does not know author or client context. When searching for precedent, most practitioners fall back on the more pragmatic approach of sending out an e-mail to colleagues asking if “anyone has got a ...” or walking the corridors in hope of finding a person who has the contextual knowledge to help them find prior work product.

Indeed, capturing information about the vast number of documents generated by professional organizations has until recently proved difficult. Mirroring this challenge, the development of a KMS has typically followed three stages of evolution⁵. First, developers will look to attorneys or authors to capture the information required for retrieval, such as filling out a document profile when saving a file. Second, when this proves to collect insufficient information or lacks adequate quality, firms may look to hire others (such as Librarians or Practice Support Lawyers) to capture this information. Finally, when the manual approach is determined to be too expensive and too limited in scope, firms may look to technology to do the heavy lifting, either relying on the technology to perform the work or using it as a means to identify valuable material for additional editorial enhancement by content specialists⁶.

However, two new technologies are emerging that can, with remarkable accuracy, automatically supply subject matter and attribute information, such as document type, jurisdiction, and named parties.

Text Classification

Text classification is a maturing technology that automatically identifies key concepts in documents. It can be applied to cluster similar documents (and propose taxonomic headings) or associate documents with a pre-existing, expert-crafted taxonomy. Classification can be used to support document browsing by topic or to automatically add subject matter information to a document profile.

Technically, classification systems can be based on search queries or grammar-based rules whereby a domain expert constructs Boolean searches to identify documents associated with a particular topic. Alternatively, the classification system can be based on statistical, probabilistic mathematical models that identify the salient characteristics of documents that match particular category headings (and the characteristics that distinguish the documents from other topics). Because the approach is based on a mathematical model, it is language independent—it does not know anything about the meaning of the files—and yet it can accurately classify documents.

Information organizing structures or taxonomies can be developed and deployed in a variety of different approaches. First, firms can deploy a generalized taxonomy, such as the West Topic and Key Number System, a broad taxonomy describing U.S. law. Second, firms can construct their own custom taxonomies to reflect specialized needs. Third, firms can use an existing organizing theme reflecting practice-specific needs and avoid the time and expense of taxonomy development. For example, an automatically trained taxonomy can be based on the Internal Revenue Code, the Bankruptcy Code, the Federal Rules of Civil Procedure, FASB, stock exchange rules and regulations, or even treatises, such as *Chisum on Patents*. The trained taxonomy can then automatically organize law firm documents. Applying this technology, law firms can construct practice-specific Web pages and automatically flow relevant content into such collections (and even cross-reference internal content with external sources such as statutes, case law, public filings, and other research materials).

A vast global experience on text classification has been developed because the technology can be applied to a broad set of documents used in a variety of professional disciplines. Based on these advances, a well-constructed automatic classification system can outperform categorization by human classifiers. In a recent test, classifying documents to the Internal Revenue Code, the output of

automatic classification was compared to the results of manual classification by content managers and a domain expert. In this test, it was broadly acknowledged that the machine did a better job of classification than the humans.

But, it is also important to understand the limitations of automated classification. The technology typically evaluates the entire text of a file. While the system can be programmed to give higher priority to certain portions of the document, it will yield best results when used to capture information about the subject matter, topic, or legal issue. In most cases, it will perform less well when used to detect particular attributes about the document, such as its title, the parties, or governing law. Capturing information about such document attributes is better performed with alternative information extraction technology described below.

Information Extraction

The second key advance is Information Extraction (IE). This technology automatically scans documents and mines important elements from a file, such as document or clause titles, names, entities, places, courts, law firms, or other key data. The extraction engine can either generate a searchable index in the same manner as a document profile or insert meta-data tags in the text.

Once again, there are two basic approaches to building IE systems: knowledge engineering (a rules-based method) and automated training (a machine learning method). The knowledge engineering method depends on constructing a set of rules that operate as a hierarchy of text attributes, typically starting with the base words (tokens) and then building a set of prioritized rules that refine the tokens into document attributes. For example, an entity recognition rule starts first with a series of words. Next, a capitalization rule marks words that appear in all capitals or initial capitals. An entity suffix rule might then look for tokens that contain “ltd,” “corp,” or “llc.” Finally, potential entity candidates can be validated by reference to lists of known companies.

The alternative machine learning method relies upon human operators to tag the desired attributes in thousands of documents, such as the court name in a pleading or the law firms in the notice provision of a legal agreement. The computer then learns the context of the attributes and constructs the rules required to automatically identify these features in other files.

The rules for information extraction are, however, document type-specific. For example, the rule for finding the governing jurisdiction of a legal agreement (typically focusing on the governing law provision) will be very different from the rules for finding the jurisdiction or court for a legal pleading (typically focusing on the caption and may require separate rules for each jurisdiction). As a result, the breadth of capability of information extraction is not yet as broad as automatic classification and its performance is dependent on the type of document and its jurisdiction. Nevertheless, the body of extraction rules is rapidly growing.

Merger of Document and Knowledge Management

The life expectancy of current DMS technology may be shorter than a reasonable cost recovery period. Savvy law firms may be wiser to use this period of change to build advanced knowledge management systems, based on existing automated classification and information technologies, and plan for the future. Law firm content management strategies can contemplate document collaboration services built into the document management system, and file management systems that can securely share files internally and externally. This new environment will also allow law firms to build matter-centric pages to collect and manage all electronic information related to a client representation and construct practice-centric pages that automatically organize research materials for a particular practice area.

¹ Smaller firms rely on file system directories (NTFS) or lightweight DMS platforms provided by case management applications.

² For further information on SharePoint, see: <http://www.intranetjournal.com/sharepoint/>.

³ An evaluation of search performance statistics is available at <http://www.webology.it/2005/v2n2/a12.html>.

⁴ The accuracy of author is considered high, at least with respect to the original author. This may not correspond to the most substantial contributor to a document since the designation of authorship is rarely changed after the document is first created.

⁵ Alternative methods knowledge collection highlights differences in approach between U.S. and U.K. law firms. Firms in the United States tend to rely more on authors or technology, whereas firms in the UK have heavily relied on non-billable professionals (PSLs) to identify best practice materials and codify documents with appropriate meta-data tags to facilitate retrieval. Firms in the United States have attempted to rely on practitioners to codify documents. However, the experience of most firms clearly shows that busy professionals do not have the time, capability or incentive to accurately complete document profiles.

⁶ Note: differences in objectives between WPR and BP.



AT A GLANCE: Attorneys want document-drafting tools that work within their word-programming software. New products are answering that demand.

By Lisa Kellar, Senior Practice Consultant, Hunton & Williams, L.L.P., Washington, DC

Document Drafting Tools

Until recently, tools that truly help attorneys with document drafting have been scarce. (Yes, there are numerous legal formatting utilities, but they are most often used by legal secretaries, not attorneys.)

For a while, document assembly software promised to be the Holy Grail for quickly and efficiently building documents. It has been around for a long time now, but it is frequently so costly to purchase and burdensome on attorneys to implement that document automation projects often stall before completion. Attorneys spend as

much as 80 percent of their computer time in either Outlook or Microsoft Word (or similar programs) and don't like having to switch between multiple applications in order to get their work done.

New tools are beginning to emerge that help attorneys draft documents in *context*, allowing them to perform all the steps involved without ever leaving Word: from searching for examples of past work product, to performing legal research, to easily applying styles, and to proofreading documents.

Information Bridge Framework

Microsoft's Information Bridge Framework (IBF), introduced in the Office 2003 Suite, provides access to the various repositories an attorney may need to touch throughout the drafting process without leaving the word processor. The active document is automatically analyzed for all of the keywords within it (ignoring noise words, such as *of, the, and, etc.*). This list is then compared to content in another system to which IT has configured a connection. Each time a match is found, ellipses appear under that word as a hyperlink, which Microsoft dubs a "Smart Tag." With a right click, attorneys can look-up the information. For instance, if the external source was a legal dictionary, the word *subpoena* would have ellipses below it and a right click would display the definition of that word. The possibilities for these external resources are endless:

- an expert witness database
- a contact management system in which case names within the document would be "smart tagged"
- an accounting system so each client or matter name would provide instant access to a financial snapshot

Plus it can be connected to numerous systems at once.

Again, what is displayed when activating the hyperlink is completely in your firm's control—IBF is just a way to build a bridge to other systems.

Handshake Software has helped many law firms to build IBF connections. They offer a series of IBF connectors, including one for West km. Baker Donelson came up with this idea originally and contracted

with Handshake to build the integration¹. Their attorneys would see terms or phrases hyperlinked whenever it matches a category in West's KeySearch® legal topics taxonomy.

The idea of providing information in an unobtrusive way and without even asking for it has been well received. As an attorney is drafting a document, he can quickly find examples of documents that discuss the same issues through this IBF connection.

continued on page 14



Sample Connection to Accounting System

Thomson Elite and West km

Thomson Elite offers to its West km² customers a Word toolbar, which automates the process of identifying laws and cases cited or referenced within documents, and hyperlinks to Westlaw® and KeyCite® for immediate full-text review and citation-checking purposes. From a single click, the active document is read and hyperlinks to any cases or statutes found are inserted, as well as status flags. This is similar to the functionality of WestCheck®—or CheckSite®, the LexisNexis equivalent—but it is done more quickly and easily, and without disrupting the drafting process. Furthermore, it is free! This also means

you can check the research in opposing counsel's documents. (If they are received in PDF format, there are many tools available now to convert PDFs back to Word format).

Another option in this toolbar allows you to launch a search for clauses or defined terms within firm documents, again, without leaving Word. So at the exact moment an attorney needs an example of an indemnity clause, a floating research pane can pop up to execute the search. Once the clause is found, the attorney can simply drag and drop the text into the appropriate section of the document. The research pane automatically hides when you have clicked within the document—another nice example of letting the attorney get on with work with minimal interruption. This search also means an attorney could have grabbed an entire sample document at the onset of drafting.

Microsystems D3

Microsystems D3³ is another promising document drafting tool that provides access directly within Word to firm, practice group, or personal sets of example documents, clauses, and other data. Best yet, it offers document assembly without requiring attorneys to do the heavy lifting. An attorney can start with a sample document and easily insert the conditional logic one needs to consider without having to be a programmer or learn complicated coding schemes. Some of the fields that you could include in a model can connect via IBF to automatically insert up-to-date information. For instance, if you insert a client name that the IBF connector recognizes, you could have address or financial infor-



IBF Connection to West km

mation automatically inserted at the appropriate place in the document.

Building D3 model documents also incorporates “content harvesting” capabilities, where a set of similar or near-duplicate documents can be analyzed to deliver a listing of the similar and different paragraphs. This helps you surface the boilerplate sections that should be included in your model, as well as the conditional content where users need to choose from a variety of options, depending on the situation. It can also be used to identify paragraphs that users frequently modify after creating a document based on the model. An indication that your model needs to be updated!

Similarly, it could be used as a way to identify certain language that needs to be changed based on new or modified laws. Locating documents in which these clauses were utilized would let the firm know which clients should be contacted about the changes in law. The content harvesting process can also be used to populate a personal or shared clause library.

Lastly, D3 makes it vastly easier to apply formatting to a document. A preview window even allows you to see what your document outline will look like with the selected formatting applied before actually applying it. All of D3’s tools are accessed via the task pane (an Office 2003 feature), which never obscures the active document from view, allowing you independent control over the document authoring space and the application.

Ixio’s QShift^{TM4} is a similar product but it is Web-based. This does require the attorney to work outside of Word initially, but it

will load the model document into Word once located. Because it is a hosted-service, it does mean that traveling attorneys can access the firm’s form documents from anywhere they have an Internet connection (e.g., no VPN required).

Deal Proof[®]

A final example of document drafting tools is Deal Proof⁵, a technology that will automatically proofread a set of related documents and point out a variety of problems to the attorney. Executed without leaving Word, it is typically used for analyzing the full set of documents that represent the deal. Some examples of what the system can report on include

- open issues or points that have yet to be finalized, such as the dollar figure for the transaction or date to be executed
- terms that have been defined more than once, or that were defined but never actually used, or that were used but never previously defined
- inconsistent formatting, problems with numbering and numeration, unpaired punctuation, and non-conforming phrases
- accuracy of cross references

Each issue found is also hyperlinked to the location in the document where it occurs, so you can quickly navigate to the problem areas without having to manually search or scroll through long documents.

Software vendors are responding to attorneys’ document production needs, from providing initial document drafts to the final proofreading stage—all within the word processing environment.

¹ See www.handshakesoftware.com/index.php?selectedpage=news_press-westkm&shownews=Yes&meta=1

² See www.elite.com/solutions/product-fam/westkm/index.asp

³ See www.microsystems.com/legal.php

⁴ See www.ixio.com/about_qshift/

⁵ See www.elite.com/solutions/product-fam/westkm/dealproof/index.asp



AT A GLANCE: Why use podcasting, and if you do, why seek help from podcasting professionals.

By Al Podboy, Director of Libraries, Baker & Hostetler, Cleveland, OH

Podcasting: What is it go

“[P]odcasting is
best used as a
marketing tool
for material
you want to
share with the world.”

Wikipedia tells us that *podcast* was the *Oxford English Dictionary's* 2005 word of the year. The *OED* defines *podcast* as “a digital recording of a radio broadcast or similar programme, made available on the Internet for downloading to a personal audio player.” Wikipedia defines P-O-D as meaning either “Personal on Demand” or “Personal Option Digital.” Wikipedia also states that podcasting’s “essence is about creating content (audio or video) for an audience that wants to listen when they want, where they want, and how they want.” See <http://en.wikipedia.org/wiki/Podcasting>. Podcasting is a further extension of our *exploding me* culture.

In this article I want to introduce you to two early adopters and leaders in the world of podcasting. Second, I wish to look at why you should consider podcasting in the legal profession. And last, if you’re going to do it, I’ll tell you why you should do it professionally.

Meet Two Podcasters

Many of us know a podcaster. Usually, our acquaintance is a techie/radiohead, who approaches podcasting in a carefree and casual manner. The podcaster can be a friend, a co-worker, or a fellow professional.

In preparing this article, I was introduced to two futurist innovators in the world of podcasting. One is a fellow Clevelander, Mark E. Avsec, Senior Associate at the law firm of Benesch Friedlander Coplan & Aronoff. The other is Gina Roers, Manager, Legal Content & Accreditation and Registrar for West LegalEdcenter®. Both have either a recording background or a connection with the recording industry. Before becoming a lawyer and creating the award winning “Benesch Beat” podcasts, <http://www.bfca.com>, Mark was a studio musician, producer, and songwriter. He wrote more than 300 songs for artists, such as Bon Jovi and Donnie Iris, and he produced more than 25 recordings for Donnie Iris and others. He also played with the group Wild Cherry, known for “Play that Funky Music White Boy.” Gina also is close friends with a record producer.

od for?

What Podcasting Can Do

Podcasting, what does it offer to the legal profession, to attorneys, law firms, bar associations, law schools, and corporations? The short answer is marketing.

Most of the uses of podcasting will be for ideas you are willing to share in the public domain.

Both Gina and Mark advised me that podcasting is best used as a marketing tool for material you want to share with the world. A good example would be a client or firm seminar that would be informational yet somewhat non-substantive. Both experts suggested that you look at non-traditional types of programming, like administrative programs, seminars, or roundtables discussing the business of law; programs about starting a practice, how to market, or how to set up a business or corporation; and programs you might find at a law firm retreat. Mark suggested programs that would build client relationships, programs that deal with the

client’s focus, and programs that forge and cement the firm’s relationship with that client.

Talk to your clients in a roundtable setting and showcase them. Show that you appreciate them. Demonstrate that you are proud of their accomplishments. Interview some of your serial entrepreneurs. Talk with them about the challenges of entrepreneurship, the attitude that drives an entrepreneur, and how they learn to manage their business. Use your podcast not only to market your firm but to demonstrate the depth and variety of your client base.

Gina suggested that your firm also use podcasting in recruiting. The firm can demonstrate a day in the life of its intellectual property group, personal injury litigators, tax attorneys, and other practice groups, both large and small. It can use discussion forums with new or summer associates, which demonstrate the vitality and vigor of the organization. The firm can also demonstrate its commitment to its community by showcasing its relationships with its different locales.

Podcasting Best When Professionally Done

Both innovators also addressed the importance of having a professional podcast. They reflected that the podcast and its delivery is an audio or video image of the organization’s own professionalism.

Both Mark and Gina use professional radio personalities as their moderators or speakers. Although both spend significant time putting their programs together, they use professional production facilities, including a producer, announcer, and sound engineer. Mark and Gina have these services in-house; however, they suggest that if you do not have that infrastructure available, you should consider hiring a professional consultant.

Because of the time involved in downloading programming, they suggested that you keep programs short. Gina creates eight-to-ten-minute programs—just as in the old-time radio serials—and she incorporates a cliffhanger to bring her listeners back.

In summary, you should look at podcasting as an exciting new marketing tool, a tool that reaches a potentially huge public audience, and a tool that can increase the professional image of your firm and practice.



Book Review:

Never Eat Alone: and Other Secrets to Success, One Relationship

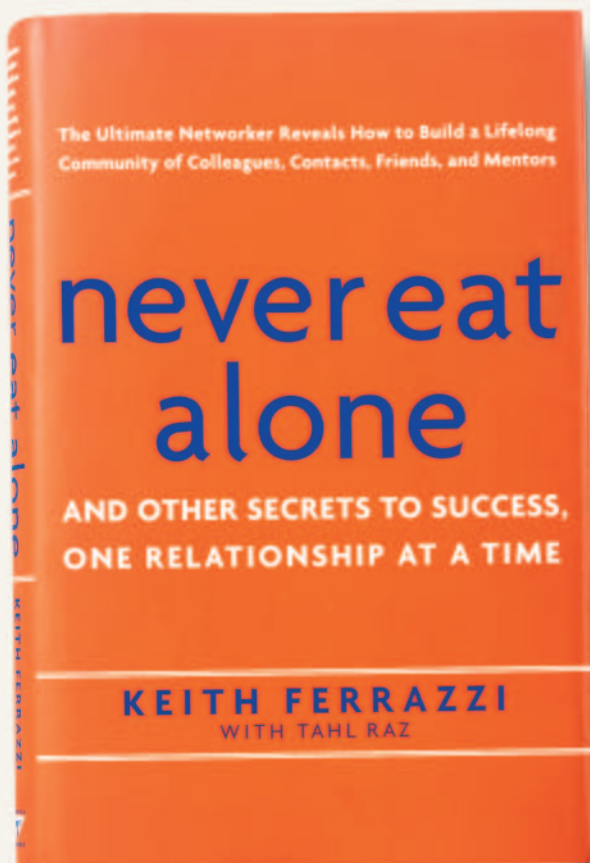
By Keith Ferrazzi, with Tahl Raz, Doubleday, 2005

For Keith Ferrazzi, networks of friends and associates are the keys to success in business and in life. Connecting and building these networks is one of the most important skill sets you can acquire.

Success, in Ferrazzi's view, is about working with people, not against them, because people do business with those they know and like. You succeed by making others more successful, by sharing personal loyalty and generosity with people who are simultaneously friends, colleagues, and customers. If you give before you receive, you will be amply rewarded in time, and there is no need to keep score of favors given and received. For this reason, much of business literature is wrong to assert that autonomy is a virtue, for you can't achieve these rewards alone.

For Ferrazzi, the time to start building your network is early, before you need it to get a job or customers. Build it by looking for ways to meet new people. At work, take on projects that require you to reach out. Meet people through your hobbies and interests. Join clubs that you care about, and take on leadership roles. See every person you know as a gateway to new worlds of people. Muster the audacity to approach people. With practice, you'll get over your fear of rejection and you will see that there is no benefit in holding back.

But don't be a networking jerk: an insincere, ruthlessly ambitious glad-hander. Cultivate the art of small talk. For Ferrazzi, this is not a pre-rehearsed elevator pitch or mere gossip. Instead, start a conversation and keep it going. Create a bond by having a unique point of view that you care about. End with an invitation to meet again later and follow up promptly by e-mail or phone.



ip at a Time

Find out what you truly love and what you are good at. Use that insight to create what Ferrazzi calls a “Networking Action Plan.” This is a list of specific, achievable but challenging goals, and a list of the people who can help you achieve them. Then research the people you want to meet. Look for needs you can fill, and shared interests that create an opportunity to bond. Put yourself in position to meet those people and, when you do, mention someone you both have in common. Point out how you can help them, and ask for an opportunity to explain in detail later.

You need to maintain your network by constantly reaching out to old and new contacts. Never disappear; “ping” constantly to stay in touch. Keep your calendar full of events. Include people in what you are doing. Introduce people to others who can help them. Connecting people who can help each other is how you become a center of influence. Treat new connections as opportunities for even more connections. If all this seems overwhelming, remember that the quality of time, not the quantity, you spend together is what matters.

But to truly connect and have value to give to others, you also need to have content: a unique point of view, expertise, cause, or true passion that you truly care about and use to create a personal message that becomes your brand. Once you have a brand, broadcast it. Speak and write professionally. Give interviews to journalists. Support causes that are important to you.

Ferrazzi views connecting as a philosophy of life whose “guiding principle is that ... every person you meet is an opportunity to help and be helped” (p. 162). After all, he says, “[W]e are all social beings ... [whose] strength comes from what we do and know cumulatively” (p. 162). Connecting should never come at the expense of your values; if you build your network with the right people, they will help fight for what you believe in.

**“[T]o truly connect and
have value to give to others,
you also need to have content:
a unique point of view,
expertise, cause,
or true passion that you
truly care about
and use to create
a personal message
that becomes your brand.”**

Create strong examples of where these resources, coupled with the IR professionals' role in supporting key firm strategies, will help the firm to reach its goals for the year or for the foreseeable future. Understanding how these intelligence resources will support and drive client retention and growth is not difficult. Using the information supplied by finance and business development, provide an example using an existing client and a prospective client to demonstrate the value the tools bring to the firm's bottom line. It's worth taking the time to learn about the various resources available, and to also learn about the impact the use of those resources (and therefore the IR team) can have on the firm's overall service strategies.

Some firms have no strategy. It's amazing how many firms still do not have a strategic vision (or at least one that's been shared with the entire firm). So then what?

Create an impact!

Tying together strategic awareness, team focus, and resource deployment will help the IR professional deliver a strong impact. Create a vision for the IR team and tie it to what should be a strategic focus of the firm. Create a PowerPoint® to present to the firm's executive or management committee. This puts IR in a key position to help build firm awareness about the focus and the tools available to support that focus. Run some of the competitive intelligence and market intelligence reports on a few of the key

clients of the firm to demonstrate the value they bring to helping understand where in the market the firm is positioned and which other firms are involved with the firm's key clients. This information is powerful! It will create another win/win for the IR team.

The IR professional can have a profound impact on the firm's overall strategy for growth. The keys to remember are to build strategic awareness through working with other resources inside and outside of the firm, to build team within the department and within the firm, and to learn about valuable resources and demonstrate their value and impact on overall firm strategy. This is a new way to look at the IR team and a new way to be seen as a part of the overall firm strategic team.

Knowledge Mapping in Legal Research and Litigation continued from page 4

suggests other interesting sources for finding out more about knowledge mapping.

Conclusion

Knowledge mapping software tools are versatile thinking tools that could be used in legal research, note taking and litigation, to name a few areas in the legal profession. A wide variety of open source and commercial knowledge mapping tools are available that can help you understand complex information, find patterns in information and connect relationships among various elements. Knowledge mapping could help you organize and structure your thoughts with words, symbols, images, videos, photographs, and colors in the way they come to you—in a non-linear fashion. Knowledge mapping could also provide the flexibility of changing maps on the fly when a situation warrants it. The possibilities with knowledge mapping software are virtually limitless. Give it a try, and select products that best suit your needs.

Figure 1: How to Map Knowledge? (Adapted from: http://www.mindjet.com/us/download/map_library/index.php)

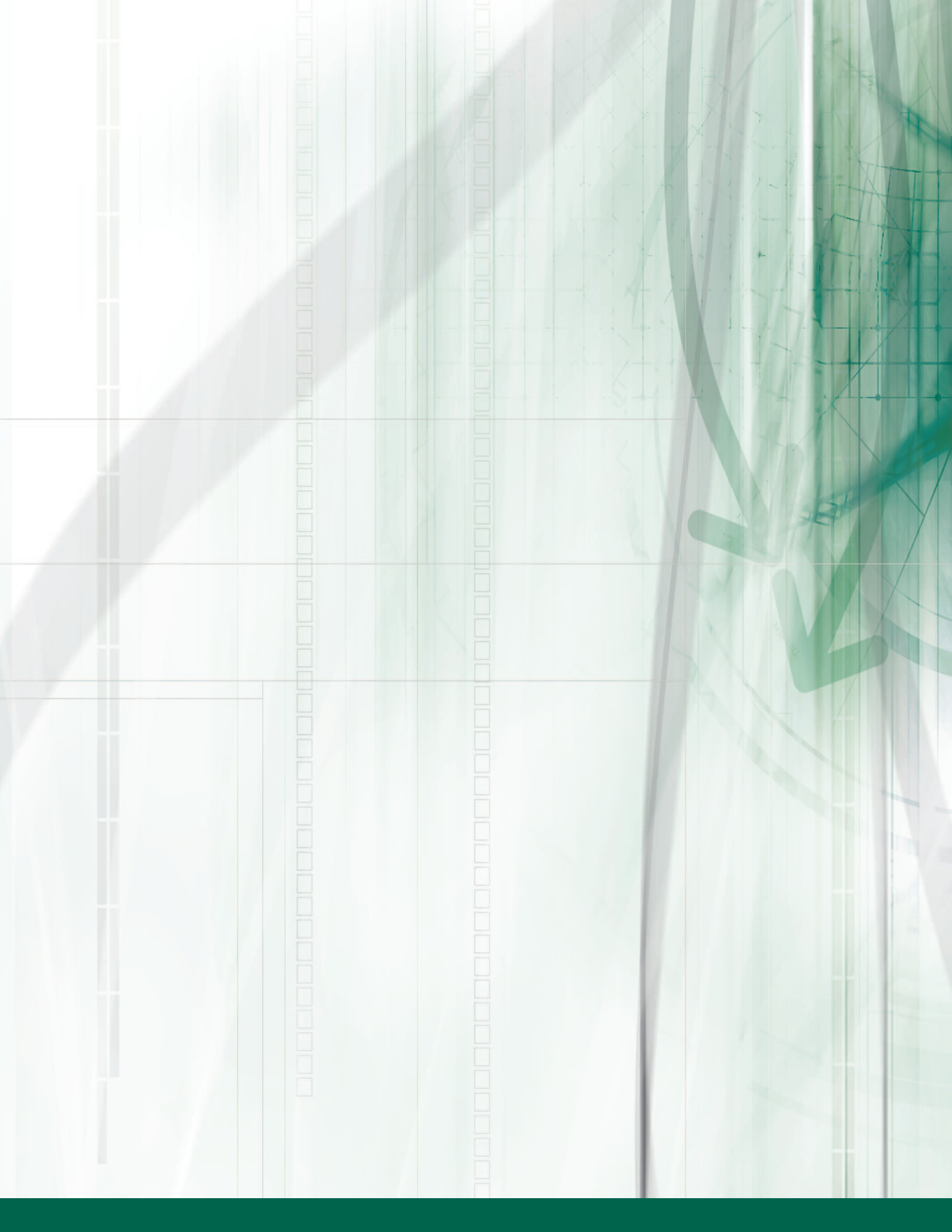
Figure 2: Kids and Guns in Washington State – Mind Map (Developed using MindManager Pro 6, text adapted from <http://lib.law.washington.edu/ref/waguns.html>)

Figure 3: Kids and Guns in Washington State – Outline (Developed using MindManager Pro 6, text adapted from <http://lib.law.washington.edu/ref/waguns.html>)

Figure 4: Trial Case Knowledge Map (Developed using MindManager Pro 6, text adapted from http://www.law.northwestern.edu/depts/clinic/wrongful/documents/chart_cruz.pdf#search='trial%20case%20summary')

For additional information about knowledge mapping, please see these sources:

1. "Thinking Tools for Lawyers" and Analyzing, Organizing and Preparing a Complex Financial Case for Trial" by Stephen J. Harhai at www.harhai.com/articles.htm
2. "An Introduction to Mind Mapping" by Dennis Kennedy at www.dennis-kennedy.com/archives/2005_10.html
3. Articles by Chuck Frey at www.innovationtools.com
4. Tony Buzan's Web site about mind mapping at www.mind-mapping.co.uk/index.htm
5. "Twelve Ways Technology Can Make You a Better Trial Lawyer" by David Swanner at www.legalunderground.com/2005/02/swanner_post.html#more
6. Download a trial version of Mindjet MindManager Pro 6 at www.mindjet.com/us/





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