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AT A GLANCE: The author suggests ways to avoid the difficulties within projects often caused by a lack of repeatable processes and useful project management tools.

By Gavin Gray, Director of Global Technology Projects, Global Services, Baker & McKenzie, Chicago, IL

A Framework for Success

The Pragmatist's Guide to Project Management

For those of us who make our living delivering technology projects in law firms, there is a common mantra chanted at every ILTA (International Legal Technology Association) conference, PMI (Project Management Institute) training session, and legal technology-worker emotional support group: Projects need to be delivered quickly, cheaply, and right the first time. Meeting this challenge is difficult, even in the most controlled, process-oriented environments; never mind the fast-paced, client-focused, interruption-driven legal environment.

How does the legal technology professional maintain sanity while delivering quality results in a timely fashion to a demanding customer? It may not be as complicated as you think. To paraphrase the Serenity Prayer: You should accept the things you cannot change, work to change the things you can, and have the wisdom to know the difference.

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Taking Control of the Things You Can Change

Many projects in the legal environment suffer from the same issues: Limited resources, small budgets, unclear requirements, and changing scope. Often, these issues conspire to create project delivery problems, expectation management challenges, and frustrated staff.

The first place to look to get control of these issues is your internal project process. Difficulties within projects, while exacerbated by the issues mentioned above, are often caused by a lack of repeatable processes and useful project management tools. Development of a project management framework will help guide your projects in a consistent manner, and is the first step to addressing the challenges of managing projects in a legal environment. The basic process and procedural tools in your framework will help your internal team members become more coordinated and organized, and thus project a more polished and organized face to your customers.

Start with the basics, such as introducing standardized terms for referencing project phases (e.g., Planning Phase, Development Phase, Stabilization Phase, etc.). Development of simple, clear definitions of each phase will help everyone involved work from the same vocabulary when discussing their activities within the project. Develop straightforward milestones or outcomes for each

project phase, and make sure they are generic and repeatable for use across your projects. For example, the Planning Phase may always include a milestone for creating the first draft of the training plan that will be further developed and executed later in the project, or the Deployment Phase may always include a milestone for completing the appropriate change control procedures for application deployment. Resist the urge to create overly prescriptive actions, and focus instead on easy-to-use, directional milestones that will give each phase meaning, while helping your project staff organize and communicate more consistently within individual projects and across your project portfolio.

Standardize your documents and create useful templates for common project materials. This might include templates for a standard business requirements document, a development design document, a support escalation document, a project organizational chart, etc. Tie these templates back to the appropriate project phases and checklists, creating *toolkits* for project participants. Use of these common tools will drive consistency in how materials are managed and presented—both internally and to customers—and will reduce much of the rework that often occurs when project teams are starting another project from *scratch*. Consistent use of these toolkits will drive customer confidence: As they start to see

“How does the legal technology professional maintain sanity while delivering quality results in a timely fashion to a demanding customer?”

[A]ccept the things you cannot change, work to change the things you can, and have the wisdom to know the difference.”



common materials and hear common lingo across their projects, they will have a better understanding of what is happening and will feel more comfortable knowing that things are under control.

Remember that while you may not be able to change the behavior of your clients and customers, you can manage your own behavior. Put in place checkpoints within your organization to ensure that your team is following its own project management advice. Appoint someone to maintain your standardized documents and processes, periodically looking for lessons that will improve your toolkits and processes—make sure these improvements are incorporated into your standard project framework and communicated to those people in your organization who work in support of your projects.

Do not be afraid to look outside your organization for inspiration in the development of your project management toolkit and approach—tools such as the Microsoft Solutions Framework (MSF), for example, have many useful components that may be helpful. Be sure to simplify and customize these frameworks to fit the reality of your organizational structure and maturity level. Keep it simple. Remember, where there is order, there is peace.

Accommodating the Things You Cannot Change

Law firms can be politically complex organizations, with many different committees, partners, administrative organizations, and practice groups competing for priority and service. Even fundamental project management actions—such as project prioritization, requirements gathering, and scope management—become difficult in these environments. You can continue to beat your head against the wall in frustration over the realities of the environment; or you can begin to utilize tools to help you communicate salient points to your customers and stakeholders, leading them down a path of good project sponsorship and business-led prioritization.

A key step in helping your customers help you is to guide them down a path of prioritization. This is best accomplished by a governance organization that will help coordinate the various project priorities according to business need. The complexity of implementing and maintaining

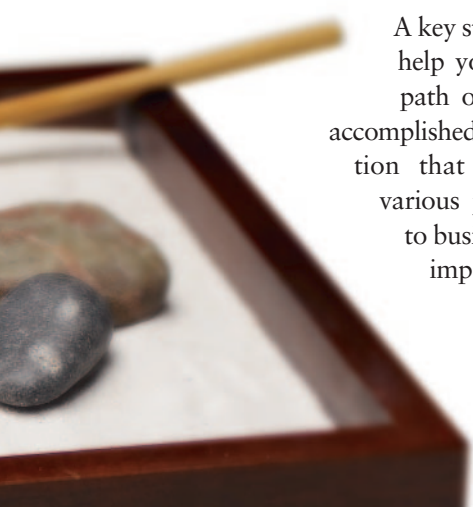
such a governance group and process will vary by organization, but it is a key place to start. Work with department heads and executive leadership to determine who should participate in such a group. Identify a business sponsor in your organization to encourage the formation of this group. Remember that those who are likely to be involved will be very busy and have many competing demands for their time. Put in place a simple charter for the team, with a focus on the relative prioritization of major project actions. Avoiding operational topics, long meetings, and too much detail will keep the group engaged and participating.

Help your leadership and governance group help you by educating them on what is possible within the available time, budget, and resource constraints. Articulating the trade-offs between various actions in a simple, informative way will demystify your actions and give your customers the ability to provide input and feel a part of the prioritization process. Often a simple listing of your requested projects, a high-level view of the kind of resources necessary to properly execute, and a simple color-coding scheme may convey the basic information your stakeholders or leadership need to understand your constraints. A *red, yellow, green* approach to resource leveling/available capacity may seem simplistic, but it can be surprisingly effective when communicating with people who have a lot on their minds.

An Attitude for Success

Implementation of a more formalized project framework, standardization of tools and templates, and implementation of governance and prioritization processes are all actions that take time and thought. It will feel sometimes like you are attempting to steer an aircraft carrier with an oar. Don't give up, and resist the urge to solve all of your problems at once. Focus first on getting your house in order so that you are properly organized when it comes to your internal project management processes. Be consistent in your actions and messages around projects. Put in place tools and procedures that reflect the reality of your business, not an idealized state that is off in the distant future.

Better project management and delivery will help you build credibility with executive leadership, and will show your leadership that you are ready to take maximum advantage of the resources that are available to deliver your projects quickly, cheaply, and right the first time.





AT A GLANCE: Here's a brief look at the evolution of intranets along with some best practices to use in evaluating a modern intranet.

By Nina Platt, Director of Library Services, Faegre & Benson L.L.P., Minneapolis, MN

The Third Generation Intranet

“The plan that will not work is one that does not involve the users of the intranet.”

When you came to work today, you most likely started your computer and eventually made your way to your organization's intranet. If you were lucky, you found an intuitive interface that provided access to the information you need to do your work and a guided path to the Web applications your firm has implemented to support the practice of law. We take all of this for granted in 2006 and usually expect more than we have. When and how did the intranet come into being and what does the future hold for this very useful technology? What will the next generation intranet look like?

The First Generation

Depending on which articles you read, intranets were first introduced in 1993 or 1994. Steven L. Telleen, working at Amdahl, first coined the term *intranet* in July 1994. He went from there to work for Intranet Partners as their Director of Strategic Development. In the first iteration of intranets, the focus was on creating a universal client that provided access to information across the variety of platforms that existed at the time. At the same time, the development of an intranet was thought to be an alignment of technology and business goals as demonstrated in *Figure 1*, which was published in the initial book Telleen wrote on the topic.¹

As Telleen was working on what the framework of an intranet should look like, Netscape was working on the Web browser with Microsoft hot on its heels. The developer of the Mosaic browser, Marc Andreessen, reported that even as it was being developed, he was hearing from businesses that were interested in using the browser for internal purposes.² Following the introduction of the browser, Netscape and then Microsoft introduced their intranet server suites (Netscape Server Suite and Microsoft Back Office) that could be used to easily create a Web environment within an organization.

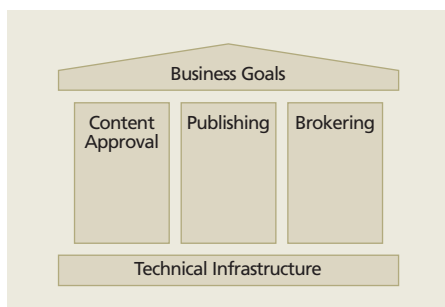


Figure 1

With the infrastructure in place for creating intranets, it would seem that the first generation intranet would be an integrated marvel. Instead, most companies and firms who put intranets in place used little integration of disparate systems, usually due to a lack of commitment in resources (i.e., development skills and dollars). Intranets were most often developed with static pages, which required updating by individuals who knew HTML. Additionally, many companies had no standards or guidelines for what was added to the intranet, and often the sites that were built were collections of unused documents that were poorly organized. The first generation was a good start, but the early adopters in law firms soon learned that they needed more than they had.

The Second Generation

The second-generation intranet brought more integration with more firm investment. Using portal products like Plumtree, Lawport, and Sharepoint, many firms developed intranets that pulled content from firm databases and put it in context. An example would be the development of client pages where content would be pulled from a firm's accounting and document management systems or any other system that held client information. During this phase of development, more applications became Web-based and were accessed from the intranet. The development of RSS allowed news to be integrated as well. Some firms made huge investments in their intranets and they saw benefits for the dollars spent. Client/Matter-centric intranets started to be developed.

The Third Generation

Fast forward to today where many firms are starting to look towards the next generation of intranets. As the technology continues to develop, we are seeing new tools that make the development of a robust and feature-rich intranet more attainable, even by smaller firms.

Making the most of an intranet means paying attention to best practices:

Think of the intranet as a reflection of the business. The intranet has grown in purpose from an interface that allows access to a staff directory and policies and procedures to the tool Telleen intended. Intranet strategy should be driven by the firm's business goals and strategy.

Take time to plan. Installing Sharepoint and throwing a portal together without taking time to plan will create problems. Get the right people to the table to discuss the goals for the intranet. Turn the goals into actionable steps with defined deliverables. Decide on a timeline and the development approach. If you need a consultant to get you through the process, spend the money to hire.

Do usability testing before, during, and after the new intranet is developed. Success of an intranet hinges on content but also on how easy it is for your users to find what they are looking for. Along with testing, survey and interview users to determine what needs have been met and what additional functionality is needed in the new intranet. You cannot overdo involving users in the planning.

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AT A GLANCE: Three records management (RM) professionals share their insights into the challenges of electronic records management (ERM)

By **Austin Doherty**, Director, Information Resource Center, Hogan & Hartson L.L.P., Washington, D.C.

Current Issues in Electronic Records M

An Interview with RM Professionals

Records management issues now loom large on the agendas of all law firms. The unique conditions and concerns imposed by electronic records of all sorts have added an undeniable urgency to the situation. I spoke with three prominent professionals in the records management arena recently, seeking their insights on significant questions entailed by the challenge of electronic records management (ERM):

- Patrick Rauso, Director of Records Management, Hogan & Hartson L.L.P.
- Claire Engel, Director of Library and Records Services, Troutman Sanders LLP
- Beth Chiaiese, CRM, National Director of Loss Prevention, Foley & Lardner LLP

Q. Can the same records management procedures be applied unconditionally to physical and digital materials? How would you account for all of the conceivable copies of digital materials?

A. Patrick Rauso: Yes, the same procedures can and should be applied unconditionally. In fact, when developing a records management program, which normally includes a records retention and disposition policy, it is essential that you apply the same paper records processes to any electronic records. That is, electronic records have the same value as paper records in a dispute or discovery situation; and their location, integrity, and preservation must be maintained.

E-mail, for instance, is the greatest source of evidence today, and organizations have received serious fines for their lack of coherent records management processes regarding digital records.

Like paper records, electronic records need to be organized and accounted for, indexed, stored safely and securely, and be accessible for retrieval. If not, they can be overlooked or even forgotten as they are not always visible like boxes of paper records in a *war room* for example.

With the rise of e-discovery in today's litigation, electronic records must be identified, produced, and protected from spoliation. Furthermore, it has been held that a party's failure to locate and/or preserve electronic evidence will result in an adverse inference by the court. Therefore, the logical structure and organization normally given to paper records should also be applied to digital records.

Additionally, it is easier to account for multiple copies of digital records than it is for multiple copies of paper records. Thanks to text retrieval, OCR, and database software, accurate accounting of information has become a reality. Furthermore, for law firms, client-matter identification and correlation makes searching for electronic records on a firm's network simple and effective.

anagement

Q. How do you envision e-mail storage systems, records management systems and document management systems working together? Do you need all three?

A. Patrick Rauso: Unified Document or Centralized Document Retention & Management has become a best practice among businesses in the last few years. Popular integration software has linked these three disparate repositories together so organizations can get a comprehensive picture of what documents—paper or electronic—have been retained for a matter.

Such integration also makes the application of, and compliance with, any organization's retention and disposition policy, far easier and more accurate. For example, Outlook can be linked to an RMS allowing for the "Declaring" or filing of e-mail as part of a physical file just as if you were filing paper letters into this file. *Declaring* means formally recognizing an e-mail's importance for continued retention as a *record* as opposed to e-mail left in the inbox or sent

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"[E]lectronic records have the same value as paper records in a dispute or discovery situation; and their location, integrity, and preservation must be maintained."

**Patrick Rauso,
Hogan & Hartson**

box waiting for deletion (that is, recognized as non-records). The e-mail or e-mail folder is either moved into or copied into the RMS. Any retained desktop copies of such declared e-mail can be simply deleted later on, via client-matter, from Outlook.

Furthermore, DMS documents can also be linked to their physical file counterparts in an RMS in the same manner as e-mail. Integration between an RMS and a DMS involves the linking of the two databases via client-matter and document type correlation. Documents remain in the DMS but are searchable and accessible from the RMS.

It would be unwise not to incorporate this electronic linking or looping in your overall records management processes since courts and regulatory agencies have deemed it a logical best practice.

Although these three databases form the core of most integrated information systems, they are not the only sources deemed relevant to an organization's information requirements or responsibilities. Imaging systems, financial accounting systems, and human resource systems have also played a significant role in discovery, records retention and disposition, and general compliance with the law.

Q. What has been your biggest ERM challenge in the past year?

A. Claire Engel: Troutman Sanders LLP is an international law firm with 600+ lawyers in 11 locations. Given our size it may surprise some that the biggest ERM challenge of the past year has been to educate our management about the need to actually manage electronic records. However, this need was not isolated from other educational needs related to records management. Troutman, not unlike many firms, allows individuals to manage their own active records. While there is Records Management staff in several offices, their management roles are modest and to a large degree revolve around inactive records. Consequently there was a need to educate management about the need for records management generally.

We took a multi-pronged approach. We talked with management. We talked with attorneys. We talked with secretaries. To whomever, whenever, and wherever we could, we preached three simple messages:

- a) for risk management and ease of use, there is a need to standardize and manage our records operations;
- b) electronic documents and e-mails are records (the content not the format makes the record); and
- c) state-of-the-art records management software is an essential tool for managing paper and electronic records.

E-mail became our biggest ally in getting our three messages accepted by the firm. Increasing numbers of attorneys found that their business was being transacted via e-mail. Many of our attorneys were closing large long-standing matters with voluminous amounts of e-mail and wanted to remove the e-mails associated with these matters from Outlook. Secretaries began burning e-mails to CD, deleting e-mails on Outlook, and sending CDs to our Records Center. (We maintain our own records warehouse in Atlanta.) These CDs were returned to the senders because the Records Center was unable to store them.

The release of e-mails also became a significant issue. Attorney departures are the norm at large law firms. Records releases to departing attorneys involve not only records staff but also IT staff, practice group leaders, and sometimes the managing partner of an office. Often e-mails were not in folders in Outlook or if in folders were not identified by a client/matter number. How was one to identify what could be released?

Did we reach a critical mass of attorneys experiencing the e-mail storage problem? Did the *right* attorneys experience e-mail storage problems or the joy of e-mail records releases? Or did our three simple messages reach home? I suspect all of these helped to create the momentum to move forward with a records management program that will address electronic records as well as hard copy records.

And that leads me to the unasked question. What will be our biggest ERM challenge in the coming year? Without a doubt, we have numerous ERM challenges in our future. Our plan is to begin addressing two of those challenges: 1) educating our attorneys on the value of using our newly purchased records software for e-mail and 2) developing a folder taxonomy for e-mails (that will coordinate with a file plan for print records).

Q. Where do ERM issues fit in the overall process of developing records retention policies in law firms?

A. Beth Chiaiese: While it is true that the law firm's retention periods should apply equally to all records, there are certain issues unique to electronic records:

Assigning Client/Matter Numbers: A goal of ERM is to make sure that all e-records have client/matter numbers so they can be *filed* in a virtual file. Records in a DMS have been profiled with a client/matter number, but this is not true of e-mail. Filing e-mail into the RMS or the DMS are two current techniques to ensure record level e-mail is classified correctly, and that retention is applied to the entire e-file.

Long and Short Term Retention Periods: Retention schedules define periods for various types of records. Non-records and convenience records have shorter retention periods than official records. The disposal of non-records and convenience records in a hard copy file is generally done when the file is prepared for storage. Because of volume, this is more difficult to accomplish with electronic records and generally results in the *over* declaration of e-records.

Backup Tapes: Even when an e-record is deleted from the active system, it will be accessible until all backup tapes containing the record have been overwritten. The ideal approach is to minimize the number of backups and to recycle them on a short time frame. Add the length of time the information exists on backup to the overall retention period for the records.

Technology Obsolescence and Media: Certain types of records in the law firm will be scheduled for long-term or even permanent retention. Take into consideration the migration of these records to readable formats and media as technology evolves.

Destruction mechanisms: Electronic records are *deleted* when the disk segments that store the record are overwritten. However, components of the record might still be retrievable, depending on the frequency or technology used in overwriting.

Other types of e-records: Law firms focus on the DMS and e-mail systems as the primary repositories of e-records. However, lawyers might create records in other systems: litigation support or client extranets. Create a mechanism to become aware of these collections so they are reflected in the RMS. Evaluate databases and other applications in terms of their record output.



AT A GLANCE: A KM professional tells how a law firm developed a Web-based “legal know-how” system that lawyers find as easy to use as Google and that ensures that the right people across a global firm have timely access to the right information.

By Julia Randell-Khan, Director of KM Development, Freshfields Bruckhaus Deringer

Athena – Making Connections:

Case Study on How a New Know-How System Has Brought People and Content Together

The Challenge: “Give me Google”

That was the message that lawyers gave—loud and clear—in response to the firm’s knowledge management (KM) strategy review in 2003. That review of our KM systems and KM activities across the network came up with two important findings:

- 1) the type of work our clients were requesting had shifted from being jurisdiction driven to cross-border product driven; and
- 2) the fragmentation of our KM systems across our 28 offices and, within offices, by practice and sector groups, made it impossible to ensure that the right people were able to access the right information at the right time quickly and efficiently.

What lawyers wanted was a system that enabled them to search all of our internal know-how collections using a few words to bring up all relevant results in the first results screen. They also wanted a simple process that allowed them to submit content themselves.

“Athena is a Web-based application that electronically stores and delivers all of the firm’s legal know-how through one online repository.”

The Solution

To meet the “Google Challenge,” in late 2003 we began the process of designing and developing *Athena*, named after the Greek goddess of wisdom. Athena is a Web-based application that electronically stores and delivers all of the firm’s legal know-how through one online repository.

Having drawn up detailed business requirements and reviewed the market for third-party applications, we decided to build Athena by combining technology already in use at the firm with new search software (the Autonomy K2 search engine) and an in-house developed user interface. We began the roll out in spring 2005 after an 18-month design and development process. A new release in November 2006 will complete the roll out firmwide.

Design

Athena was designed and developed in-house as a collaborative project between the firm’s IT and KM teams. The design team consisted primarily of senior knowledge management lawyers (the Core Team), assisted by a user interface specialist. Design was validated in regular consultation with groups of fee-earning lawyers and KM staff from across our network (known during the project as the Super User group). The Super User group ensured that the end product reflected the needs of the various categories of users. The design feature included a simple, Google-like search box, advanced search and browse options to find content and personal preferences, and filters to limit search results. In addition to saving and sharing searches, users can tag and save individual result items in *baskets* similar to online shopping baskets.

Development

To develop Athena, the Core Team worked closely with in-house IT developers, who used cutting-edge, agile development processes to ensure consistent, high-quality software builds. The development methodology enabled feedback to be integrated into the system as it was being rolled out. Users are actively encouraged to report back on the new system to members of the project team walking the floors to gauge reactions. There is also a *suggestion box* within the application itself.

Consolidating nearly 20 years of know-how from 18 countries into a unified, user-friendly system was complex. A migration team extracted know-how from 50 different databases to load into Athena. KM staff also reviewed and culled content to ensure that only useful and relevant material would migrate. A bulk imaging of 87 tons of legacy paper documents was also completed as part of the migration process.

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Content life cycle in Athena

Guidelines for setting content levels allow lawyers to identify quickly and easily the quality, authority, and completeness of each piece.





AT A GLANCE: Here's what's needed to help create appropriate and workable conflict management systems robust enough to handle even the practice of large global law firms

By **Janet Accardo**, Director of Information Services, Skadden, Arps, Slate, Meagher & Flom L.L.P., New York, NY

“If a conflict issue is not recognized and properly addressed, lawyers can lose clients, risk malpractice suits, incur steep fines, and lose their professional insurance.”

Conflicts Management in Today's Legal E

» Within the past three years most large law firms have increased the number of their offices, their attorneys, and their clients, thereby leaving them ever more vulnerable to matters of conflict of interest.¹ As law firms expand and diversify their client base, they expand the likelihood of a conflict in legal representation. Other contributing factors to conflicts are lateral hiring, law firm mergers, increased competition, and corporate expansion, which create complex and interlocking relationships within companies. According to Anthony Davis, partner at a Chicago law firm, “Creating appropriate and workable systems to identify and manage conflicts of interest before they hit them in the face remains the single biggest issue for most law firms.”²

Lawyers must build the trust and confidence of their clients and maintain strong client relationships in order to succeed. If a conflict issue is not recognized and properly addressed, lawyers can lose clients, risk malpractice suits, incur steep fines, and lose their professional insurance.

Recognizing the critical importance of risk management in today's business environment, many law firms have enhanced their conflicts systems and staffing.

Typically, Conflicts is part of a firm's Records Management Department or the Library. In other instances, Conflicts may be a separate administrative department. Typically, conflicts specialists report results of a search to the requesting attorney; and a conflicts committee determines the next steps. There is a growing trend for firms to appoint highly skilled conflicts specialists who are lawyers themselves. As conflict attorneys, they are trained to analyze conflicts, obtain waiver letters, advise the firm on representation, and focus on conflicts resolution.

What's Needed

Law firms have also been prompted to acquire more sophisticated computerized systems for conflicts checking. There are too many parts to the process to manage with a limited system. For example, a conflicts specialist, depending on the type of check (new business, lateral hire, investment, or bankruptcy), may have to search one or all of the following:

- Database of potential new business initiatives
- Client database of existing, open, and closed matters

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- Litigation records with adverse parties and co-defendant information
- Screened records (ethical walls) set up for lateral hires; indicate if work was done on search term at lateral's previous employment
- Director and corporate linkages and business-to-business conflicts on potential and existing clients
- Beneficial ownership information
- Waiver letters and conditions within the waivers
- U.S. Treasury Department Office of Foreign Assets Control Specially Designated Nationals List (OFAC/SDN) or other comparable country lists

Only sophisticated systems can provide for all of these internal and external feeds. Usually a firm's client database is integrated with its time/billing and records systems, which are client and matter centric. These are internal systems. On the other hand, external-docketing systems may be used to populate litigation records. And firms typically use external databases like the Dun & Bradstreet

Family Tree Finder for corporate linkage and Dun's numbers to create cross-references between client names. The system needs to provide for an integrated search across both internal and external databases.

The effective system must provide for flexible search methodology: Boolean, proximity and string searches, and the ability to recognize the various forms of a name. There may be different types of searches—new business, investment, bankruptcy, lateral or new hires—each of which requires different steps and levels of information. The system has to accommodate all of these needs.

Data accuracy is extremely important in a system. Company and individual names must be spelled correctly and appear in a consistent and correct form. The attorney opening a new client or matter needs to supply the conflicts department with complete information, including the name of the client and the adverse parties.

“Conflicts checking is a vital function of a law firm's work,” emphasizes Jonathan Lyon, Supervisor of the Conflicts Department of Skadden, Arps, Slate, Meagher & Flom LLP. “The results of its research comprise the initial stage of whether the firm can take on specific business. It is incumbent for the conflicts staff to employ every available search tool and to think outside the box when name checking so that every variable has been covered and every potential ‘hit’ retrieved.”

Lawyers expect a system to generate clear and concise reports for analyzing the results of a check. And of course, with the pressures and competition for new business, requestors want a fast turnaround.

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Challenges for Global Firms

Conflicts analysis can be especially challenging in global firms with offices in several time zones and a centralized conflicts department. To clear a prospective client name on Monday, a Tokyo office partner may have to reach the conflicts staff when it's Sunday in New York.

In response to this growing need, firms are staffing their conflicts departments on a 24-hour, seven-days-a-week basis. They may use pagers to alert staff on-call or give them BlackBerrys to check for incoming e-mail requests. Some international firms have decentralized conflicts checking operations in various locations to accommodate the global reach. Based on a survey of conflicts administrators, law firms have increased their conflicts staff in the last three years due to greater emphasis on conflicts checking, higher volume of requests, and the need to serve offices in multiple time zones.

Software Solutions

All of these needs and challenges require creative solutions. Fortunately there are new and more sophisticated software programs available to address the needs delineated above. Based on responses to a survey, the most popular systems used by large law firms are the following:

- **Accutrac** (Accutrac Software, Inc.) – a records management system that has a Conflicts Avoidance Module in addition to e-mail and document management modules
- **BRS/Search** – software used to search across client and external databases with full Boolean logic capability
- **CMS Open** (Aderant) – a law firm management system with modules for all aspects of business and client relationship management, including conflicts, new business intake, and billing and expense
- **Elite Law Manager** (Thomson Elite) – an information management system that is used, like CMS, for billing and expense, records, and conflicts. Using matter-centric nomenclature, one can link into Westlaw® from the system.
- **LegalKEY** (LegalKey Technologies, Inc., a Hummingbird company) – a practice management system that includes records and conflicts modules. The Conflicts System provides flexible multi-line searching, unique search filters, batch import utilities, seamless integration with all major time and billing software, and document management systems. It produces a broad range of reports. It also integrates with Dun & Bradstreet and other

third-party databases, including OFAC/SDN. The newest module includes an automated tool to manage waivers.

These systems all provide for basic conflict checking. Given the importance and complexity of the process, law firms must differentiate optimal systems from those that are merely adequate. This is why many firms are investing in more sophisticated software, and working with the vendors on development.

Necessary Features in a Conflicts System

John Kruse, forward-thinking Director of Records & Conflicts Administration at Cadwalader, Wickersham & Taft LLP, defines some of the features his firm requires in a system:

- “Seamless integration with the firm’s records management system to insure thorough conflict searching of comprehensive client matter information”
- “Ability to search, view and report relevant data from a single interface”
- “A relational database that imposes structured organization of data so that one does not have to conduct a free-text search”
- “Waiver letter management to address the rules of engagement and track the conditions specified by clients”
- “Ethical wall administration to set program rights that integrate with all of the firm’s information repositories in order to screen working groups from the rest of the firm when required”
- “An automated new business intake module that can be customized to meet the firm’s requirements and integrate with other systems in a matter-centric computing environment”
- “Law firms must provide a formal organizational structure for various risk management activities that facilitate an efficient new business intake process while affording the highest levels of protection”

Conflict system vendors need to work closely with their clients and the law firm community to develop functionality responsive to present and future needs.

Conflicts checking is of strategic importance to law firms and client development. Investment in capable staff and robust systems is a prudent business decision that will yield positive results.

¹ *The Model Rules of Professional Conduct* Rules 1.7 through 1.12 provide guidance to lawyers for recognizing and resolving conflict of interest matters.

² Neil, Martha. “Check, Please,” *ABA Journal*, May 2006, p. 52.



Book Review:

The Singularity Is Near: When Humans Transcend Biology

By Ray Kurzweil, Viking, 2005

The singularity is Ray Kurzweil's stunning vision of the merger of our biological bodies and brains with our technology, which he believes will happen in the 2020s and 2030s. He sees it as an extension and extrapolation of the various medical implants and enhancements that we are adding to our bodies now, resulting from three overlapping revolutions: genetics (which has already begun), nanotechnology, and robotics (artificial intelligence).

The genetics revolution, already underway, promises to give us the ability to suppress genetic diseases by preventing harmful genes from creating proteins and to reverse aging by replacing aged cells with rejuvenated ones. We will be able to regrow cells, tissues, and complete organs that will have our own DNA and convert one type of cell to another, as needed (e.g. a skin cell to a heart cell).

The continuing miniaturization of electronics is approaching the scale of nanotechnology (one nanometer = one billionth of a meter). Nanotechnology will provide the hardware for reverse engineering the brain. Nanobots (robots a few nanometers in size) will be introduced in large numbers into the brain to scan it from within. By "scaling up" work done by, among others, Hans Moravec and Lloyd Watts on the retina and auditory functions respectively, Kurzweil estimates the capacity of the human brain at 10^{14} to 10^{15} calculations per second (cps). Current personal computers are capable of 109 cps and will attain 10^{16} cps by about 2025. Contemporary electronics used in personal computers is already about one million times faster than the brain's electrochemical switching.

Kurzweil expects the software for reverse engineering the brain to take about a decade longer to develop. Although the brain is complex, it is not complex beyond what we can handle now. Highly repetitive patterns throughout the brain reduce the amount of detail to be captured. As a result, higher-level models of brain regions can be simpler and need not be detailed models of neurons. The result is that Kurzweil estimates that it should be possible by the end of the 2030s to upload (that is scan and copy the details) a copy of a complete individual human brain into a computer.

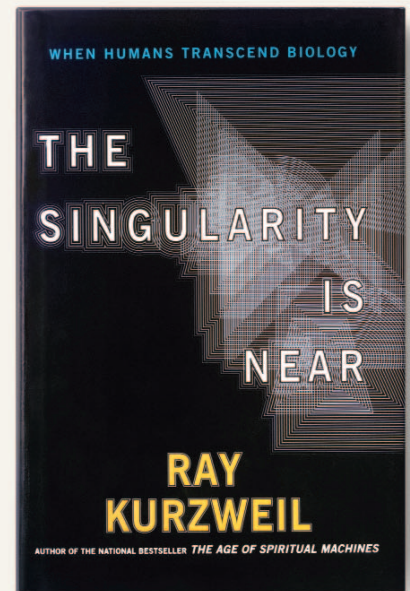
A much more interesting possibility is to augment the brain with nonbiological intelligence. Based on what we already know about

inserting neural implants in the brain and interfacing them with computers, we should, by the 2020s, be able to develop nanobots that would be introduced into our

brains in large numbers that would augment our intelligence with machine capabilities. Even though the nonbiological component would eventually predominate, the human side and the person's unique identity would persist. Human and artificial intelligence would merge in one individual. Nanobots will augment slow connections between neurons with high-speed connections, boosting our memory and thinking. We will communicate directly with computers and eventually acquire new knowledge and skills by downloading.

The three revolutions will also transform our bodies. Nanobots designed for optimal performance will replace our blood cells. These cells will be self-mobile, eliminating the need for the heart. Metabolic nanobots will inject nutrients directly into the bloodstream. At first these new systems will only augment our biological functions. Eventually, however, in a series of small benign steps, the new systems will gradually replace the biological ones, giving us more capable and durable bodies and extending our lives indefinitely.

As with all attempts to forecast the future, the reader is entitled to be skeptical that the future will evolve exactly as Kurzweil suggests, although much of what he foresees may come to pass in some form. Among the things that lend some credibility to his vision are his engineering approach, his detailed technical descriptions of brain anatomy and function, relevant computer technology and artificial intelligence, his knowledge of biochemistry and genetics, and his citation and description of much recent research in all of these fields. Notwithstanding the abundant technical analysis, the compelling ideas he presents and his clear prose make this book interesting and understandable for nontechnical readers.



"We will communicate directly with computers and eventually acquire new knowledge and skills by downloading."

Implementation

Communication and change management was carried out from the beginning of the project throughout the KM community and to the partners with KM leadership roles in the firm's practice groups. This ensured that local champions were part of the early buy-in. Active sponsorship of the Athena system throughout design and development by senior partners was also important for user adoption.

The Core Team appointed a full-time, dedicated change management/learning team made up of lawyers and learning experts from across the firm to find a new way to implement Athena that addressed the change management challenges that all large law firms face when implementing new systems and working practices. The strategy relied heavily on peer-to-peer communication and marketing techniques, including posters and a teaser campaign involving tools such as restaurant placemats in the form of a crossword developed in multilingual formats.

The process of implementing the peer-to-peer strategy itself contributed to the connections between our offices. As a dedicated community of practice was established across our offices to implement the peer-to-peer strategy, the community discussed the change management challenges faced by each office, and shared solutions. This approach used “know-how stones,” in which a lawyer presented an actual scenario at a regular team session and demonstrated how Athena could be used to support the lawyer's daily work. The method enabled lawyers to digest and understand what Athena was for and its benefits in a very practical context. The real challenge is for busy lawyers to consider on an ongoing basis what content should be submitted to Athena—realizing that a minute spent now on sending a useful document to the system will save a lot of time later.

Streamlining internal processes and increased user benefits

For lawyers, Athena has streamlined the processes of searching for legal know-how, know-how retrieval, and assessment of the quality of know-how items. For the 200 KM staff (knowledge management lawyers, KM assistants, and Library and Information staff), Athena has streamlined the internal processes of know-how submission, maintenance, and administration.

Athena has been designed to support more consistent KM working practices across the firm, such as:

- Athena content submission working practices and data entry standards, which ensure that, as far as local needs allow, content is submitted to Athena in a consistent way across the firm;

- Guidelines for setting content levels, which are firmwide standards marked on each piece of know-how in Athena with three, two, or one star (gold, silver and bronze levels, respectively) that allow lawyers to identify quickly and easily the quality, authority, and completeness of each piece of know-how without having to find and ask a KM staff member (see diagram on page 11);
- Electronic copy policy, which states that all content submitted to Athena should be submitted in electronic format, the only exception being content that is subject to copyright restrictions;
- Template policy, which ensures that any documents that have been signed off by partners and/or senior knowledge management lawyers as being an appropriate starting point for drafting can be identified clearly, and easily retrieved by lawyers;
- Language guidelines, which set out firm-wide standards on when metadata should be in English, English and the local language, or the local language only, to ensure lawyers from all of our 28 offices are aware of the existence of relevant know-how (and, consequently, the existence of experts in certain areas) regardless of the language of the item; and
- The ability to group content to add extra context to the individual item of know-how, for example, a set of useful clauses or drafting notes supporting a template.

The change management and learning team has managed the communication and implementation of these new working practices. Survey evidence has shown that despite the increased metadata detail required in the submission of know-how to Athena, users find it faster to submit content to Athena than to the legacy KM systems.

Overall, Athena has cut down the percentage of time spent by our KM staff on the support and administration of KM systems—freeing them up to use their expertise in a more effective manner.

Around 500 lawyers a week use Athena to perform approximately 4,500 searches. Athena now holds more than 250,000 know-how items in the repository.

Having met the “give me Google” request as closely as possible, our continuing challenge is to encourage lawyers to maintain their submission of content to Athena to ensure that the system is an on-going success.

Define requirements for the new intranet. What will it look like and what do you need it to do? Who will maintain content? How will they accomplish that task? If you are planning an intranet that is role based, what will each role need when they open their browser? Do not get hung up on how the development will be done. Focus on functional requirements. The technical requirements will come later.

Define the architecture of the site and select the software needed to support the architecture. Will you use something like Sharepoint? If so, are there *webparts* or third-party solutions you should consider? What are other firms using? What do they consider their successes?

Develop a detailed project plan for the development phase. Depending on your goals, it may take weeks or years to develop the site. Create a plan that works for your unique needs. If you know you cannot accomplish all you want to before you deliver the first version, divide the project into phases with version releases as you go from one phase to the next.

Communicate with your users. The plan that will not work is one that does not involve the users of the intranet. “If you build it, they will come” does not often work. If you involve your users in the building process, they will be more likely to use what you have developed.

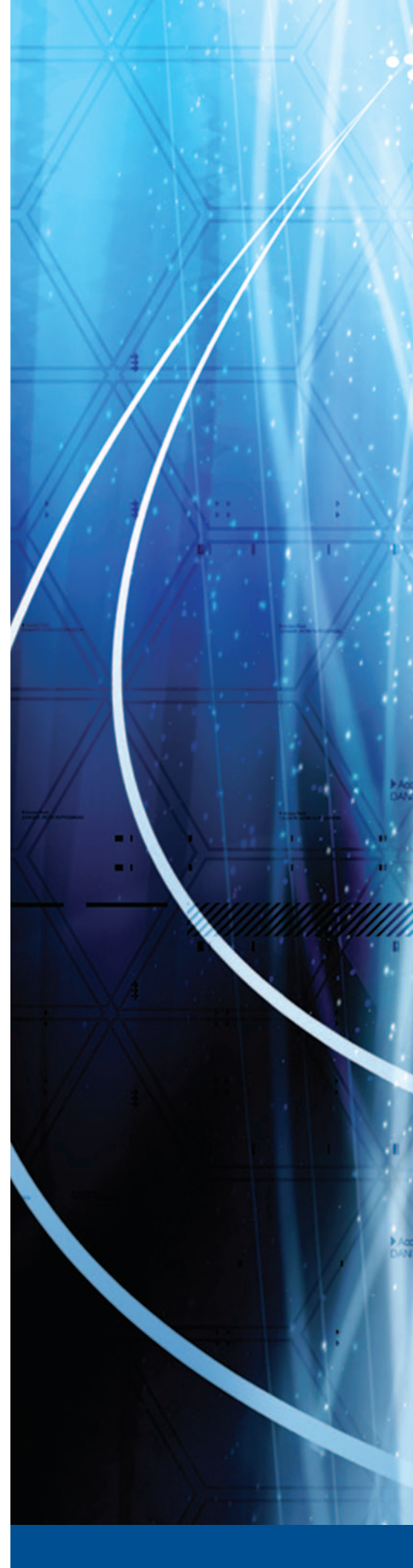
So what makes an intranet innovative? It probably depends on the firm, but there are some common threads. The intranet:

- Is based on business needs and reflects the business
- Is built using state-of-the-art technology but not for technology’s sake—the technology meets a need whether you are using .NET, XML, RSS, Web services, or other technologies that are becoming new standards
- Integrates with other firm systems in a meaningful way—it puts content in context
- Provides customized and context-based search at the point of need regardless of where one is on the site
- Empowers the content creators—consider using a content management system
- Empowers the users—give them what they need when they need it based on role, task, or other organizational structures

It is becoming clear that the third-generation intranet is one that uses the latest in technology but goes many steps further if viewed as a tool to further business strategy. Firms are finding that their intranets can be used to increase communication, make the business operate more smoothly and make them more competitive. Combine the technology with strategy, add good planning, and you will have a platform for innovation for years to come.

1. “IntraNet Methodology™ Concepts and Rationale” Amdahl, 1996. [<http://www.iorg.com/papers/amdahl/concepts1.html>],

2. McCartney, L., “Intranet Business Follows Race for Cyberspace”, Upside, Dec. 1996





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