Knowledge Management for Law Firms
By Connie Crosby

When knowledge management first started on a formal basis in law firms in the 1990s, the focus was on reusing research memoranda, precedents and other products of practice work so that the firm was not unnecessarily reinventing the wheel on every work project. Since that time, KM has grown to increasingly sophisticated levels. It continues to grow as new electronic tools are developed to extract more information and as firms develop sharing and learning cultures.

The factors driving the adoption of knowledge management in firms are no surprise:

- increasing emphasis on running a practice as a business;
- competition for legal work;
- demand by clients for commoditization of legal services;
- increasing demands on lawyer time;
- high attrition rate of associates;
- retirement of senior partners; and
- increasing mix of technologies used in the practice.

Each firm defines knowledge management for itself in such a way as to fit its own goals. Some principal goals of KM in law firms include:

- helping to share information and knowledge, between lawyers, across practice groups and even across offices
- making the practice more efficient by reusing documents and other work product
- helping in the training and professional development of lawyers

Explicit versus tacit knowledge

Knowledge comes in different forms and may be difficult to capture. Some knowledge is "explicit" or written down in a form that may be reused. Documents in client files and precedents are examples of explicit knowledge and tend to be the focus of most knowledge management programs.

Other knowledge is "tacit" or carried around in people's heads. Tacit knowledge or expertise is difficult to access and give to someone else. Some of it may be passed along in email messages, telephone conversations, or debriefing after deals or litigation. It is important to have opportunities for partners, associates and students to interact, whether they work alongside one another or be given opportunities to talk, in order for their knowledge to gradually be transferred from one to another.

These are just a few ways opportunities can be created to allow tacit knowledge to be passed along:

- informal regular meetings in which lawyers, students and staff at different levels meet to discuss their work with an emphasis on others helping with the problem-solving process and giving suggestions for improvement rather than judging their performance;
- formal debriefing after client projects to discuss what worked and what did not, and how things can be done better in the future;
- social gatherings, whether a few colleagues going for a beer after work or a more elaborate event bringing people from different parts of the firm together;
- "shadowing" opportunities in which students are paired with a lawyer or staff member for a half or full day to see what they do on a daily basis;
- the creation of spaces in the firm such as small lounge areas or seating in the library where people can talk and share ideas to allow for serendipitous meetings.

Governance

The implementation of knowledge management has developed in different ways from firm to firm, and therefore the organizational structure varies as well. In some firms it has arisen from the bottom as a "grass-roots" type initiative. For knowledge management to take hold and truly thrive, however, it needs support from the firm's leadership and management. Because knowledge management encourages a culture of sharing and collaboration, it is difficult to put into place if the leaders are instead promoting competition between individuals.

Many large firms have a dedicated director overseeing knowledge management, with practice support lawyers (PSLs) or staff dedicated to working with individual practice groups. PSLs often spend time working with the practice groups to gather existing precedents and annotate them for future use as well as develop model precedents. Other directors may appoint a lead contact person already in each practice group to help shepherd the process. Despite this being a collaborative, organization-wide system, it really only happens if there is a system in place to facilitate the gathering of knowledge and someone to oversee it.

Document Management

Knowledge management is tied closely with technology since, once effort is spent putting a system in place, it theoretically will allow for more efficiency. Some large firms have been through a few generations of technology before they have found the right mix. Most firms now have a document management system (DMS) to help with the organizing and tracking of documents.

Working from folders on the network may be sufficient for very small operations, but quickly becomes problematic for most firms. Unless a standard is set, every individual

will have his or her own naming conventions on documents, and most will have difficulty locating documents or precedents in anyone else's collection. Most firms use a document management system, or DMS, to manage this aspect and keep all documents together.

Some practice areas, notably corporate and real estate, need version control over documents being drafted, especially when a number of parties are working on the same draft. For these types of practices, document management system (DMS) needs to be able to handle a number of authors and various levels of document versions for sophisticated matters.

Intranets, Content Management, and Wikis

Most of the larger firms have an intranet, or secure web pages inside the organization, and many are now on their third or fourth generation. Some have switched to a portal which is similar to an intranet but allows for access to all software applications from one site and also typically allows for customization. Updating these pages was traditionally a lot of work, but content management systems (CMS) now help, as the name suggests, manage the content. Again, governance is an issue and many firms develop or bring in an intranet coordinator to oversee both the content and the technical side of the intranet to keep things running smoothly.

Up until now full intranets and CMSs were the domain of the large firm, since they were expensive, and both time and staff intensive to set up and then maintain. With the rise of more collaborative tools this is now opening up so that medium-sized and even small firms can get into the game and not be left behind.

Microsoft SharePoint products have become popular with firms. There is a "free" version included in the license of a Microsoft server that can be run to give collaborative work tools quickly to groups inside the firm. Places to share documents, collaborate on writing (such as wikis) and to publish an electronic newsletter (such as blogs) as well as a calendar system that integrates easily with the MS Outlook calendar are all popular features. Many larger firms have jumped to the more robust version of this software, Microsoft Office SharePoint Server, commonly known as MOSS, that allows for creation of a full portal and integration with many other aspects of the firms' applications.

Open Source and Wikis

Intranets and content management systems are now no longer the domain of large firms. This area is rapidly changing with the rise of Open Source (OS) and wiki technologies. OS, such as the CMS Drupal or the DMS Alfresco, is free software developed by large numbers of enthusiasts. Installing and using OS technology requires technical expertise which can either be in-house or hired. With these newer technologies, smaller firms and solo lawyers can develop their own knowledge management programs and thereby catch up with the perceived advantage previously held by larger firms.

Smaller firms are also starting to turn to wiki platforms instead of "traditional" intranets with content management systems. Wikis are relatively inexpensive software that allow for web pages that can be edited by anyone given access, meaning that the work can be more distributed over the organization rather than being labour-intensive and slow for a few people. Wikis can reside either on the Internet with password security, or inside the firewall for best security. Firms are turning to platforms such as ThoughFarmer, Confluence and MediaWiki as ways to quickly set up intranets with many of the same features found on the big firms' intranets but without the hassle.

Taxonomies

Law firms focus a lot on metadata because it also now comes into play in e-discovery, but it also comes into play with knowledge management systems.You may remember the term "taxonomy" from your high school biology days. It originally referred to the classification of living organisms into kingdom, phylum, class, order, family, genus and species. Hierarchical structure was implied in this taxonomy, now known as the "alpha taxonomy". In the field of knowledge management, taxonomies also help to classify things, in this case usually documents. This type of taxonomy may take different forms depending on the philosophy of the organization—it can range from grouping the documents under a simple alphabetical list of key words, to having documents indexed with a more complex system of terms that indicate information such as practice group of origin, type of content, geographic location, and the subject of the document.

The email problem

Most firms are struggling under the weight of email. The volume is ever-increasing, and the first challenge is determining which messages are important and should be retained for the future, and which may be deleted. Keeping everything on a lawyer or assistant's desktop is almost impossible, and so it is helpful to set firm-wide or practice-group specific retention policies. Next is deciding what to do with the messages to be kept. If they are printed out, a lot of information about the individual messages stored in the email software such as Outlook is lost.

The ideal solution is to be able to drag and drop a message into a folder, thereby automatically dealing with the message in the appropriate manner. This feature is already available in the document management system Interwoven; by dragging the message into a folder, the message is added to the DMS and appropriate client and file matter information and other similar metadata is automatically added to a document's profile. While this sort of package is expensive for a smaller shop hopefully similar useful features will trickle down to less expensive document solutions.

Beyond the messages themselves, a lot of additional information could be extracted from a collection of email messages. According to Doug Cornelius, author of the KM Spaces blog, http://kmspace.blogspot.com/search/label/email, email can be used to show the flow of communication between parties. Flow of communication inside an organization can

also help indicate who is a subject matter expert. Email messages can often have content about precedents that does not exist elsewhere, so the ability to search email as part of a knowledge base is becoming increasingly important. And a lot of information about contacts and relationships with those contacts for the purposes of client development exists within email that does not make it over to the client relationship management system.

Extracting content from other applications

Perhaps not as overwhelming as email, but still a good resource for additional knowledge within an organization are applications such as voicemail, calendars, and presentation notes and slides. Again, the big law firms have solved the voicemail issue by having messages translated into text and distributed by email.

Managing relationships with clients

In most firms lawyers are maintaining their own individual contact lists. It is difficult to see across the firm who knows the same person, who knows contacts in the same company, and who knows people in a particular industry that may be helpful to the firm both for client development purposes and as useful expert contacts. A client relationship management (CRM) system is the answer to pulling contacts together. CRM also allows for tracking of interactions with the contacts and for recording notable pieces of information about the contacts that may be useful in future interactions.

Doug Cornelius notes that generally most lawyers are willing to share contacts, but may want credit for building the relationship, just as they would like credit for all knowledge sharing. [http://kmspace.blogspot.com/2008/04/crm-in-law-firms.html] They will not contribute, however, unless they can gain something in return from the system. Cornelius notes that CRM systems don't succeed in firms because they give lawyers little functionality above what they already have individually.

Enterprise Search

The ability to easily search for and find documents and information with little work spent up front organizing and indexing the content is the elusive "Holy Grail" of knowledge management systems. Most lawyers are familiar with and expect search to act like Google, but Google often only finds items that are "good enough" to answer a question, not necessarily the best answer to the question.

Some search tools incorporate a recommendation system that not only gives you search results but recommends related items you may be interested in. You may have seen this kind of search on the Amazon.ca and Indigo.ca websites: you search for a book and the system tells you what other books were purchased by other people who purchased that same book.

Popular search tools for law firms include Recommind and Google Appliance.

Personal KM

At the individual level, many lawyers today are struggling with information overload. "Personal KM" strategies can help them cope. Capturing key pieces of information and thoughts that may be reused later should be part of the natural work-flow. Many practitioners rely on sending and filing email for this, but email is not always efficient. The trick is finding a set of tools that are easy to use and allow for easy retrieval of past collected thoughts and information.

For those who prefer to dictate, a little Web application called Jott may be helpful. One calls in to Jott, leaves a message and indicates who the message should be sent to. The message is then converted to text and sent by email. This is useful for notes to yourself, or to do lists, and there are features for setting up reminders and Google calendar appointments.

For the solo lawyer, Google Documents is a great way to share documents via the Internet with others for collaboration purposes. Others can be invited in to edit or just view documents, and documents can be organized into folders for easy access.

A private Google Document or even a fast-to-set-up wiki from a web service such as PBWiki or WetPaint can be used to quicky compile links and notes on any topic as one does work. This can be accessed anywhere you have Internet access, so is great for work that is done between the office, home and on the road.

Taking this idea as step further, from the world of academia comes the Open Source research tool Zotero. Zotero allows one to collect notes from publications in various sources and libraries across the Internet, keep notes and sort them. It currently only works with the Internet browser Firefox (also Open Source) which is free to download.

Development of a personal KM system using quick tools such as these allows the associate or partner build a collection of knowledge on a chosen subject area and can thereby support a specialized practice.

The Future: Knowledge Sharing Via the Internet

Will KM stay locked inside the law firm, or will the public web be where some of a firm's knowledge lives in the future? This sounds impossible, and yet we already see a successful example in JD Supra. JD Supra (http://www.jdsupra.com) is an online network that allows firms and solo lawyers to share court filings, memoranda of law, forms, decisions, and newsletters with the general public. It is meant as an entrée into firms networking with each other and showing their expertise to the public and the news media. Some of the top contributors to date are U.S. firms Morrison & Foerster LLP, Lane Powell PC and Izard Nobel LLP, and Canadian firms Lang Michener LLP and Clark Wilson LLP.

Another example is docstoc (http://www.docstoc.com) which allows professionals in various fields to share and find legal, business, tech and educational documents. A variety of contracts and forms have already been added to the system, and a number of lawyers are participating.

While knowledge management practices become more sophisticated, they are no longer the domain of the big law firms. Smaller firms and even individual lawyers are finding ways to leverage new tools to make themselves more powerful while at the same time remaining nimble. As more tools develop, it will be interesting to see who keeps up and who is left behind in the race to adapt.