Information Management for Law Firms

PAUL BYFIELD
# Contents

Executive summary ............................................................................................................. VII

About the author ................................................................................................................ XI

About the contributors ...................................................................................................... XIII

Acknowledgements ........................................................................................................... XVII

Chapter 1: The building blocks of IM .............................................................................. 1
  What is information and how is it managed? ................................................................. 1
  Creating the one-firm environment .............................................................................. 1
  Communicating the IM message via intranet .............................................................. 2
  Information ownership .................................................................................................. 2
  Budgets and personnel ................................................................................................. 3
  Protecting your firm’s information .............................................................................. 4

Case study 1: Kinstellar – Building IM from the ground up .............................................. 11

Case study 2: ARUP – Improving project performance cards ......................................... 17
  Development .................................................................................................................. 18
  Implementation .............................................................................................................. 18

Chapter 2: Are law firms the perfect models for good IM? ........................................... 21
  IM and the law firm model ............................................................................................ 21
  Management and leadership ....................................................................................... 21
  Is IM the same as information control? ....................................................................... 22
  Why is IM important in law firms? ............................................................................ 24
  What stage are we at in the process of managing information? ................................ 24

Case study 3: Distributed IM at Ogier LLP – A cross-jurisdictional approach ............... 25
  Ogier’s policy and approach to KM ............................................................................ 25
  The KM model in Ogier .............................................................................................. 25
  How information is managed ..................................................................................... 26
  Faceted taxonomy and filtered searching .................................................................... 28
  Why the Ogier model works ....................................................................................... 29
Chapter 3: Document management and managing documents – Are they two sides of the same coin?

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law firms, lawyers and their documents</td>
<td>31</td>
</tr>
<tr>
<td>Why and when is a DMS necessary?</td>
<td>32</td>
</tr>
<tr>
<td>Characteristics of a DMS</td>
<td>32</td>
</tr>
<tr>
<td>Key stages of implementing a DMS</td>
<td>33</td>
</tr>
<tr>
<td>Implementing a DM solution in the legal department of an international financial institution</td>
<td>35</td>
</tr>
</tbody>
</table>

Case study 4: Lewis Silkin LLP – Sword Group

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Key challenges</td>
<td>38</td>
</tr>
</tbody>
</table>

Chapter 4: Finding your information – Federated search and enterprise search

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>What are enterprise and federated search?</td>
<td>41</td>
</tr>
<tr>
<td>A few common misconceptions</td>
<td>41</td>
</tr>
<tr>
<td>The EBRD’s experience with enterprise and federated search</td>
<td>42</td>
</tr>
</tbody>
</table>

Case study 5: Olswang LLP – Developing a knowledge portal and the role of search

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project overview</td>
<td>45</td>
</tr>
<tr>
<td>Phase two</td>
<td>46</td>
</tr>
</tbody>
</table>

Chapter 5: Records management

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>When does information become a record?</td>
<td>53</td>
</tr>
<tr>
<td>How to establish a RM process</td>
<td>53</td>
</tr>
<tr>
<td>Drafting a RM policy</td>
<td>54</td>
</tr>
<tr>
<td>RM and litigation</td>
<td>55</td>
</tr>
</tbody>
</table>

Chapter 6: Social media – Will it be embraced or just tolerated by law firms?

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Why is social media having such an impact?</td>
<td>57</td>
</tr>
<tr>
<td>Selling the social media message to law firms</td>
<td>57</td>
</tr>
<tr>
<td>Using social media in law firms</td>
<td>59</td>
</tr>
</tbody>
</table>

Case study 6: Social media and law firms

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawyers and social media</td>
<td>61</td>
</tr>
<tr>
<td>Getting started</td>
<td>61</td>
</tr>
<tr>
<td>Strategy</td>
<td>62</td>
</tr>
<tr>
<td>Measuring the outcome</td>
<td>63</td>
</tr>
</tbody>
</table>

Chapter 7: Outsourcing

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Why outsource?</td>
<td>67</td>
</tr>
<tr>
<td>What is legal IM outsourcing?</td>
<td>69</td>
</tr>
<tr>
<td>Legal research – A process-based approach</td>
<td>70</td>
</tr>
<tr>
<td>Outsourcing KM</td>
<td>72</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Practical Law Company – Standard document audits</td>
<td>73</td>
</tr>
<tr>
<td>In the spotlight: Farrer &amp; Co LLP</td>
<td>75</td>
</tr>
<tr>
<td>Case study 7: DAC Beachcroft LLP shared library services</td>
<td>79</td>
</tr>
<tr>
<td>Case study 8: Legal research services for a Fortune 10 technology company</td>
<td>81</td>
</tr>
<tr>
<td>Chapter 8: Cloud computing, virtualisation and beyond</td>
<td>83</td>
</tr>
<tr>
<td>Characteristics of the cloud and virtualisation</td>
<td>83</td>
</tr>
<tr>
<td>Cloud and the legal sector</td>
<td>83</td>
</tr>
<tr>
<td>Knowing the risks</td>
<td>84</td>
</tr>
<tr>
<td>An expert’s view of the cloud</td>
<td>85</td>
</tr>
<tr>
<td>Case study 9: Cooper Grace Ward’s virtualisation project</td>
<td>87</td>
</tr>
<tr>
<td>What is virtualisation?</td>
<td>87</td>
</tr>
<tr>
<td>Drivers for looking at VDI</td>
<td>88</td>
</tr>
<tr>
<td>I have identified the drivers – What are the benefits?</td>
<td>89</td>
</tr>
<tr>
<td>Minimising risks with VDI</td>
<td>89</td>
</tr>
<tr>
<td>It all seems too good to be true – What am I missing?</td>
<td>90</td>
</tr>
<tr>
<td>External and internal decision influences</td>
<td>91</td>
</tr>
<tr>
<td>Index</td>
<td>93</td>
</tr>
</tbody>
</table>
Managing Information in an environment where the accuracy and currency of information is mission critical is a challenging prospect. However, as market conditions are pushing the legal sector to become increasingly competitive, innovation and the achievement of it can often define the relative success of a law firm or legal team.

The aim of this report is to provide a well-defined information management (IM) framework, with guidance on when and how to implement some of the cornerstones of IM: document management, records management and search technologies. Readers can also learn how to implement more efficient systems, understand and engage with new technology such as social media, and learn considerations regarding implementing alternative management solutions like outsourcing, cloud computing and virtualisation.

Chapter 1 identifies good IM practices and uses the examples of how changes in budgets and personnel can positively or negatively affect IM processes. Where a law firm has grown quickly and organically as opposed to systematically, this can have a negative effect. In these cases methods need to be adopted to reverse the process.

Chapter 2 outlines why law firms are ideal environments for developing and maintaining good IM practices. Lawyers require accurate information and work in a competitive environment where time literally is money. Law firms have expanded to meet the demands of the global economy, both in their geographical scope and in provision of services. Law firms have met this challenge by devising innovative networks. In order to be successful in this they have to maximise the technology at their disposal to minimise the re-processing of information and know-how that they have collated, instead using the time to focus on building client relationships and providing value-added advice.

In Chapter 3 one of the central themes of IM is addressed: the importance of good document management, achieved via a sophisticated document management system (DMS), generally seen in medium to large firms; or by ‘simply’ adhering to good practices (consistent filing and indexing, version control, consistent naming convention and input of metadata) in the absence of a DMS (i.e. in smaller law firms or in-house legal environments) to maintain quality control.

Chapter 4 explains how law firm staff members are able to find the information they need within the myriad systems, databases and portals that exist within law firms. Federated and/or enterprise search systems commonly exist in medium to large law firms, yet can be very useful to any organisation willing to allow its staff open access to its information. This is a slightly optimistic view, however, as most firms operate with ‘Chinese walls’ where staff are not all allowed access to the same material, due to the need to provide and preserve client confidentiality or protection of its employees’ personal details (data protection).
– both good reasons to not implement a
total enterprise search capability.

Chapter 5 examines the concept of
a record and records management. When
law firms define a document as a record,
it takes on a different status and needs to
be treated accordingly. This is often a
separate discipline to IM but it should not
be confused with the process of archiving
a document. Records management relates
to the lifecycle of a document within an
organisation and is a thorough process with
varied layers and approaches, often dictated
by organisational policy, national legislation
and international standards.

Chapter 6 moves away from the
discussion of the traditional aspects of IM
and looks at the new technologies that
are beginning to define how we work and
interface with information. The impact of
social media, at least for the consumer,
should not be underestimated. The affect that
it is having on our lives is inescapable and its
growth over the past few years has been huge.
In the legal world, it has been approached
more cautiously due to the conservative
nature of most law firms. However, as statistics
reveal, some firms are beginning to realise the
potential of social media for marketing and
business development.

Chapter 7 looks at how outsourcing
is increasing in popularity among firms
as they strive to remain competitive by
reducing overheads, and streamlining and
rationalising some processes and tasks.
Various outsourcing models are considered,
as well as identifying processes and tasks
that are obvious targets and those that are
not. There are many considerations when
devising an outsourcing approach; the
potential loss of in-house expertise being
a crucial one. These factors need to be
examined and balanced against potential
cost savings.

Chapter 8 covers the more recent
developments with cloud computing and
virtualisation. These new technologies are
beginning to be implemented to counteract
the increasing costs of IT hardware in firms
with multiple offices in multiple jurisdictions.
There are several factors to be considered
when implementing such an approach,
for example, is the data and information
secure? What happens in a disaster recovery
situation? What are the duties and liabilities
of the hosting provider and the recipient of
the service (i.e. the law firm)? With reference
to these issues, cost saving is important but it
is not the only consideration.

The report draws examples from
global case studies from law firms and
organisations with significant legal teams.
These demonstrate how to combine
innovation with good IM practices. In fact,
the two disciplines have to be equally
addressed in a law firm or legal environment
for maximum efficiency and competitive
advantage. Innovation alone is not enough.
The need to maintain quality control must
be a top priority for law firms, as credible
providers of legal advice – and this
approach will ensure their survival.

The case studies also demonstrate
that by underpinning innovation with best
practice in IM, for example, the maintenance
of organisational records and the protection
of client data, law firms and legal practices
can remain competitive, agile and provide a
valuable service to its clients.

Case study contributors include:

- Ogier – An offshore law firm which has
  used innovation to overcome challenges;
- Arup – An organisation that developed
  project performance cards to streamline
  project management processes;
- Olswang LLP – An international firm that
  has developed a useful knowledge portal;
- Kinstellar – An Eastern European firm that adapted existing best practices to redefine legal practice;
- Samuel Phillips Law Firm – A UK-based firm that has used new technologies to stand out from the crowd;
- Lewis Silkin – A UK-based firm that opted to develop DMS capability in SharePoint; and
- Cooper Grace Ward – An Australian-based firm that has implemented new technology to produce a more streamlined IT service model.
About the author

PAUL BYFIELD is the legal knowledge manager in the Office of the General Counsel at the European Bank for Reconstruction and Development (EBRD), where he is responsible for the department’s information and knowledge management programme. Prior to joining the EBRD, Paul was head of the information centre at Olswang LLP in London from 1995 to 1999.

Paul has over 15 years’ experience in information management (IM), including the publication of numerous articles on information and knowledge management (KM) for commercial and academic journals. Additional expertise includes freedom of information (FOI), data protection (DP), internet censorship and information access issues relating to Eastern Europe and the Commonwealth of Independent States (former Soviet Union).

He is an associate member of the Chartered Institute of Library and Information Professionals and is also a member of the KMIT Group, a group of knowledge managers and related professionals in in-house legal departments in city institutions and other large organisations. He graduated from Kingston University with an LLB (Hons) in Law and from Nottingham University with a Masters Degree in International Relations (including EU law).
About the contributors

Terry Coyne
Terry has over 30 years’ experience in IT from mainframes to minis to PC networks and associated legal and commercial business software. With 20 years’ legal sector experience, Terry has worked in various roles including Wang system administrator, solutions consultant, RightFax and CallXpress Unified Communications product manager, and sales and marketing. After 15 years at Avanquest/ProcessFlows, Terry has spent the past six years at international IT specialists group as managing director of Sword ECM, the enterprise content management and SharePoint specialist arm of the group.

Terry can be reached at +44 7768 545 931 or terry.coyne@sword-ecm.com. For more details on Sword please visit www.sword-ecm.com and www.sword-group.com.

Stephanie Emmitt
Stephanie is the know-how and information coordinator based in the Arup legal group. She has been with the firm for eight years, based in the IM group as a researcher for seven years. She has worked in information centres in New Zealand and the UK for 16 years.

Rosemary Gray
Rosemary is an experienced professional in KM and IM. She has over 25 years’ experience both as a knowledge manager and as a legal KM consultant advising FTSE 100 in-house legal teams and global law firms. She joined Ogier in 2008 with a brief to create a global KM function and infrastructure for the management and delivery of knowledge, focusing on precedents (model documents), know-how, technical training and practice group resources.

Julia Hordle
Julia is a director of recruitment for TFPL and has worked in the knowledge and information industries since 1993. She is a fellow of the Institute of Recruitment Professionals (REC), a member of the society for Strategic and Competitive Intelligence Professionals (SCIP) and winner of a Catalyst award in 2011. Julia was a founding director of Intelligent Resources prior to merging with TFPL in 2009. She is an expert in professional and financial services in strategy consulting, accounting, investment and advisory businesses including law. She has a particular interest in organisational development, where strategy and talent management meet.

Tim Hyman
Tim Hyman is currently the IT director EMEA for global law firm Reed Smith LLP. With 23 international offices, Reed Smith are extensive users of thin client and private cloud-based solutions, utilising data centers in the US, Europe and Asia.
David Laud
David is chief executive of Samuel Phillips Law Firm, a chartered marketer and fellow of the Chartered Institute of Marketing. He is also a mentor to business executives and runs his own marketing consultancy and smartphone application company.

Dion Lindsay
Dion, of Dion Lindsay Consulting, is an experienced knowledge manager, consultant and trainer. Dion is author of Best Practice in Social Media Governance (Ark Group, March 2012). He can be contacted at dion@dionlindsayconsulting.com.

Amanda McKenzie
Amanda is head of Information Services at Olswang, responsible for the information centre team, which delivers information services to over 500 users and initiates and implements KM projects.

Petr Mestanek
Petr studied law at Charles University in Prague and at Queen Mary College, University of London (LLM). He worked for seven years as a fee-earner at Linklaters in the Banking and Finance Group (Prague) and Equity and Debt Markets Group (London) and as a PSL (Prague). Since 2008, he has been working at Kinstellar (Prague) as a knowledge lawyer. He focuses on the management of know-how in all six Kinstellar offices from a strategic and best practice point of view and on development of Kinstellar Czech law know-how in the area of corporate, banking and real estate law. He is a co-author of the Czech chapter of Corporate Acquisitions and Mergers, Kluwer, 2011 and is currently writing a book (with Marek Disman) on Czech case law relating to real estate, which is to be published in the course of 2012.

Jason Mills
Jason is IT manager at Cooper Grace Ward and has 11 years’ experience in the IT industry. At the firm Jason and his team implemented virtual desktops via VMware View in January 2011 to 95 per cent of the team members.

Ian Rogers
Ian is a solicitor and a director of Arup. He has been with the firm for 13 years and has worked closely with the firm’s project directors and project managers in dealing with the challenging legal, commercial and technical situations which inevitably arise on the large, fast track and technically complex projects the firm works on. He leads the legal and commercial aspects of the firm’s UK commercial training programme.

Sophie Thompson
Sophie is IS and BI services manager at Integreon. Integreon is the largest provider of integrated legal, research and business support solutions to corporations and law firms. It works with 32 of the top 50 Am Law firms, nine of the top ten investment banks, and 11 of the top 50 global brands. Its 2,000 associates operate from 17 offices across North America, Europe, Asia and Africa and assists clients in areas such as market and competitive intelligence, discovery (disclosure), legal process outsourcing and other business services.
Sophie can be reached at +44 (0)117 372 6825, sophie.thompson@integreon.com and www.integreon.com.

Alex Tuck
At Unified, Alex is responsible for advising on and designing options for clients in LPO and is also at the forefront of refining approaches to onshore LPO specifically due diligence contract and litigation document review. Alex has spent eight years re-defining the delivery of legal process and know-how in the UK and EMEAA. Prior to joining Unified, Alex opened the UK office of leading LPO provider UnitedLex and ran the UK operation until transitioning subsequent to the partnership with Unified.

UnitedLex is a global provider of technology-powered LPO services for corporations and law firms. Its range includes litigation services, including e-discovery and document review, contract review and management, intellectual property, immigration, legal research and law firm support.

Alex can be reached at +44 (0)800 567 7980, at@unif-id.com and www.unitedlex.com.

Lynn Wyeth
Lynn is the information governance manager at Leicester City Council, responsible for data protection, freedom of information, Regulation of Investigatory Powers Act (RIPA), CCTV, Human Rights Act, information sharing and those areas of work that fall into information governance. Lynn is the author of two publications: A Practical Guide to Handling Freedom of Information Requests (Ark Group, September 2011) and Data Protection: Compliance in Practice (Ark Group, November 2011).
I WOULD like to express my sincere thanks to the case study authors and other contributors who provided me with their insight and expertise, including Terry Coyne, Stephanie Emmitt, Rosemary Gray, Julia Hordle, Tim Hyman, David Laud, Dion Lindsay, Amanda McKenzie, Petr Mestanek, Jason Mills, Alex Tuck and Lynn Wyeth.

Paul Byfield
May 2012