Smashing Information Silos with Enterprise Search

Law firms depend on human capital, and the intellectual capital that flows from it. While paying lip service to the general concept of knowledge management, they have never really had to adopt highly-sophisticated modern commercial intelligence capture and dissemination techniques. This whitepaper details how firms can create an institutional memory by using enterprise search solutions

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About the Author

Neil specialises in advising professional organisations, especially law firms, on all issues relating to the strategic planning of technology, the application of technology, and business issues relating to the exploitation and benefits realisation of technology.

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Management Summary

Law firms depend on human capital, and the intellectual capital that flows from it. Whilst paying lip service to the general concept of knowledge management, they have never really had to adopt highly-sophisticated modern commercial intelligence capture and dissemination techniques. This is because they have operated in an "arena of equal inefficiency" in a market with other law firms, and with clients who were relatively undemanding.

However, modern law firms now face intense pressure regarding fees, and a related move away from time-based billing. At the same time there is increasing competition from new entrants willing to contemplate novel methods for delivering legal services. Never has it been more important to drive waste and inefficiency out of the legal services delivery process.

The overall picture in most law firms, even the largest, is this – as stated recently by a colleague at a law firm:

> "We still maintain silos of information which negate the benefits of working for a large firm that generates substantial intellectual assets".

One of the key ways to help law firms in this necessary journey is to revolutionise the way they exploit their wealth of information to improve the effectiveness and efficiency of client work. What is needed is a combination of increased discipline in capturing information, and much easier and more effective mechanisms for retrieving it. In modern parlance that means an Enterprise Search system built on top of an Enterprise Taxonomy.

An Enterprise Taxonomy is a classification system sufficiently accurate and detailed to represent the granularity, complexity and variation of the wide variety of information that a law firm manages: with the 'matter' being the hub. An Enterprise Search can exploit this structured information, as well as other unstructured information, in order to allow its efficient and effective retrieval and re-use by busy lawyers to the benefit of the firm and its clients.

Effective implementation of these related technologies will facilitate the institution of a true 'institutional memory'. This will enable all and any relevant information a law firm handles to be quickly and accurately retrieved so it can be used as vital intelligence in the winning, costing, management and delivery of legal services – as well as in the pooling and sharing of knowledge and commercial expertise for adding perceived value to client work.

Neither of these things is easy to achieve, and there are potential pitfalls. Development of a sufficiently comprehensive taxonomy is a sophisticated and lengthy process, and implementation of an Enterprise Search system without sufficient planning and preparation can prejudice client and firm confidentiality, and fail to deliver useful results. However, due to increasing competition from new entrants, pressure for alternative fee arrangements and increasing sophistication of client demands, doing nothing is no longer an option.

Intellectual Capital: The Cornerstone of Reputation and Profitability

The reputation and profitability of great law firms is built on intellectual capital. Due to the high level of intellectual effort required to undertake legal transactions there are good reasons to implement systems and processes that help lawyers avoid constant "reinvention of the wheel".

These systems are labour-intensive and expensive – so much so, that even if they actually save time, effort and expense over a period, many law firms only pay lip service to such a principle. They prefer to perpetuate the myth of the lawyer as the practitioner of a mysterious arcane process that is so numinous and wonderful that it cannot be defined, contained or (above all) reduced to a process that either can be made repeatable or be improved. In any event, in the past you could always repeat the work without penalty, as it was possible to get clients to pay for the work to be done all over again.

Of course these statements are slightly exaggerated and only a partial representation of the truth. Some law firms have expended a lot of time and energy in developing knowledge management systems that ensure that a wide range of potentially reusable information is captured, quality-assured and made readily available for re-use. However, these firms are in the minority, and even in these cases the information they maintain is often patchy, inconsistent and out of date. On the other hand that was before the current economic downturn, and since then even those firms have cut knowledge resources – often severely.

It is now time for law firms to apply a sharper commercial sense to the capture, storage, management and retrieval of their key information resources.

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> *"We still maintain silos of information which negate the benefits of working for a large firm that generates substantial intellectual assets".*

This has to change. It has to change for several reasons:

- new entrants to the legal services field will be better managed;

- the clients will not put up with it;

- meeting new pressures on the level and predictability of fees means that firms must be able to deliver more efficient and competitive legal services – and to do that they must be able to store, find and re-use knowledge effectively.

Reinventing Legal Services: Opportunity or Challenge?

The face of the global legal services industry is changing rapidly throughout the world due to increasing competition, and more particularly in the UK, due to substantial regulatory changes. This means that many new types of 'law firms' are entering the market. These range from reinvented law firms formed by existing lawyers, joint ventures between lawyers and insurance companies or venture capitalists.

What these different types of organisations have in common is a readiness to invent new ways of organising and managing legal services on the basis that "all bets are off". They are willing to implement novel and more efficient working methods without being constrained by any preconceptions about how things have "always been done", or "ought to be done"; and without having to battle constantly in the search for improvements against long established working practices and prejudices of middle-aged lawyers.

These new entrants are in their infancy; but when the market matures and they prove themselves in practice and grow their client base, they will be in a position to re-set the competitive bar for price/performance of legal services at new and higher levels.

Such initiatives include co-operative legal services ventures, such as Slater & Gordon's trans-antipodean acquisition of Russell Jones, Riverview Law and Keoghs' recent deal with investment capital. Furthermore, bear in mind that powerful legal process outsourcers such as Integreon and TCS are building strong links with law firm's clients, and will soon be in a position to cut out the middle man and bargain directly with the end-users.

Client Satisfaction: Consistent and Speedy Advice

In the past clients never used to know whether they were paying for the same advice twice, as their systems were just as 'un-integrated' as their law firms'. With better information technology, and related processes, in place there is the danger of the clients being better informed than their lawyers. This would be – at best – embarrassing, and – at worst – threaten the client relationship.

Recently the newly appointed head of legal services at a corporate client said that it had been pointed out to him by one of his lawyers that their law firms often charge for the same advice twice. He raised this with a client partner at one of his panel firms at a social event who attempted to make light of the phenomenon with a humorous remark. This did not have the desired effect; the client lost his sense of humour at this point and told the lawyer that if he found out that it happened again he would no longer be requiring that law firm's services. He said that he expected his panel firms to spot such repetition on his behalf and to tell him about it; not to exploit the situation by selling advice over and over again.

The other thing that clients are increasingly valuing is the ability for a law firm to provide *consistent* legal advice – both in form and content – throughout its different offices. When questioned on the subject, in fact, they often say that they value consistency over absolute quality when it comes to legal services.

Law firms will not be able to meet either of these two objectives without significantly better knowledge management processes than those they currently employ.

The Rise of the Alternative Fee Arrangements (AFA)

As a law firms work increasingly to AFA's involving fixed, capped or value-based fees, not measured by billable hours, estimating and managing lawyer's time and resulting fees becomes even more important than it is now for two reasons:

- firstly; firms will need to manage the accumulation of work in progress (WIP) over the life of a matter to ensure that the job meets the firm's expectations as to profitability, and the clients' expectations regarding costs. If the accumulated fees are much greater than the client has been led to expect many lawyers will write-off significant chunks of WIP at the time of billing; many firms lose over 2% of turnover throughout their practice due to this issue.

- secondly; in order to provide a historical basis of how long it takes to undertake specific types of work so that prospective agreed fixed fees with clients represent an increasingly accurate estimate of AFAs that meet the firm's profitability requirements. Some firms rushing into AFA arrangements with clients in the absence of accurate historical data have ended up making little of no profit from their venture.

In determining to undertake work for a fixed or capped fee, on a profitable basis, a firm must have in place the machinery and the materials to maximise its lawyers' ability to find previous work product and know-how in order to complete the work necessary as efficiently as possible (for the work at hand), and as consistently as possible (over time).

This means achieving two objectives:

- developing and implementing working methods for the identification, development, quality assuring and augmentation of useful and potentially re-usable information that will help lawyers do their work cost-efficiently;

- providing a mechanism for busy lawyers efficiently and accurately to find the relevant information for their current transaction; in other words, "matters like this one".

Matters Like This One

When lawyers reach the point in their work when they feel they could benefit from some assistance and turn to their research tools, they will normally want to find some resources that will help them produce what the client needs either faster, more efficiently, or more accurately – or all three. For example, being able to rapidly find a firm's information relevant to a specific type of matter, easily identify a subject-matter expert based on the volume of their publications and then being able to use social tools to contact that expert in real-time would save time, hours of frustration, and reduce non-billable hours.

They are therefore not doing research in the abstract for some specific kind of document or know-how, they want it to relate directly to the transaction at hand; in other words, they want to find "matters like this one". This allows them to fulfil the traditional, and obvious, objectives of knowledge management by being able to see what other lawyers have done in similar circumstances, and finding potentially time-saving precedents and similar know-how.

The main obstacle to this is that existing processes in law firms do not let them find "matters like this one" with any degree of accuracy or granularity.

The problem is the way that law firms classify their matters; or rather, do not classify matters. This has not really changed for decades. Most law firm's classify matters in their finance system by:

- matter description; and

- matter (or work) type.

Matter description is a free text field that usually contains, if anything at all, a narrative description that may mean something to the lawyers working on the matter, but little to anyone else. Furthermore, because it is free text, it is not usefully searchable in any meaningful sense.

Matter type or work type is usually a field in which the content is selected from a controlled list and so *should* provide a mechanism for finding relevant material. However, in practice, there are significant problems with 'matter type':

- the list of possible entries is not sufficiently detailed or comprehensive to allow highly granular searches;

- the list is often out of date, and not consistent in breadth and depth between different areas of the practice;

- there are often 'bucket' entries for such things as 'Litigation: General' – these get memorised by lawyers (and secretaries) in a hurry to open new files, and get entered by default. Naturally, such an entry is not useful for research or analysis.

In addition, of course, matters are indirectly classified by reference to the related client and department; but these are also very blunt instruments.

The end result is that in most law firms it is not possible to use the Matter Type field to find a small number of highly similar matters. This severely impedes the ability to research and analyse historic matters for any purpose – whether for knowledge recycling or fee estimation.

There are two complementary ways to enable such analysis – the implementation of an Enterprise Search system; the adoption of more sophisticated matter classification mechanisms, or both.

The Next Level of Enterprise Search

The phrase 'Enterprise Search' describes software that is designed to allow a user to undertake a search on all of an organisation's electronic content. Enterprise Search systems are capable of indexing a wide variety of structured and unstructured data from the myriad of data sources throughout an organisation including Word, or any other Office documents (whether in a document management system or Windows folders), intranets, e-mails, SharePoint libraries, finance systems and any other database or electronic materials.

In an interface similar to Google, the user types in a search word or term and the software will search all of the content made available to it and return relevant matches. The 'brute force' of word search is further assisted by complex language matching and synonym algorithms as well as the application of automated tagging and grouping of related information in order to aid the analysis and review of potentially relevant content.

Such systems can revolutionise the retrievability of relevant information, especially in a law firm, by revealing the existence of information that users would either not have been able to find, or which would have been isolated in a silo – and by drawing relationships between the isolated pieces of information then adds value to both.

An example of the latter would be a search for, say, 'right to privacy' which finds both a previous client matter on that topic (including the knowledge used, documents generated, lawyers who worked on it and related financial information), and an article on the case written by one of the client's legal team in an online journal.

Enterprise Search can also undertake so-called 'federated' searches which extend the search either to the Web in general, or to external commercial information providers such as LexisNexis, PLC and Westlaw.

Whilst many medium and large law firms have implemented Enterprise Search technology in their organisations highly successfully there is still a need to ensure that systems evolve to better manage:

- the risk of breaching ethical walls, for example viewing documents that may present conflict for an attorney;

- finding too much, or irrelevant material which can become time consuming if a lawyer has to sort through too much information;

- making the system sufficiently easy to use and search results easy to understand.

These are all genuine concerns which have caused real-life problems for firms unleashing Enterprise Search on unprepared data; such as revealing partnership drawings, personal CVs and job applications and commercially sensitive client-materials. The risk of breaching ethical walls, or just revealing firm sensitive information, is a real one. Before implementing such a system an organisation needs to ensure that their internal sensitive information is filed where it should be, and that suitable ethical wall software is implemented and appropriately configured.

Since it is searching all of the organisation's electronic information it is easy to imagine that it is likely to find massive volumes of – largely irrelevant – material. However, because the retrieved material is ranked by relevance (and specific sources can be configured to rank higher), the most relevant information will be presented to the user on the first page.

Enterprise Taxonomies

In addition to the undoubted power and unique facilities of an Enterprise Search system, there is always a need for information also to be consciously managed, or 'organised'.

Whether it is organising internal operations, arranging information on the firm's Web site, or tagging the profile of lawyers, clients or matters for internal purposes – any organisation needs a way of looking at the world and itself in order to make sure that teams of lawyers, and data is correctly described and managed. Furthermore, crucially, such an approach is vital in enabling analysis and reporting of metrics and performance to be undertaken accurately and to the requisite degree of granularity.

An obvious example is the way that a firm divides up into offices, departments and teams. This is usually done by reference to the type of work being undertaken: so we have a Litigation Department, Banking & Finance, Property, Commercial and so on. Then we need more precise sub-divisions: so the

Commercial Department may be sub-divided into Company, M&A, Joint Ventures and so on – there will also often be further divisions.

Of course, life – and markets – are not as simple as this, and law firms have also been driven to establish cross-departmental industry, or 'sector', divisions better to position themselves to the client base. So, in addition to the traditional department structure we might also have lateral groupings for the Automotive, Pharmaceutical, Finance and other industry sectors which co-exist with, and cut across, these departments.

This raises another vital principle of information management; any particular data entity may need to be classified in two, or more, places at once. This is a *crucial* concept of modern information management and we will consider this further below.

The range of entities that need to be classified in a law firm includes:

- **lawyers** – their expertise and areas in which they work
- **clients** – what they do, and what type of services they may require
- **matters** – what they are about, in which jurisdiction were they undertaken, for which industry
- **documents** – the type of document it is
- **know-how material** – internal content that is formally generated
- **contacts** – their likely service needs, their interests

Key metadata elements against which these different entities need to be classified includes:

- **type of work**, or **'matter type'**
- **type of transaction** – not the same as matter type; for example, 'Licensing' as a transaction type might straddle several 'matter types'
- **industry** – or industries, this could be the industry of the client, and/or the industry of the matter (which may be a new venture for them)
- **jurisdiction** – this might be jurisdiction of the location of the subject matter, or jurisdiction where the majority of the work was undertaken, or the applicable law, or – just to make life interesting – all of the above.

In passing, we should note that, as with Jurisdiction, a matter may have multiple matter types, transaction types, and industries – any so any classification system should be 'poly-hierarchical'; thus allowing the selection of multiple such metadata items. Most current systems cannot do this.

It is important to emphasise that this general structuring of information has to be carried on in any organisation – even those with excellent Enterprise Search capabilities, in order to manage their affairs. However, organizations implementing Enterprise Search on top of structured data can derive *even greater* information retrieval and analysis capabilities than those with badly structured, or unstructured, data.

As with the Enterprise Search capability; some of the power of these multiple classifications – and the relations that can be inferred between them – make multiple exhaustive classifications unnecessary, and also add value to each item of indexed information

For example; if a firm correctly indexes clients and related matters then documents that relate to that matter do not have to be indexed for industry, matter type or transaction, or jurisdiction – *as these can all be inferred from the relationship of that document to the relevant client and matter metadata*. It therefore only has to be classified by *document* type, or purpose.

Another powerful example is that – again, as long as client and matter are correctly classified – since the time & billing system knows which lawyers record time on which matters, one can infer the actual (rather than purported) expertise of lawyers. It would even be possible to analyse and rank lawyers' expertise by the *relative* number of hours recorded against each type of matter, or industry or whatever.

The data entity that provides the key nexus between all of these different information types is the matter. Almost every other data entity can be related to a matter, or to a matter type, and through that relationship significant and valuable links can be made between any type of data resident in all the firm's systems: lawyers, contacts, clients, emails, and any type of matter, or non-matter, related documents, such as know-how.

However, the matter classification will only provide the potential information mining benefits if it is correctly classified. The crucial word here is 'correctly'; in the sense of accurately, fully and to a sufficiently high degree of detail.

Unfortunately, given its importance as the keystone of classification, or taxonomy, exploitation in law firms for a variety of reasons (already outlined above) client matters in law firms are not well-classified according to these three criteria:

- **accurately**: in a specific and meaningful location

- **fully**: by reference to as many metadata descriptors as required – such as industry, jurisdiction, work type *and* transaction type, as appropriate

- **detailed**: to a sufficient level of granularity. If you want to do a search and find a *small* number of *highly comparable* relevant matters then for each metadata descriptor they must be described in detail. For example, in relation to Industry, 'Information Technology' is not enough – it is necessary to sub-divide into hardware, software or services, and maybe even further. In a similar fashion 'Property Law' is far too wide to be useful.

This is currently a major area of weakness for all law firms: partly due to the absence of an industry standard (or even firm-wide') taxonomies, and partly due to the lack of perceived usefulness in the advantages of investing time in classifying matters better.

A Solution

The solution is the development and adoption of an Enterprise Taxonomy that is sufficiently detailed, and which fully describes the wide range of activities and interests of a law firm such that there is a 'home' for any item of information. This will give you powerful information browsing capabilities, but not necessarily search facilities.

The other requirement is an Enterprise Search engine which has been correctly attuned and configured to your information content and search – and security - requirements, and which is delivered via an interface that is easy to understand and easy to use.

While that sounds simple; neither of these steps is trivial, cheap or quick. Nevertheless, they are increasingly key requirements in modern information management. And at the rate of proliferation of

enterprise information, if you do not control it, then it will get out of hand and obfuscate as opposed to illuminate your business.

A Bright Torch in a Dark Attic

You will probably have an Enterprise Search system; if not, you will need one. There are a number of these to choose from, but, frankly which one you use is not the key issue; what is vital is the preparation that you undertake in relation to your data, and how it is implemented and made available to your users.

When you implement Enterprise Search it is like shining a bright torch into a dark attic that has been used to store all your junk for decades. Everything will immediately become visible; even things that you might not want people to see because they are obsolete, inaccurate, firm confidential or – even worse – client confidential.

You will therefore need to undertake an information audit to see what it is you have throughout all your systems, what you want to make available, and how you will secure the rest. After that audit you will probably want to 'cleanse' (get rid of some material), 're-file' (move some material to where it should have been put), and reconsider how you manage ethical walls. If you do not undertake this step then the day you implement an Enterprise Search system you will have people finding secret partner emails, staff salary lists and such like.

The next thing to consider with Enterprise Search is how to configure it and how to present it to the users. It is all too easy to roll out such a tool, point it at a vast range of material and confuse the potential users completely with what it is they are searching for and where, and offer even further confusion when the result sets comes back. There is a real art to arranging your sets of source materials, offering value added search capabilities and having a clear and helpful result set which makes it obvious to the users exactly what they are seeing presented to them, and why. As with many user organisations, you will benefit from expert advice and change management for this stage of the undertaking.

In short, you will need to:

- undertake an information audit
    - remove redundant and expired materials
    - make sure all your data is in the right place
    - ensure relevant security and confidentiality is followed
    - check for breadth and consistency of materials – do you have too many railway sidings leases and not enough shopping unit leases
- formulate, or revise, your enterprise taxonomy and check your processes for the classification of new clients, matters etc.
- design your user-interface to be as easy to use and as intelligible as possible
- ensure that the whole user experience acts consistently with your taxonomy and test its effectiveness and ease of use with real lawyers before rolling it out

This can make all the difference between an Enterprise Search system that adds little intrinsic benefit, and one that delivers significant added value to your business and completely reshapes the way that your information is utilised.

Such an implementation will revolutionise your firm's search capability through its native ability to deal with unstructured data, however – as stated - any investment in adding value to matter and client classification metadata will be repaid many times over by providing additional benefits to information management, analysis and retrieval.

The development of your Enterprise Taxonomy will not only provide a classification system that your people will recognise and immediately know where within it they belong; they will also instinctively understand where any item of information that they seek is likely to be, or whereabouts any item they need to file should go. It will also provide 'building blocks' against which your Enterprise Search system will be able to make new information relationships automatically – thus adding value to every search.

Practical Issues

We have referred to the classification of materials against an Enterprise Taxonomy; two practical issues arise – when is this classification going to take place, and where will it be maintained.

The appropriate occasions to gather such information is when they are created – in a law firm this means Client Inception, Matter Inception, Contact Inception and document filing. Good user interface design and information inheritability should be able to make this process relatively easy. However, there is one wrinkle. As many lawyers will tell you, it is difficult to be precise and accurate about matter classification when a matter is first opened. The client may represent it as one thing, when it turns out to be something else entirely. Therefore, the way that a matter is classified must be checked and refined at the end of the life of the matter, as part of the matter closure process.

Where to store all this new metadata is another challenge. By the nature of the solution here discussed, it is gathering a lot more metadata (and in more depth) than most current legal industry software packages are capable of storing: there is no legal PMS, for example capable of storing multiple, poly-hierarchical classifications for each matter.

The solution is to maintain a cross-platform Data Hub which 'talks' to all of your systems, and which is used to maintain – by reference to each individual matter – such additional metadata.

Another advantage of this approach is that information that needs to be shared between different key applications can be much more accurately and effectively maintained. Many firms struggle with keeping accurate versions of staff information, client and contact information between the HR system, the CRM system, the PMS system and so on. Just keeping client names consistent between these various systems is extremely difficult. A managed Data Hub – which is integrated with all your key applications – can achieve this, and commercial solutions are available for this purpose.

You then have, in essence, one version of the truth.

The New World

The Brave New World that you will create with such an environment will allow your organisation vastly to broaden its understanding of what might be included under the definition of 'knowledge', as there is a far wider range of useful information to assist with the winning and delivery of legal services than is currently exploited with the standard approach.

First of all there is the firm's document management system, or DMS. You could argue that a firm's precedents (or 'worked examples') contain dead knowledge, but that the DMS contains living knowledge - raw knowledge, perhaps, but definitely living.

Unfortunately most law firms mirror their poor matter classification methodology by implementing document management with a pitiful subset of document classification capabilities. Usually it is down to data-fields such as Document Type, Department and Description. The Description is a full-text field which will usually have the bare minimum of information which is neither accurate useful, or complete. Furthermore, the information is not quality assured. As a result it is not really possible to use a law firm's DMS to find a specific example of a particular kind of document. If you have a look at the property department's documents, for example, you will often find 1,346 examples of a document described as a 'lease' but you cannot find a particular kind of lease; or in the commercial department you can see 4,568 'agreements', but it is almost impossible to locate a specific kind of agreement.

All these deficiencies come about because the users have not got the time to accurately categorise the documents they produce; or they have not got the patience, which amounts to the same thing.

In many DMS systems you can elect to use a full-text search engine to restrict your search to specific documents, but this is not generally a very fruitful technique in a corpus of material where words are professionally designed to belie their meaning. So: not much useful knowledge in the DMS then - or rather there is, but at present difficult to find.

However, as previously stated, if the basic classification took place at matter inception, then the DMS could 'inherit' this as a base classification for all documents opened against it. All that the busy lawyer would have to do then would be to add a further level of specific categorisation and a description for each new document. Thus, any document that is later regarded as being suitable for elevation to 'knowledge' becomes easily integrated into the knowledge management system – it is effectively 'pre-indexed'.

Now, consider the things you could do with such a system. You could go to your screen desperate to find information on 'matters like this one' – and actually find them. Say you were preparing a bid – and costings - for a big job involving joint-venture funding of a government hydro-electric development in the Far East. You could search on the Enterprise Search system and find, in one go – ranked in order of relevance:

- five very similar matters (with previous cost estimates and actual over-runs)

- the fee-earners who worked on the bids, and those that worked on the jobs

- the presentations and experience statements prepared for the bids, and the documents produced

- all relevant standard forms and precedents and other know-how materials, such as law journal articles, counsels' opinions and internal notes

- relevant Web-based information such as cases, laws, news stories and so on.

The lawyer then has a vast array of materials to help win the job, to help cost and price the job, and to help deliver it more efficiently.

With this mechanism in place a law firm will be able to undertake research and analysis into how long it takes to undertake specific types of work and therefore to price AFA fee arrangements accurately. Thus, for the first time, building an effective institutional memory so as to be able to "learn" - with gradually increasing accuracy – how to price new work in this novel competitive environment; and to deliver such work cost-effectively.

No longer will your firm be maintaining silos of information that it is incapable of successfully exploiting. Furthermore, for all the reasons already discussed, due to your new 'institutional memory' your people will be able to find all relevant information for the matter at hand with ease which will have a significant overall impact on client satisfaction, firm profitability and competitiveness.

Doing nothing about this perennial problem is no longer an option; the legal services landscape is changing rapidly, and law firms will need to change their information management practices along with it, or lose out to new types of legal services providers who have no long-term prejudices to new and revolutionary working practices.

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