Herding Cats: Managing Electronic Data in a Law Firm

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Today’s Topics

• Managing electronic information
  – Documents
  – Cases
  – Email
  – Calendars
  – Tasks
  – Contacts
Exploring Concepts

- **Document Management**
  - Creation, version, search, collaboration

- **Records Management**
  - Compliance, storage, search, destruction

- **Knowledge Management**
  - Capture, re-use, retain
Alphabet Soup

- **ROI** – Return on Investment
- **TCO** – Total Cost of Ownership
- **TCC** – Total Cost of Compliance
Return on Investment

• 80% of employees waste 30 minutes per day retrieving information
• 60% spend an hour or more duplicating the work of others
• Leverage IT vendors
• Validate vendor claims
Total Cost of Ownership

• Hardware requirements
• Data conversion and transfer
• Professional services, internal staff time
• Implementation, deployment, customization
• Maintenance and support
• Training
• Upgrades
Total Cost of Compliance

- Not always applicable in law firms, but a good model to look at:
- Proactive compliance = predictable
- Reactive compliance = unpredictable

OR

- Total Cost of Compliance vs Total Cost of Non-Compliance
Information Life Cycle

Author Control

→

Creation
Collaboration
Workflow

Compliance/Business Rules
Retention
Access
Storage
Expunge/Delete

Organizational Control

Managing Documents

Document Management Software

- Part of case management or
- Stand-alone
  - Searchable
  - Indexed
  - Versions
  - Workflow
  - Security
Managing Documents

Document Management Software

- Expands to “records management”
- Also manages email
- Potentially very costly
- Frequently called “content” management
Managing Documents

Search Software

- Free/low cost desktop and network search
- Sophisticated network/enterprise search
- Super internal/external search
Adobe Acrobat 7.0

• Versions: Standard and Professional
• **New:**
  – Organizer
  – Create PDF from multiple documents
  – Save Outlook email folders to PDF
  – Security features
    • Policies: Organization, User
  – Collaboration through review
• PDF is **efiling** standard
Managing Cases

Case Management software

- **General** vs. specialized
- Often builds in document management component
- **Price** has decreased
- **Specific** to the practice of law
Managing Cases

Case Management software

• Features often include calendars, tasks, reminders, reporting, timers, contacts, matter management, document assembly, email integration, time/billing/accounting integration...
Managing Cases

Calendaring software

- **Rules-based** options
- Often integrated with case management software
Managing Cases

Litigation software

- Case facts databases
- Timelines
- Transcripts
- Outlining
Integration

- Choose all in one program
  - Case management
  - Time and billing
  - Accounting

- Or products that integrate
  - Must keep upgrades in sync
Managing Email

Email as a record

• Manage through
  – Native program
  – Case management
  – Document management

• Convert to another format?
Managing Email

Using Email software

• Rules
• Folders
• Flags
• Anti-spam
• Phishing
Records Management

File Formats for storage

- PDF/A
- TIFF
- TXT
- XML
Records Management

Preservation: Conversion & Migration

• Data loss
• Structure loss
• Relationship loss
Records Management

Preservation: **Goals**

- Accessibility
- Longevity
- Accuracy
- Completeness
- Flexibility
Retention Policies for Law Firms

• Not worried about SOX? How about:
  – HIPAA
  – OSHA
  – Tax records
  – Statutes of limitations
  – Client documents
Retention Policies for Law Firms

• **Creating a document retention policy:**
  – Follow federal/state regulations
  – Follow internal bylaws or industry standards
  – Assume the possibility of a lawsuit
Record Retention Fundamentals

- Determine categories of records
- Define retention schedules
- Consider all forms of electronic data – voicemail?
- How will records be destroyed?
- How do you suspend the policy?
- Who enforces the policy?
- Describe organization of records
Record Retention Policy

• Make the policy available
• Enforce it
• Get a signature
• Train on it
• Anticipate non-compliance with the policy
• Perform self-audits
What About Knowledge Management?

• Delicate balance between too much and too little information

• Knowledge of:
  – The firm
  – The law
  – Clients
  – Marketing
  – Matters
  – Financials
Some Knowledge Management Tools

• Portals/Intranets
• Customer Relationship Management software
• Document management software
• Financial scorecards/dashboard tools
• Case management software
• Enterprise search tools/data mining
• Document assembly software
Training

- Part of the purchasing process
- Must be ongoing
- Try incremental approach
- Power users
  - Train the trainer
Conclusion

- 90% of all information created is electronic
- All information should be managed
- **Software** can help, but not solve management issues
- Training is essential to ROI
Questions?

Thanks!

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