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AT A GLANCE: What types of deal and case information are law firms capturing and managing? We asked some firms to provide us with their best practices.

By Silvia Coulter, Vice President, Client Development and Growth Practice, Hildebrandt International, Boston, MA

With the onslaught of competition comes the increasing need for information. Questions such as how many mergers in the life sciences market have we completed, what's the total value of our Venture Capital deals over the last two years, how many IP trials have we handled, and who referred us the most business last year are heard throughout the various floors of today's growing law firms. Most business professionals instrumental in running the firms are expected to know the answers immediately.

Data Sleuthing— Best Practices for Today's Firms

Yet, it is clear that all data input begins with the attorney or attorney's assistant providing accurate information to those capturing, managing, and maintaining the data. A CMO from an Am Law 10 firm underscores this challenge, "The data is here at the firm—finding it, and I mean literally tracking it down piece by piece, is the challenge. We are beginning to find new paths to collecting the data, and the more it is used by a wide population of lawyers, the easier it is for them to jump on board and provide us with the detail. The tools work—the people part of the process is what slows us down."

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And yet, we know it’s the attorneys who need the data. At another Am Law 100 firm, a top-down approach from the managing partner, who is a litigator, and from a well-respected member of the firm’s corporate department, is an approach that works. A custom database was designed for capturing deal data (corporate deals and now other departments’ deals, such as real estate). The partner (who coincidentally bills about 2,500 hours a year to clients) regularly solicits input from the attorneys—and they are expected to provide up-to-date information. A member of the firm’s finance department works with him on data collection and analysis. For the litigation cases, a young associate works with the administrative manager of the litigation department and keeps a running list of all litigation handled by the firm. This list is kept on the firm’s Web site and it is quite impressive! In this firm, it’s not an option to track data and information—it’s expected and managed by the top partners in the firm. The attorneys understand the benefit this provides them for just-in-time opportunities.

Most firms with which we’ve spoken for this article maintain active Client Relationship Management (CRM)



databases. The client data at one firm is updated annually by the clients. Clients are mailed a list of their company’s contacts and asked to update the information for accuracy. Included in the client packet is a return FedEx mailer to send all the information back to the firm. All the clients need to do is redline the documents and add any names they wish to appear in the firm’s client files. The firm itself will make the changes from the handwritten notes provided by the client. The response from the clients has been overwhelmingly favorable. The process does not take long, and clients appreciate that the firm wants to maintain updated information.

Other firms have members of the marketing team meet with each attorney for the firm’s top clients. At these meetings, a list of the attorney’s client contacts is reviewed with the attorney and updated on the central system. In other words, if the obstacle is the attorney, the firm has found

a way to work with the attorney and make the update happen.

So, while CRM is leaving infancy mode and celebrating a wider acceptance at most firms, other important firm data lags behind. Most firms’ partners will admit that having deal and case data is extremely valuable. Getting it all organized is the challenge.

What types of information are firms capturing and managing? We asked some firms to provide us with their best practices. In response, most of the firms said, “We have an effort like this, but it has not been well implemented.” The devil is in the details and data collection!

Most firms note that their marketing and business development teams facilitate the collection of data and the information resources team is key to the collaboration of efforts. Here are some types of information maintained by three Am Law 100 firms’ marketing and business development teams, other information about how the information is used, and how the system works overall. Two firms wished to remain anonymous and the other firm, Bracewell & Giuliani, approved use of its name for this article.

that all data input begins with the attorney or attorney's assistant providing accurate information to those capturing, managing, and maintaining the data

Type of information

- A database listing all the transactional and litigation matters of the firm. Client information and referral information are maintained in our CRM system.
- A database of all deals in which the firm is involved: corporate M&A, venture capital, investment banking, real estate, even success outcomes for the labor and employment group.
- “At Bracewell, we are collaborating across teams, and the firm’s technology and marketing departments are teaming up to build an ‘experience’ database, a new system populated by new client matter submittal forms through the firm’s accounting system, Elite. Lead attorneys will still be asked to complete additional fields with required data, but tying the firm’s database with new matters from Elite eliminates a hefty amount of lawyer and administrative time.”

How data is used

- Data is used for pitch preparation purposes and some ROI measurement.

- Advertising; pitches; RFP responses; Web site; specialized, custom publications; and reports that the firm authors and sends out to clients and prospects.
- “At Bracewell, we use the data for proposals, RFPs, and ranking submissions; the new system will also integrate with the firm’s Web site to authorize selected information, such as significant deals and transactions, to be posted externally. To utilize the data, the new system will require that attorneys receive client permission for disclosure. In the future, the firm plans to incorporate the request into engagement letters.”

How data is stored and managed

- Custom-built database (built by the firm’s IT department and under the direction of two partners at the firm).

- Client/contact information is stored in InterAction; the transactional/litigation matters are maintained in a custom-built experience database. Relationship partners solicit client permission for data use.

Benefits of having and maintaining the data

- Business development; directory and league table submission; proposal preparation.
- Seen as the go-to firm resource for this type of data.
- “At Bracewell, in the past, marketing used Access and Excel databases to house lists; but since this effort wasn’t firm-collaborative and marketing-driven, we grappled with limited responsiveness, often omitting data from the attorneys. With the new ‘suits and deals’ system, the marketing department will drive the process to ensure the system has comprehensive and convenient data, using minimal attorney time.”



AT A GLANCE: Because you cannot use force or negative reinforcement to get attorneys, especially partners, to adopt new technology, you need to sell them on the benefits they'll realize by learning the new system you're advocating. To do this you need to develop and use your sales skills.

By Dan O'Day, Senior Director, Product Management, Thomson Elite, Los Angeles, CA

Best Practices for Delivering New Solutions to Attorneys:

Deploying new technology in law firms adds challenges not seen in the corporate world. This is particularly true if you want the attorneys to use these solutions. This article will provide a perspective that should help make your implementation projects more successful.

Law firms are partnerships, or professional corporations, which are created to help enrich the partners. If not for the financial benefits of acting as a firm, most large firm partners would run their own small practices. As a result, governance of the partners is limited at most law firms. The focus of partner governance is the impact each partner has on the overall profitability of the firm. This manifests itself as either exposing the firm to risk or creating business opportunities that can be leveraged within the firm

structure. Efficiencies through the use of technology are usually not high on the list of concerns for the partnership.

The challenge most IT projects face in law firms is: If no one is going to force the partners to use a new technology, how do you get them to adopt it? You cannot use force or negative reinforcement, so you need to focus on the benefits to persuade them. In other words, it's necessary to sell each partner on the value of the solution. This means you need to develop and use your sales skills.

A Sales Approach

By viewing adoption as a sales problem you can take a fresh approach to adoption. Using this approach you can look at the firm as your target market. You should examine the best way to sell a product in your market to maximize market penetration.

Market penetration can be elusive for any new technology. There are many new technologies that never gain mass adoption. For every new technology that succeeds there are many more that fail. Remember the laser disk or the Apple Newton? The same is true of technologies in your firm. Most software programs are actually used by a small fraction of your users—Microsoft® Outlook, Microsoft Word, and BlackBerry® devices being the exception and not the rule.

For those of us who work in product management, understanding what makes a successful product is critical. In *Crossing the Chasm*, Geoffrey Moore explores the factors that lead to successful adoption of new technologies. The book examines why some technologies look promising at first but never reach mass appeal. It has become a mainstay for successful technology marketing.

The next group is the technology enthusiasts. They see what could be done with the technology and are willing to put in the effort to learn it and make it work. They are willing to invest in integration and can see the strategic value of the product. While they are willing to put up with some inconvenience, they need to see results or they will move on to another new technology before the current one is working.

The enthusiasts are usually easy for IT staff to identify. They are the attorneys who have a BlackBerry and an iPhone or use dual monitors. When they ask for help, they are often asking why things work a certain way. They read technology magazines and are often on the technology committee. These people are your key to working out the kinks in a new solution. They will put up with some problems to reach the final goal. It is important to keep

A Lesson from Product Marketing

The Attorney Segments

Crossing the Chasm segments the market based on the point in the product life cycle the user will most likely adopt the technology.

It starts out with visionaries. They see potential in the new technology and where it could go. They are excited about the possibility of the technology and have high expectations for its future. These people are often the biggest proponents of the new solution. They are willing to sponsor it and see it as an agent of change.

You have to be careful with these people. They often have high expectations and want the technology to change the culture of the firm. I have seen many cases where a partner says with this new technology there will no longer be people that do X or Y. This is a red flag. Technology cannot change culture. So watch out for the visionaries—they are likely to be disappointed in the results even if the project is a success by all standard measures.

them in the loop on updates and progress. They are easily distracted by other new technologies so keeping them focused requires regular updates.

The next group is the pragmatists. They are the real key to success of any new product. They represent the stage at which the product reaches the mass market. They are on the other side of the chasm because they are not looking for technology. They have no particular interest in it. They only want solutions to problems. If they believe something will solve a problem they will use it.

Many of the attorneys you encounter fall into this category. They will not ask you what language the product is written in or what browsers it supports. They will only ask you what it does for them. They are the ones the other attorneys respect the most when it comes to product choice. You can identify them by inference. The more conservative attorneys will ask, “Is John or Jane using it?”

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AT A GLANCE: *The American Lawyer's* Editor-in-chief Aric Press speaks on what he thinks are the challenges and opportunities facing today's law firms.

By Linda Will, Director of Information Resources, Dorsey & Whitney L.L.P., Minneapolis, MN

An Interview with The American Lawyer's Aric Press



As editor in chief of the venerable the *American Lawyer*[®], Aric Press oversees the leading magazine reporting on the life and times of the world's largest and most important law firms. He also serves as editorial director of the national magazine group of ALM (formerly known as American Lawyer Media). In that capacity, Aric works with the editors and staff of *Corporate Counsel*, *IP Law and Business*, *Law Firm Inc.*, *Focus Europe*, *the Minority Law Journal*, and assorted other supplements.

A graduate of Cornell University and New York University Law School, Aric believes that in his first job, he was the second most poorly paid member of his graduating class, having gone from the bar exam to working as a newspaper reporter.

“There are essentially two issues that law firms face: their clients and their talent. How they handle each will, absent some economic cataclysm, determine their futures.”

Q. So, Aric, after law school and passing the bar, what was it that prompted your return to the world of journalism?

A. Prior to joining the *American Lawyer* in 1998, I had spent nearly 19 years as a writer and editor at *Newsweek*. One day, while still at *Newsweek*, one of my closest friends from college called me to say he had just represented the new owners of the *American Lawyer* in their purchase. He asked if I would like to come around for a talk? Why not, I thought. One thing led to another and here I am.

Q. The *American Lawyer* is known for its timely and informative annual surveys. From your advantageous position, you must observe many emerging trends in the legal industry. Would you care to comment on some of those trends?

A. There are essentially two issues that law firms face: their clients and their talent. How they handle each will, absent some economic cataclysm, determine their futures.

Each, of course, is, thankfully, complicated; otherwise we wouldn't have enough material to come out each month. Talent runs the gamut from the advent of the Gen Zs who want to work hard, live well, and care little about making partner, to the coming tsunami of retiring baby boomers, many of whom expected to be serving out their time on hospital boards and 19th holes and instead find themselves logging 2,200 hours annually. Firms will manage these issues differently, but if they fail to

manage them directly, they increase their chances of faltering and failing.

Clients, as always, hold the key to the future of law firms. And, to the degree that they exercise their market power, they will force change. As services become commoditized, as knowledge becomes digitized, as clients become ever more sophisticated in their purchasing decisions, firms will have two basic feats to master. First, many of the grand firms will scramble to grasp or defend their status as premium providers where price sensitivity is lower. (There's nothing like a grand jury subpoena served on a CEO or a challenge to a key patent to toss budgets in the trash.) Second, most firms, including most of the grand ones, will look for ways to run their routine work efficiently so that demands to hold down costs while increasing partner profits can be met.

The common denominator for addressing both the client and talent challenges will be management and all that implies. This once was a pretty simple business. But once a firm reaches the point where it needs name tags at its partnership meetings (and sometimes simultaneous translation), the firm either gets managed and led or it flirts with disaster.

Q. The consolidation of the legal publishing field has made some nervous that publishers can actually influence the way law is practiced. Do you see that as valid?

A. Publishers can, and have, made some aspects of the practice easier by converting to the digital age. By putting information at fingertips rather than down the hall or buried in a memo, they have been part of the revving of the velocity of practice. To the degree the publishers can help lawyers find answers faster and more reliably—through knowledge management, knowledge integration, etc.—they will be even more prized.

Q. Has technology become an end to itself? There is so much information available on any given topic that, unless you enlist the assistance of electronic media, you could be at a disadvantage. What are your thoughts on the information has vs. the have-nots?

A. Technology, or using technology, does become an end in itself. At least it does for young men of all ages. In the worlds where you and I live, the electronic media are a given. If we're lucky, we'll have experienced people to help teach us how to make the best use of it, to guide us through the Web-blog-Infohighway-sphere. The really lucky ones will have shamans nearby to help, shamans who used to be known as librarians.

As for your question of digital have-nots: that's been a problem since the Web and e-mail became popular and now nearly ubiquitous. It's a problem bigger than lawyers or librarians and certainly journalists. I suppose we could talk about it in the political campaigns, but I wouldn't count on it.

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AT A GLANCE: From backpack to briefcase: Firms should provide a solid foundation, clear parameters, and helpful information to ease new associates' transition from the classroom to the courtroom.

By Sharon Meit Abrahams, Director of Professional Development, McDermott Will & Emery, LLP, Miami, FL



Firms Take Note:

New Associate Orientation Is a First Impression Situation

First impressions are lasting impressions. A firm's new associate orientation sets the tone and creates a foundation from which all future activities will be measured. If an orientation program is unorganized, inconsistent, or lacking in usefulness; the experience might tarnish the new attorney's impression of the employer. Firms should provide a program that welcomes, teaches, and supports the transition from law school to law practice.

When planning an orientation, the firm first needs to consider the size of the incoming class. Many large firms have classes that reflect the firm's size and global nature, with dozens of attendees and people from around the world. The large class size determines choices such as program location, dinner venues, and activities. On the opposite end of the scale, a small group might mean major adjustments to the content as well as logistical details.

A firm should gather a group of previous new associates and quiz them on what they liked and disliked about their own orientation. They can offer useful recommendations based on their genuine experience as new associates in the firm.

Keep in mind the goal of the orientation when considering content. Are the new associates there to learn basic information about how to get things done at the firm, such as using their secretaries or billing time? Are they there to become indoctrinated in the firm's culture and become an enthusiastic member of the team? If it's the latter, the planning should be focused on creating a program that highlights the firm's history and culture. Gathering this information might mean sleuthing around the library, visiting older or retired attorneys, and reading past articles about the firm. The marketing department would be a good resource to assist in this program design because they might have additional historical information. Sharing the firm's past helps people feel grounded so they can feel they are now a part of the firm's future.

The next topic to cover is the firm's vision or mission (if one exists). This may be combined with the previous topic or it can stand alone. The firm's mission statement should be delivered by the managing partner or another senior leader so the new associates recognize its importance and adopt the firm's strategic goals. Gather this information through interviews with the firm's leadership (i.e., management committee).

A topic that is growing in popularity is the business of law. This takes the strategic

plan and shows how the firm works to achieve the plan. Most lawyers have a limited understanding of the economics of the practice so the content should be detailed enough to explain how the firm functions, but not so detailed that the audience loses interest. Key people to assist in the design of this content would be the CFO, the COO, and the managing partner. For effective visual images, use graphs and pie charts, while staying clear of spreadsheets and numerical lists.

Every firm has its policies and procedures; some are written in formal manuals, while others are firm lore. A program that addresses the unwritten rules or the unspoken protocol will allow new attorneys to feel as though they have been given the secret handshake. A glimpse into the workings of the firm at this early stage affords new associates a sense of control over their otherwise uncontrollable lives as young practitioners. Asking junior associates what they wish they had known during their first few months on the job should be the basis for this section of the program.

Timekeeping, which is the mainstay of all firms, is often a worrying obstacle for the new lawyer to overcome. Accounting for one's daily tasks can be stressful. A program that explains not the technical system for tracking time, but the philosophical approach to tracking one's hours, would be beneficial. Tips, and more importantly examples, of the best and the worst ways to bill time will heighten the participants' understanding of timekeeping. A resource for content is partners, as most will have examples they would be

“Firms should provide a program that welcomes, teaches, and supports the transition from law school to law practice.”

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AT A GLANCE: Law firms have started to use formal project management to manage technology rollouts. Here are some suggestions to get started using some tried-and-true methods and processes to successfully manage law firm client projects.

By Don Philmlee, PMP, CISSP, Principal Consultant, DonPhilmlee.com, Washington, D.C.

Managing Client Matters as Projects:

Many a law firm client has been lost because of poorly managed expectations, lack of communication, poor work product, too much work product, budgeted cost overruns, and more. Law firm clients are also more demanding and discerning about the legal services they are purchasing and are looking for ways to control costs while still achieving their legal objectives.

Successfully managing clients and their expectations is a demanding skill that requires a certain degree of experience and professional demeanor. However, looking at a recent study, it appears this skill may be in short supply. Recent research done by BTI Consulting, Wellesley, Mass., found that 53.7 percent of clients oust their primary law firm, only 30.7 percent of clients recommend their primary law firm, and 64.3 percent of clients plan to hire a new law firm.

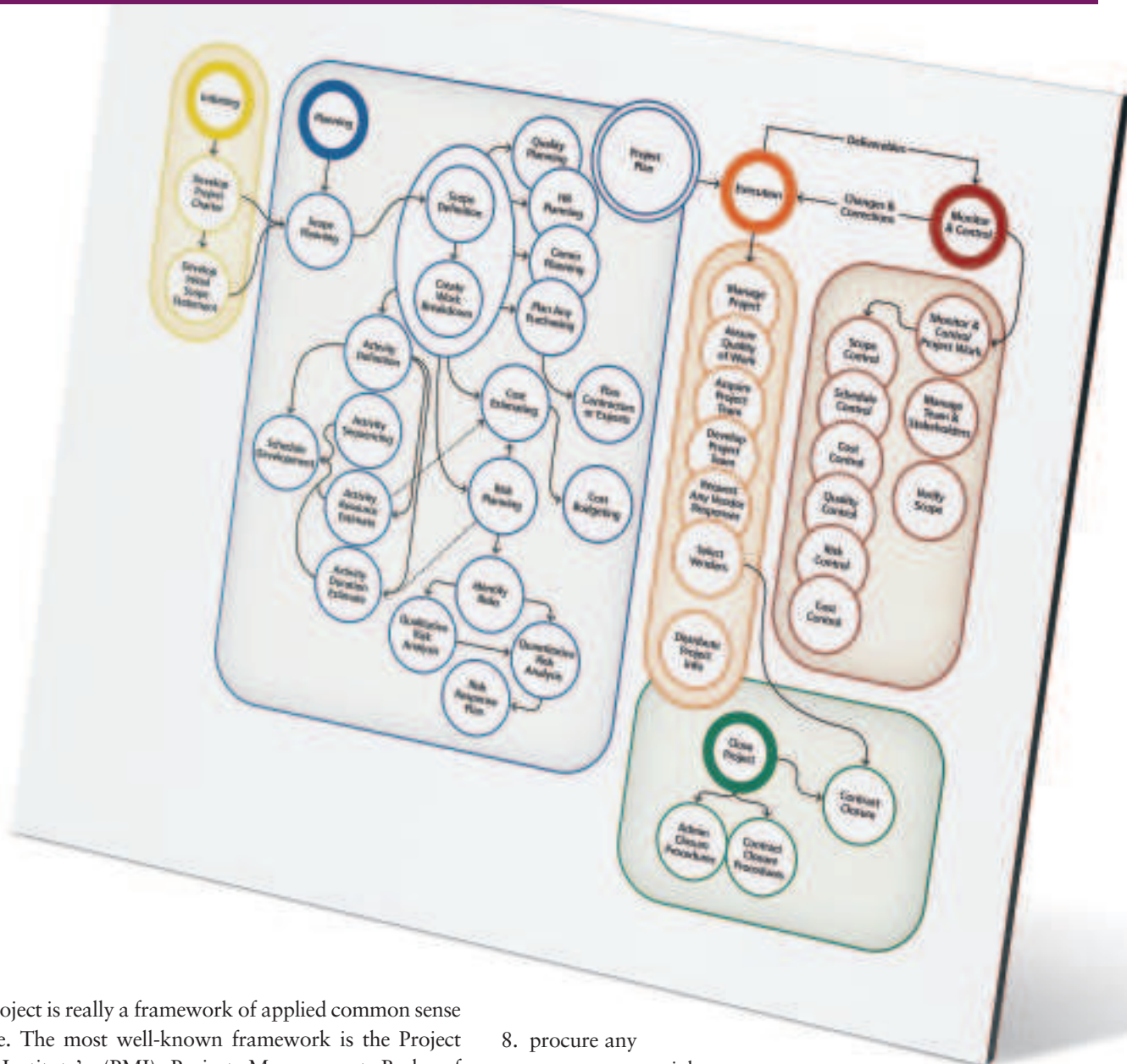
While these research statistics can be viewed as alarming, they can also be seen as an opportunity for firms to explore other methods to expand and improve their client management capabilities. One such method is formal project management.

From bridges to buildings to new aircraft, government and corporations have long used formal project management methods to manage complex and long-term projects to successful completion.

Using Project Management as a Competitive Advantage

In the last few years, law firms have started to use formal project management to manage technology rollouts. These same tried-and-true methods and processes can also be applied successfully to the management of law firm client projects. Progressive firms are now recognizing this as an unexplored competitive advantage.

Formal project management is aimed at accomplishing a defined goal by managing people, time, and budgets, as well as by providing effective communications, risk management, goal setting, scheduling, and management of expectations. The introduction of formal project management methods and professionals can not only produce higher quality legal services, but can also control costs (on budget/on time) and improve client satisfaction.



PMBOK

Managing a project is really a framework of applied common sense and experience. The most well-known framework is the Project Management Institute's (PMI) Project Management Body of Knowledge (PMBOK). PMBOK is used by organizations worldwide to manage projects big and small.

PMBOK outlines nine core areas of knowledge. Understanding them, a good project manager will be able to

1. define and manage the scope of a project
2. develop a budget and manage costs
3. create a schedule and manage time
4. determine and manage the quality of work being done
5. manage the people (internal and external) involved
6. make sure everyone is communicating effectively
7. unearth any project risks and determine how they will be mitigated

8. procure any necessary material or resources
9. integrate all of the above into a cohesive project

PMBOK also defines five processes (phases) where the above knowledge is applied (managing a project):

1. initiating
2. planning
3. executing
4. controlling and monitoring
5. closing

The above graphic illustrates how these five processes relate to each other in a typical project.

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Managing Client Matters as Projects: Using Project Management as a Competitive Advantage

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Integrating formal project management into existing legal matter management can provide a competitive edge for any law firm.

How to Get Started

Implementing project management methodologies with matter management is a new approach for law firms. The following are suggestions for getting started.

Tailor Your Approach – PMBOK provides a basic foundation of processes and knowledge areas required for a project to be successful. Strangely, PMBOK does not outline procedures, templates, best practices, or instructions. At first, this seems a bit bewildering, but it is by design. Each firm and each client project may present different challenges and requirements. PMBOK can be used as a shopping list from which to pick and choose which components will be the most effective. How something is done or created can then be designed and tailored for each firm or even for each client.

Reinventing Your Practice – Most legal teams already have defined roles in client work. Introducing formal project management may redefine these responsibilities, so care must be taken to think through any changes and communicate them effectively.

Internal Project Managers – Many firms already provide internal project management. An internal project manager can provide the jump-start your legal team needs to implement project management.

External Project Managers – Contracting an experienced project manager to help your legal team explore and create a project management strategy is another good approach. Make certain the contractor has experience and the Project Management Professional (PMP) certification from PMI. Certified PMPs must have at least 4,500 hours of project management experience before they can even take the certification exam.

Don't Do Everything at Once – Making a change to formal project management all at once can prove difficult and may increase the chance of failure. Start with some basic changes and try them on one or more

relatively simple cases. Determine what worked, what didn't work, and move on.

Don't Buy Software to Start – It is tempting to just buy a software solution right away. However, move with caution. New technology should not be considered until you understand what you need to manage projects.

SUMMARY

Integrating formal project management into existing legal matter management can provide a competitive edge for any law firm. Improving client satisfaction by meeting client needs and expectations consistently, with high quality legal services delivered on time and on budget, is a compelling advantage in the global marketplace for legal services.

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"Project Management Body of Knowledge" (PMBOK) Project Management Institute—a global professional organization representing virtually every major industry that promotes project management standards and methods. The PMBOK is widely regarded as the definitive body of best practices of project management. The *PMBOK Guide* is available online at www.pmi.org.

What works?

What would you change?

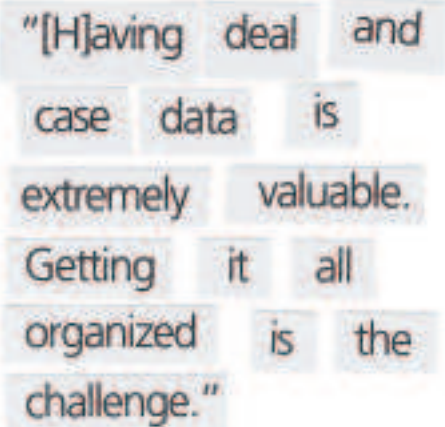
- “Both the CRM system and the custom experience database work effectively when they are populated. The challenge is getting attorneys to provide the marketing department with the client and matter data.”
- “It all works and is kept up to date. The firm’s partners are keenly aware of the need for the data and the benefits as a result of maintaining the data. We’ve done this for over eight years now, so it’s ingrained in our firm’s culture.”

Jeffrey Reade, president of Cole Valley Software, whose CRM product is ContactEase, notes about his clients and contacts, “What we are seeing is three levels. Level one is having the data—most firms have the data somewhere. Level two is capturing name, address, phone, and e-mail (NAPE) and having it coordinated. The person generally responsible is the lawyer or lawyer’s assistant. Level three is adding more data—recording phone conversations, emails, and meetings. That’s really extreme—I don’t see many firms accomplishing this yet. Some are, but it’s unusually few. When that happens, and the most commonly known example is a global firm headquartered in the Northeast, the files are amazingly accurate and updated. They actually have a department in charge of updating the data on a

regular basis. In this case, the marketing department is supplementing the data using LexisNexis or West Monitor Suite® (formerly Thomson Firm360™) to add and update data.”

“Some firms are capturing deal data that comes from the lawyers. The competitive intelligence information is often maintained by the library. Deal data at one major global firm is so refined that the firm sees the process and its data as a significant competitive tool. The key is the discipline to collect and manage the data and to educate the lawyers about the data’s significant value to them and their business development and internal training efforts.”

“In short, our answer to clients is always, ‘delegate the task.’ By working with the firm’s Information Resources Group and the firm’s Marketing and Business Development team, creating processes for data collection by partnering with appointed young associates or highly skilled and respected legal assistants will greatly facilitate the process.” As one Am Law 20 firm’s managing partner stated, “Our list of cases is far ahead of any competitor in the legal market.” He added, “We call it our ‘don’t mess with us case list.’ This is exactly the impact this information should have. In other words, it’s our WOW list. It’s OK if other firms don’t catch up for a while.”



“[H]aving deal and case data is extremely valuable. Getting it all organized is the challenge.”

Best Practices for Delivering New Solutions to Attorneys: A Lesson from Product Marketing

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This will tell you that John and Jane are seen as practical people by the other attorneys.

After the pragmatists come the conservatives. They wait for other people to adopt the solution and only come in after most of the people they know use it. They often look to their peers for guidance and will talk to them before they consider using a new product.

Most lawyers fall into this category. Seeing risk is part of what makes them successful lawyers. They do not want to waste time on anything that will not provide immediate value. After all, they bill by the hour and their time is very valuable. They will ask which other partners are using it before they will consider using it themselves. They will also ask those partners to show them how to use it. They generally prefer training from peers rather than IT. They have more respect for peers and believe peers will show them the things of most value quickly without wasting their time on things they don't care about.

Finally there are the laggards. These are the people who wait until it is almost impossible to function without the technology. These are the people who only purchased a DVD player after they could not get any more VHS tapes at Blockbuster. They may not even have a computer in their home.

Every large firm has them. These are the people who still write down their time and have a staff member enter it. Perhaps they don't use a BlackBerry, or they print their e-mails to read them. These people represent the lowest ROI. It is often not worth the investment in time and effort to get them to adopt a new technology. You should have moved onto a new project before these

people even consider adopting the technology. For this reason you can never expect 100 percent attorney adoption of an end-user application.

Speaking to the Segments

Now that you have a basic understanding of the five segments, think about the firm's partners and put each of them into one of the categories. You may want to do this in a spreadsheet. You can get help from staff members who work with the attorneys. Each partner's administrator knows where that attorney falls on the spectrum.

With this tool you can formulate an internal marketing plan. You will want to craft your message to each group a bit differently. Craft a message to each group in accordance with what motivates them. In most cases it is best to focus on one or two key benefits that have a financial impact on the partnership.

Law firms present unique challenges when deploying new solutions. This market segmenting approach, a proven method in the realm of product management, offers a structured divide-and-conquer approach to tackling a diverse market of users. Delivering the right message to convince each user type to get on board can increase significantly the adoption rate and, ultimately, the success of the technology deployment.

“The challenge most IT projects face in law firms is: If no one is going to force the partners to use a new technology, how do you get them to adopt it?”

Reference:

Moore, Geoffrey A., *Crossing the Chasm*, Second Edition, Capstone Publishing, Oxford, England, 2000, reprinted 2003.

An Interview with the American Lawyer's Aric Press continued from page 7

Q. Ten years ago, vendors prophesied that libraries would be paperless by the millennium, and yet print has kept pace with online. Do you ever think the books will go away?

A. Books won't disappear, though they may be housed on the shelves of content information centers in the future. I prefer to think of those places as libraries.

Q. There has been much in the literature about competitive intelligence. Is it crucial for law firms to establish intelligence departments?

A. It's important for law firms to keep track of what their competitors and their customers are doing. It's not clear to me that new departments need to be established to perform that function. It's not the org chart that matters; it's the results.

Q. And, finally, the Millennial Generation of new lawyers, are they truly a harbinger of things to come?

A. Absolutely. As hard as it is for baby boomers to believe, we're not going to live

forever, we're not going to run law firms forever. At some point, we will have to shut up about the '60s (though somewhere Janis will live on!). Unless law firms can find a way to skip over 15 years of talent, the Millennials will fill the firms and will become the clients. It will be amusing to watch both sides seek fulfillment, flextime, and profits.

Firms Take Note: New Associate Orientation Is a First Impression Situation continued from page 9

happy to share of good and bad timekeeping. The collections and billing department will have examples of timekeeping entries that have both positive and negative effects on the speed at which clients are willing to pay their bills.

While they enjoy their new job and a hefty paycheck, new associates also want to understand the rules for making a big bonus and getting promoted. Although it might seem premature to discuss this at orientation, it is a critical topic on the minds of this generation. Design this section with members of the compensation committee, keeping an eye toward explaining as clearly as possible the expectations the firm has about billable time, training,

and administrative tasks. Most firms have a formal evaluation process and this should also be introduced and discussed so the associate knows when evaluations take place and what to expect.

Depending on the culture of the firm, the class size, and the state in which the attendees practice, there are a variety of topics that might be added to the agenda. These would include any federal or state mandated training sessions, such as antiharassment programs, an explanation of mandatory continuing education requirements, or state recommended pro bono requirements. People-oriented topics such as working with a secretary or

associate life in the firm are also programs that can be added to the orientation.

One topic that interests many new workers is mentoring. Whether the firm has a mentoring program or not, a few comments on the pros of having a mentor would be advantageous for the new attorneys to hear.

Firms should provide a solid foundation, clear parameters, and helpful information to ease a new associate's transition from backpack to briefcase. In the first days, weeks, and months, new associates become acclimated to their new role. The more the firm takes pains to make this time a positive experience, the more likely the associate will maintain a positive impression of the firm.



Book Review:

Everyware: The Dawning Age of Ubiquitous Computing

By Adam Greenfield, Berkeley, CA: New Riders, 2006

“Personal information that was formerly private will become explicit, persistent, and available in ways that may be socially uncomfortable. ...”

“Everyware” is Adam Greenfield’s name for ubiquitous computing embedded everywhere in the environment. In his vision of the near future, ordinary objects will be used for sensing and processing information and will acquire surprising new properties. Processing resources will become so cheap and available that they will be applied to tasks that are now too trivial or computationally intensive. Information will be instantly available whenever and wherever needed. The Internet will become the ubiquitous network that ties it all together.

Everyware will include wearable sensors and clothing with embedded circuitry, which will encode the wearer’s identity, provide wireless links to information in databases, or detect and report physiological information. In buildings, instrumented floors, doors, and walls will sense when people enter and leave, who they are, and where they are in the room. Building systems will respond to personal body monitors by setting thermostats and loading customized entertainment options and frequently dialed telephone numbers for each occupant. Energy management systems will continuously adjust heating and cooling according to time of the day or year, weather, and number of occupants. Smart street furniture (e.g., lampposts) will provide information on demand on nearby public restrooms, transit services, and other accommodations.

Whether we want it or not, the emergence of Everyware is being driven by several forces, any one of which would probably suffice by itself. All digital devices can by their nature communicate with each other. Radio frequency identification (RFID) tags and two-dimensional bar codes that encode information about objects they are attached to are becoming so cheap that they can be attached to every physical object. The expansion of Internet addresses from 32 bits to 128 bits in the new IPv6 protocol will allow each object to have its own address. Businesses are eagerly anticipating the substantial revenue stream resulting from the sale of equipment and software. Wearable body monitors will allow remote care centers to handle more clients and permit graceful aging in place. The felt need for security will lead to the use of networked tags, sensors, and databases to monitor the population, control movement, and make people identifiable at all times. Finally, can we ignore the universal appeal of a “powerful sympathetic agency to intervene in our lives, to fix our mistakes, and rescue us from the consequences of our lapses in judgment?” (p. 118)

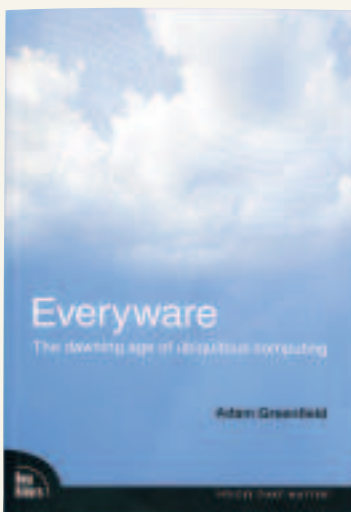
While not denying the real benefits Everyware could bring to our lives, Greenfield chooses to focus on the issues raised by its spread. Everyware may introduce new complexity and failure modes in areas of our lives that already work reasonably well. Because poorly designed systems can degrade, rather than enhance,

quality of life, we need to balance potential improvements against the risk of intervening. Personal information that was formerly private will become explicit, persistent, and available in ways that may be socially uncomfortable, particularly because exposure to these systems may be inadvertent, unknowing, unwilling, or unavoidable. In addition to the potential use of personal information by others for their own, not always benign, purposes, there is the question of whether any “human community can survive the total evaporation of its membrane of protective hypocrisy.” (p. 240)

When separate systems designed for particular purposes are networked, they interact in new and unpredictable ways. When systems have different owners, their interaction can conceal who benefits and whose interests are at risk. It can be difficult or impossible to determine which system is responsible for a particular failure, or failures can result from unexpected interactions of systems that are functioning normally.

We need to start focusing on these issues now because many of the prerequisites of ubiquitous computing already exist:

processor speeds, storage capacity, an expanded addressing scheme, display technologies, tags for physical objects, and wireless networking protocols. The Octopus electronic stored-value card in Hong Kong, originally developed as a transit pass and now usable for many retail purchases, can be considered an embryonic ubiquitous system.



Greenfield believes that we can protect our rights through voluntary guidelines that designers of ubiquitous systems will be expected to follow.

Systems that adhere to these guidelines would receive a seal of approval from an independent and transparent international body. Technological means of enforcing our rights will also undoubtedly appear, but Greenfield considers these less satisfactory because they “may ignite an arms race or otherwise muddy the issue [of system designers’ ethical responsibility].” (p. 250)

In conclusion, Greenfield’s vision is not completely pessimistic; although he focuses on the potential problems, he does believe that it is possible “to build a world in which we get to enjoy as many of the benefits of Everyware as possible while incurring the smallest achievable cost.” (p. 255)



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