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There's Gold in Them There Minds!

Your office is sitting on a gold mine of data, information and knowledge. It's everywhere, stored in places like memos, faxes, notes, letters, databases, contact lists, calendars and the like. Think of all the client details, years of attorney education and experience, briefs and conversations your information represents.

Unfortunately, all this institutional knowledge is likely locked in a file or drawer or contained in the minds of your staff members and attorneys.

If only there were a way for firm managers to "mine" these data storehouses. You could more fully utilize the knowledge and skills of your staff, capture and share their ideas, improve office communication, reduce costs and build stronger client relationships.

That's what knowledge, case and matter management systems help law firms do.

Dozens of products on the market handle various aspects of the equation. Their creators use terms such as "data mining" and "information sharing." These software programs prevent re-inventing the wheel and duplicating efforts. And they may improve decision-making skills.

In the context of a law office, information to be captured runs the gamut: A pleading may be important data. Knowing that you sent and received 213 pleadings in April is useful information. And the fact that the average time for a response to interrogatories was 22 days is knowledge that helps staff plan workloads and measure productivity.

While "knowledge management" is the current buzzword, by definition, case- and matter-management systems also provide knowledge management capabilities. Their core functions imply a centralized system that contains or provides access to various types of information, including relationship management.

What's the difference?

While differences between these software products are mostly a matter of semantics and product positioning, some distinctions can exist.

True knowledge-management systems are typically less structured "component" applications, which tend to be more expensive than off-the-shelf products due to the extensive programming required to adapt the base, generic program to your office's workflow. Generally, the vendor needs to complete that level of customization, but the resulting product is highly tailored to your office. Since the final configuration and elements of your knowledge management are unique to your organization, you may need to use more advanced, yet powerful, reporting tools to extract and compile your information.

Most case-management systems offer the same functions or "pieces" as knowledge-based systems, only with more structure already present among their features. With some products, this inherent organization can make them easier to use sooner because significant customization is not necessary. Know, however, that all of these systems require some setup before use. Most systems come with dozens of ready-to-use reports, as well customized reporting tools.

Basic case-management components usually include a contacts module, predefined menus or case windows, various groupware (calendar, tasks, e-mail, notes, phone messaging, etc.), time tracking, document assembly and document management. Some products come with these features built in or link to other applications, such as Outlook, to provide that functionality. Typically, these programs allow firms to easily make their own modifications, such as adding their own fields or windows to the core menus.

Some case-management applications are practice specific and contain modules or screens designed for various types of law (personal injury, bankruptcy, patents, intellectual property, etc.); while others are more general systems that offer the flexibility to handle all practices. Be advised, what some products call "case" management really refers to just the documents related to a case, whether stored online or through your own server. However, most products that label the selves as "case management" offer much more than document management and retrieval.

Products identified primarily as "matter" management systems are geared toward use in corporate legal departments, as opposed to law firms. For example, one application says that it "addresses the specific information requirements of in-house legal departments" and its features include "case management, outside counsel fee and expense tracking, docketing, budgeting, and report writing." Another product says it handles "matter, firm, chronology, docket, invoice, budget, control legal fees and improves productivity."

In many cases, these systems are better suited to tracking the status of work performed by outside counsel than with assisting in-house staff with handling or litigating matters themselves. And, several products say they can handle both. So picking the right program depends on the nature and workload of your department.

Blurring the distinctions

Since many features of the various products overlap, it's natural that vendors use combinations of terms to describe their software.

As an example, one provider calls its product "knowledge case management" software that "provides collaborative support for the daily practice of law through a centralized database. Manages details such as complex relationships, case information, contact profiling, case notes and docketing." That's a fairly good and broad description that would easily apply to a variety of products.

Another describes its system as offering "case/matter management, financial management and time and billing tools." Again, most products in these categories would say they provide those functions.

Meeting your needs

Whatever you choose to call these "information sharing" systems, the bottom line for any firm is whether or not they make a difference in the quantity and quality of your work product. Administrators that have implemented such systems generally agree that it was a firm-changing experience — for the better.

"Case management is the mainstay of our firm," says Patt Small, the Database Administrator at Beasley, Allen, Crow, Methvin, Portis & Miles, P.C., in Montgomery, Alabama. With multiple offices and a staff of more than 200 (and rapidly expanding), this litigation-oriented practice needed to implement a "connectivity" solution that would allow for more informed decision-making among attorneys and provide all staff with the ability to improve client relationships.

"As well as being our record depository," Small explains, "Our system allows our staff to enter pertinent case information, prepare for deadlines, stay in touch with the clients or contacts, store proper documentation on all files and store retention information, if closed files are needed again. Because we are a growing law firm, our foremost need is organization. Our case management system simplifies this process via a user-friendly environment."

For another firm of 40 employees, having several information-gathering and workflow functions available in one program has significantly improved collaboration among staff. Denise Ditta, Office Manager, at Gorayeb and Associates, P.C., in New York, New York, listed her firm's Top 10 areas where the greatest strides have been made:

1. Organization, tracking and processing case-related data
2. Automatically generating file facts/summary
3. Maintaining a complete office calendar/docket
4. Sorting and handling mail
5. Discovery and document exchange
6. Assignment of tasks and follow up through tracker/to-do's
7. Sharing information
8. Document management
9. Communications management
10. Management reporting

Gorayeb & Associates are veterans in this area, having used some form of case management for more than 10 years. The firm switched to a new Windows program a year ago.

Another longtime case management user, Angela DiFabio, Office Administrator at the 18-office Goldberg & Osborne, in Arizona, says, "Since our upgrade to our current Windows system, we have been able to take what we originally developed as a basis for file management to a much higher plateau. We are set up over a wide area network connecting all offices to each other. This makes the sharing of information even greater and file management more consistent firm wide to help all employees manage their time and files more efficiently for a happier client. If the law firm were an automobile, our case management would be our engine."

Who enters the information?

Your office procedures and the program you choose determine how data and information are entered into your knowledge system. Attorneys, the creators and vessels of perhaps your most valuable intellectual assets, can and should enter information. They often don't, however, due to their office culture or lack of basic computer skills. Over time, both obstacles can be overcome if a firm wishes. Many programs make data entry a simple task.

"Data are entered through a wizard template that guides the data-entry person with an easily understood format," Small says of the software program at Beasley, Allen, et al. At her firm, all staff members, including attorneys, participate by entering information related to their own cases. Then, all staff people "share the wealth" of everyone's contributions.

"All employees enter data," responds DiFabio. "[We enter] data at the initial call and [information] continues to be entered through to the closing of a file. Even after the file is closed, if additional information is needed, that information would also be recorded."

At some firms, data-entry functions are the primary responsibility of paralegals or assistants, which also yields positive results. Ditta explains at their office, "Paralegals enter their own cases as we are retained. As a result, there is no longer the need for one centralized data-entry clerk. Each paralegal has been trained and can enter [his or her] own cases, as well as update and input new data. This is an ongoing process [that] is evolving every day."

For consistent information entry, which eventually delivers the desired information output, training is an essential ingredient — both at the time you roll out the system and on an ongoing basis. Since the initial training, Ditta's firm has established data-entry guidelines for staff to follow. "As you can well imagine, this creates a tremendous need for uniformity — which constantly needs to be reinforced."

How do you get them to use it?

Suppose you were talking to a group of paralegals at your firm about their level of document production. You say you could show them how they could cut their document production time by one-third. Do you think they would be interested?

Or what if you had a conversation with some of your firm's associates, and you mentioned that you could help them make more money, be better negotiators and give their clients better service, all without working any harder. Do you think you'd get their attention?

And what if you told the office's partners that they could do a firmwide conflict check, get a status report on all matters they supervise or know all fees billed to date, all within seconds. Would that make them perk up?

The point is, initially tout the benefits your case management system will provide as a means to help you encourage all staff (partners, associates, librarians, assistants, secretaries and other administrative staff) to buy in and use the program.

"All of our staff members, along with our attorneys, are aware that all information needed for their cases is right at their fingertips. Simply referring to the case name and looking up the proper application can answer any questions about a case," says Small. That not only saves time for people, but also saves their "train of thought" and helps them do their jobs more efficiently and improve their ability to deliver improved client service.

What value would you place on answering clients' questions regarding their case status within in a few minutes (or seconds), without having to call them back several minutes or hours later to provide them a response?

The next step in your internal process should be to have all employees get ample basic training on how the system works and how you expect them to use it. And later on, provide some follow-up training to make sure people are using the system properly and have all their questions answered.

DiFabio agrees. "We are providing training and support. We are implementing time-saving strategies through case management and showing the positive working relationships between management, staff and clients by using case management." And by compiling "best practices" to help with shortcuts for more efficient use, DiFabio says, "We show everyone that with the proper use, the case-management program helps save them time and assists for a better flow of their individual cases and for easier management of all of their cases."

Sometimes, however, old habits and processes just do not want to go away. One of the best ways to deal with that symptom is to provide follow-up training on an "often and regular" basis. That's what Gorayeb & Associates has done with tremendous success.

"I conduct brief weekly meetings with attorneys and support staff," Ditta explains. "These meetings discuss ways in which the system is to be utilized, standardized use of the application, and include demonstrations of its use on a projector and screen. Many good suggestions and ideas are generated at these meetings."

Who benefits and how?

While difficult to quantify at first, the benefits you will see over time can be phenomenal, as staff members begin to collaborate more and take advantage of their newfound ability to use and reuse your entire organization's knowledge base.

Ditta summarizes it well: "What value would you put on having the entire contents of all files at your fingertips? Or having the most up-to-date client and contact information so your handling of clients is quick and effective? We have found that attorneys and staff can process cases in less time and eventually expand individual caseloads, without working longer hours."

At Beasley, Allen, et al, Small says, "Each legal assistant and legal secretary can refer to [his or her] assigned cases and be kept abreast from all records, documents and deadlines, which are involved in the case." And she added, "Time management and organization of materials are the main benefits of the software."

Both staff and clients at Goldberg & Osborne reap the benefits. "It helps them to establish a stronger working relationship with their clients, making it easier to move their cases along in a timely and efficient manner, which increases client satisfaction, as well as self-satisfaction for doing a great job for your client," says DiFabio.

From an administrator's perspective, the vast collection of data and information stored in your system is transformed into knowledge (some may call it wisdom) that enhances your ability to manage both staff and issues. And you may want to look for a system that provides the ability to handle private or non-case related files, such as personnel matters.

For handling the demands of larger organizations, DiFabio says, "I have been able to establish stronger teamwork and cooperation, and I am able to manage each individual office without actually going there through reports and computer file reviews. Likewise, I am able to recognize warning signs and problem areas quicker and provide consistent leadership at all locations. It has saved me a tremendous amount of time in duplicating efforts, which has freed me up to be more available for management issues."

The reports that you, as an administrator, and others can extract from your ever-increasing wealth of information will be the fruits of your labor. "As the Database Administrator, I can run reports as needed for all types of queries set out by the firm's attorneys as well as other personnel in the firm," says Small.

Ditta echoes that sentiment. She answers, "Reports, reports and more reports," when asked what her personal favorite feature was. She listed as most important the ability to track critical deadlines and retrieve a variety of case status reports.

Which way to go?

The virtues and benefits of knowledge, case or matter management systems are evident and plentiful, and many of these systems have been field tested for years with highly successful outcomes. So, the question to ask yourself is not IF your office should implement one of these programs, but rather which one would best fulfill your organization's needs.

To get a more detailed explanation of a product's features, the various vendors will supply you with additional information. Most of these providers' Web sites offer demos you can download. To help you narrow the crowded field to those choices best designed to achieve your aims, you might want to consider the following issues before you go shopping:

- *Can you afford a highly customized program and the upkeep such a system requires?* Some products offer "shells" or modules that can be tailored to your firm's exact specifications. Often, the vendor must do this level of custom programming. Although it can take a little longer to produce and may cost more to implement and maintain this kind of the system, you may need or desire such a solution.
- *Will an "off-the-shelf" system that offers customization features you can perform yourself be the best choice?* Many products include an administrative ability or tool kit that would allow your firm to make significant modifications to the screens, fields or other functions in the system, without requiring additional programming. These systems are generally more affordable than a completely custom-written application, but you are limited to the scope of changes the vendor's tool kit provides. You may find, however, that this degree of customization will be more than adequate for your office's needs.
- *Is the product the right "fit" for your office?* Here's an analogy: If you wear a size 8 shoe, then most likely a size 7 will be far too constraining and uncomfortable to wear for any length of time. And odds are a size 9 is more shoe than you need and would require a lot of padding in certain places just so you could walk without stumbling. While selecting an office automation system is a more involved and impacting decision than buying a pair of shoes, it is critical that the program you implement be robust enough to handle your office's staffing needs and technical platform, but not unnecessarily large or complex either.
- *As you investigate knowledge/case/matter systems, you will find that some programs cater to the needs and requirements of smaller firms and others are designed for larger organizations.* And as you would before you buy any program, always ask for a list of references that use their software. Make sure their references include firms that have approximately the same number of attorneys and staff and technical environment as your office, and then talk to those firms about their experiences purchasing, implementing and using the program.
- *Do you want a practice-specific product or one that contains the ability to manage several different practice types?* As mentioned earlier, several case-management programs focus on certain specialties. If your practice is limited to one of these areas, you may find a perfect fit. If your practice involves many concentrations, a more general, flexible program may allow you to have one application that works better for all your departments or matter types.
- *If you're an in-house counsel, do you want a product more geared toward monitoring the work of outside counsel or one that will help you better manage your own work product?* Or do you need one that does both? Different corporate legal departments have different "tracking" requirements. Luckily, several available programs are designed specifically to handle these needs. You will most likely find that some are better at helping you track the status of work performed by outside counsel, while others excel at assisting with the creation, sharing and supervision of your own staff's work.

Whichever path and product you ultimately choose and whatever label you give it, the key to using technology for tapping the potential of your existing knowledge resources and distributing their power to your entire organization relies on the development of an environment that embraces openness, sharing and collaboration. ✜

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