

Let's Get Together



By Jamie Ann Tyo

Collaboration technology gets firms wired and working faster.

Jeff Norman is getting used to the latest trend in client requests. A partner in the intellectual property department at Chicago-based Kirkland & Ellis, Norman is familiar with client interest in documents, meetings and court dates. Increasingly, clients also are requesting better collaboration through technology. "It depends on the client," Norman said. "We are seeing everything from clients who want a simple [electronic] bulletin board to some that want a full-blown extranet with all the trimmings."

Norman's clients are not unique. Attorneys also are becoming interested in collaboration technology as they see how effective it can be to set up virtual workspaces where groups can swap notes, share thoughts and tinker with documents. Because the technology can be used at a variety of levels, from basic

extranets to multilayered document collaboration and online meeting rooms, attorneys can customize their tools to whatever level best fits their firms' needs.

At the same time, collaboration technology does have its downsides, according to Norman. One major concern while collaborating through technology is the possibility of transferring embarrassing or perhaps case-destroying metadata. The seemingly informal nature of some online collaboration tools, such as e-mail or instant messaging, can lead to off-the-cuff legal analysis.

"Unlike a phone call, the information will exist on multiple computer systems and will potentially be discoverable in litigation," Norman said. In addition, the cost of integration, customization, maintenance and training often can be daunting, particularly for smaller firms.

However, while it's impossible to control what a junior associate might say in a heated Instant Message debate, the other problems can be addressed. Software programs can eliminate metadata, and vendors are increasingly supplying pared-down, affordable versions of collaboration programs for the smaller firms. The trend of electronic collaboration is here to stay. "A lot of what lawyers do is document based," Norman said. "[Electronic collaboration] helps manage documents and integrate them with the workflow. That is what makes it valuable."

According to Kent Zimmermann, vice president of business and legal affairs at Hubbard One, makers of FirmConnect (now owned by Thomson), firms doing mergers and acquisitions are especially fond of electronic collaboration. This is because in such cases, multiple parties, such as tax attorneys, advisors and executives, are involved. "It used to be that you would pull together all the documents and put them in a single room and have everyone fly in to look at them," Zimmermann said. "It was a pain, but necessary. Now, firms are using virtual data rooms that replace the need for travel and makes the whole process much faster and more efficient."

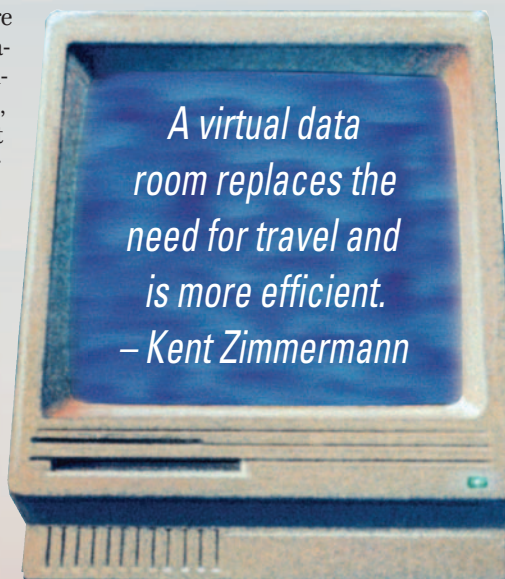
Finally, many firms have turned to collaboration technology to ensure compliance with security directives such as Sarbanes-Oxley, which mandates acceptable levels of record maintenance and corporate accountability. By keeping track of records electronically and creating a central repository for them, firms can maintain an appropriate security level without fretting about compliance. Zimmermann also noted that beyond corporate legal representatives, extranets are being used to keep board members current on pending litigation.

The Basics

E-mail, of course, is the ultimate in online collaboration. According to *LAW OFFICE COMPUTING's* 10th Annual Readers' Choice Survey (see August/September 2004 *LAW OFFICE COMPUTING*), 99 percent of law firm respondents use e-mail daily. However, as spam bombards Inboxes, and more than one attorney has smacked his or her own forehead after hitting the "Send" button and realizing the message was addressed to the wrong person, it's clear other methods of communicating and sharing documents are needed.

There is a plethora of simple and inexpensive document collaboration software available, including Microsoft's "Shared Workspaces" feature in Office 2003 or the document routing feature in Corel WordPerfect Office 12. There also are document template sharing programs, such as LexisNexis' HotDocs, where attorneys and support staff can save time and effort by sharing important templates.

Another low-cost collaboration tactic to keep your eyes on is wiki, an electronic workspace that lets firms collaborate without having to invest in higher-level software programs (see "The Wonder of Wiki," August/September 2004 *LAW OFFICE COM-*



PUTING). A wiki is somewhat of a throwback to early electronic gathering spaces that relied on DOS commands. Users can post documents and anyone with a username and password can view and edit them.

Although firms have not caught on to the wiki craze yet, some in the technology industry are confident the barebones technology will benefit smaller firms in the future, according to Rick Klau, co-author of "The Lawyer's Guide to Marketing on the Internet," Second Edition published by the American Bar Association. Klau said he joined a startup company that is working to bring wiki capability to the legal field. "Some programs are highly complex," he said. "What we are creating is a lightweight, easy-to-build extranet. It will be perfect for smaller firms looking to differentiate themselves."

However, if your firm is looking for a tried and true collaboration tool, creating a standard intranet or extranet might be the way to go. According to *LOC's* Readers' Choice Survey, more than 25 percent of law firms use an intranet or an extranet, up from 18.1 percent in 2003. Basically a private Internet network, an intranet allows a firm to set up what looks like a Web page, but with access restricted to only the firm's networked computers. Firms can post memos, addresses and phone numbers, calendar information and countless other information on an intranet. To top it off, the software is inexpensive and simple to maintain.

Michigan-based Honigman Miller Schwartz and Cohn set up a successful intranet system, where employees post internal information for the firm. "We post a wide variety of things," said Carl Herstein, a partner at the firm and chairman of its Technology Committee. "[It has] an attorney policy manual, an employee handbook — all sorts of information people might need on a regular basis that you want to make sure is updated." The firm posts anything from directions on how to get to the office, to information on ordering a meal or getting a cab, Herstein added.

Like an intranet, an extranet can boast a variety of pages that contain documents, electronic bulletin boards, schedules and news. However, an extranet can be accessed from anywhere there is an online connection and by anyone who has a password. Attorneys can securely collaborate with clients and other attorneys through an extranet.

Extranets and intranets can be created by a firm's Information Technology department or other tech-savvy individuals. However, firms predominantly use vendors for the task. Vendors offer software that allows firms to set up their own extranets or intranets, or a hosted solution that allows a firm to route everything through the vendor, thus avoiding security updates and software support issues.

In the past, the price tag might have been a roadblock to firms adopting extranet technology. Some software packages had starting prices of around \$80,000, with support and services making that total even higher. "We believe that some attorneys just didn't want to make that kind of initial investment," Zimmermann said.

However, as software prices have dropped, this might no longer be an issue. With hosted systems, it's possible to pay on a per individual extranet basis. At about \$500 per extranet, the price is gentler on a firm's budget.

Advanced Legal Web Collaboration

Although simple intranets and extranets can be created for document control and communication, some law firm-specific products go a step further, aiming to make the most of Web-based collaboration while addressing the specific needs of those in the legal profession.

West Workspace, Legal Computer Solution's LextraNet and LexisNexis Portal powered by Plumtree Software Enterprise Web Suite all are programs that combine extranet technology with document management, electronic discovery, calendaring programs and more. Features in these types of programs include client and counsel document collaboration, access limitations, document search capability and searchable contacts directories.

"Collaboration technologies are not just about working with clients," said Joe Swimmer, LexisNexis spokesman. "They can bring together seemingly disparate areas such as document management and customer relationship management and tie those applications together."

As firms begin to investigate how fully these technologies can be employed, Swimmer said he foresees extranet technology being used for all types of collaboration, from client meeting notes to expense report questions for the accounting department. "These technologies create communities where people don't have to know about technology in order to participate," he said.

Early Collaboration Success

Whether attorneys and support staff are using top-of-the-line tools or something as simple as a firm's own intranet, better communication results in time saved, costs cut and client satisfaction.

Finkelstein, Thompson & Loughran, a small, Washington, D.C.-based firm that specializes in complex class action litigation involving securities fraud, antitrust violations, consumer fraud and products liability, used what was considered cutting-edge collaboration technology 10 years ago.

According to Mila Bartos, a partner at the firm, Finkelstein Thompson used a thin client server with a database hosted in Iowa. Counsel all over the country could access the database for document review, but it was a costly and inefficient process. "We were anxiously awaiting the day when we could use something more efficient than that, or the alternative at the time, which was going through warehouses stocked with boxes looking for a document you know somebody had seen at some point during litigation," Bartos said.

In 1999, the firm became involved with the Microsoft antitrust litigation, which involved thousands of documents, all in different media. According to Bartos, it was then the firm decided to find a more efficient solution. "Having had our thin client server experience, we were versed in what we wanted," Bartos said. "We wanted a system where attorneys all over the country could look at one page on a screen that had a document loaded in TIFF, and the other screen had subjective and objective coding available." With this technology, attorneys could look at documents on one screen and provide input about the documents on the other screen.

"When we started the litigation in 1999, there were not a lot of vendors who provided that particular remedy," Bartos said. "Most of them had the capability of viewing documents once they were loaded in TIFF ... but to try to find the coding piece of the equation was a little bit more difficult." The firm ended up working with LextraNet, a vendor Bartos said the firm still uses today.

"They had a lot of good features behind them," Bartos said. "They worked on the Oklahoma City bombing trial on behalf of the court. The principals of LextraNet were both lawyers, so they know what a lawyer needs."

Finkelstein Thompson worked with LextraNet to build a database that was accessible to attorneys throughout the country, and included the coding portion Bartos was searching for. "The attorneys were able to complete projects for us as needed, related to the documents," she said.

A Two-fold Approach

According to Herstein, no matter how good a technology is, it never will be cost effective if people simply don't use

it. "The most difficult thing with new technology is to introduce it to the people who actually need it, get them comfortable and let them find ways to make use of it in their practice," Herstein said. At Honigman, the IT staff takes a hands-on approach to technology training. Rather than relying purely on seminar-type training, Herstein's firm introduces new technologies during internal initiatives, with the expectation attorneys then will use it in different areas of their practices.

"Our experience has indicated if you simply give a one or two hour seminar on something, two weeks later no one can remember how to do anything," Herstein said. "On the other hand, if you can get people to use something on a regular basis so they get comfortable with it, then they are willing to make greater use of it for other things."

The firm introduced West Workspace to attorneys by using it as a platform for a technology initiative. The Technology Committee called on a few dozen attorneys from various interest groups and committees and taught them how to logon to Workspace, where the attorneys can read information about technology projects, post comments, respond to polls and more. "So they are introduced to [Workspace] by using it in a very nonthreatening, easy way. At the same time it's also accomplishing the substantive task of keeping those projects organized." Through this method, Herstein said attorneys at least get comfortable with the technology, and then it spreads throughout the firm for use in different practices.

For example, the firm's benefits department in particular took to Workspace. "[They say] their clients just love it," Herstein said. "They have the ability to go to Workspace to find plan and benefit documents, help keep track of compliance, and so forth. It's a very popular arrangement with those clients."

This technique also came in handy when the firm decided to begin using engagement letters. "We created a very complex HotDocs engagement letter form as a template for what could be a relatively simple or relatively complicated engagement letter," Herstein said. "One of the benefits of doing that was it was a teaching tool. It had substantive benefits of providing people with precedent on how to do the engagement letters, but at the same time, it familiarized a lot of people with how to use HotDocs."

Implementation

It's plain to see there are positive results for firms using advanced collaboration technology, but implementing it isn't an easy task. New Orleans-based Jones Walker, a 200-plus attorney firm, spent two years preparing for the rollout of LexisNexis Portal powered by Plumtree. When all the preparation came to fruition earlier this year, the IT staff at Jones Walker could not have been happier.

"It's been very positive," said Ken Orgeron, chief information officer at Jones Walker. "It's probably one of the better projects we put in this year." Prior to implementing the portal, the IT staff marketed the new technology by posting signs throughout the firm's common areas, stating "The Portal is Coming." They spent a weekend bringing the portal online, and when the users returned on Monday, the firm's intranet had been replaced by the portal Plumtree. The attorneys were able to access "viewlets" through the portal, which instructed them how to use the portal itself. "So the portal will actually teach [the users] how to use it," Orgeron said.

Orgeron said attorneys already are making use of the portal. Attorneys can view documents, comment on them, read other comments, receive e-mail notifications on their desktops or on their BlackBerry devices and more.

"We are really trying to foster workflow within the firm and use it as a tool to track what work is being done, who is doing the work and when the work is due. It's really a method of collaborating within the firm," Orgeron said. "As firms grow, you are no longer limited to geographical location. You have attorneys working on matters across states and across the country. This is always open, 24/7; they can connect to it from anywhere in the world."

Orgeron noted the feedback and requests he has received from attorneys sometimes is surprising. "We just got a question from one attorney who wanted to know if he could add more weather portlets so he could see what the weather was like in several different places, on the screen at all times," he said. "We thought, 'OK, we will look into that,' although we never expected that one."

According to Orgeron, Jones Walker has not yet implemented an

extranet for client communication, but is planning to offer a beta site within a year. "Our main concern is security," Orgeron said. "We want to make sure it doesn't take a tech person to manage this because then it's really a failure as a project. It should be something that you can turn the technology over to the every day users, and they can decide who has access to which documents at what time."

When Jones Walker tested security models for the project, it was based on the idea there would be four user roles — the Jones Walker attorney, the client, the co-counsel and the opposing counsel. Each role needed to be assigned varying levels of accessibility to the portal.

"One thing we thought was very important was to respect our clients, in that we are giving the site to the client to use," Orgeron said. "It's not a Jones



Walker site. It might be hosted by Jones Walker, but it's actually our client's extranet. So if a client asks to share information only between the client and the co-counsel, not Jones Walker, then we need to respect that." The most time-consuming part of implementing the portal has been setting the security levels, Orgeron added. "We might be overly cautious on security, but to us it's very important."

The Road Ahead

Despite the promises and current successes of collaboration tools, particularly post-Sept. 11, when travel became difficult for both attorneys and clients, Norman said he believes the technolo-

gy still has a way to go before it's as useful as it could be. And, even though Sept. 11 sparked an interest in online collaboration, he said technology development in that arena was slowed because of money being flowed into technologies to address new security concerns.

However, as firms become comfortable with new security policies, interest in collaboration technology has again begun to grow, and so does the technology itself, according to Zimmermann.

It was only four or five years ago that extranets began appearing in law firms, he pointed out. At the time, extranet products pulled information together into isolated islands of data that were not connected to a firm's other resources. Without the advanced capabilities some programs offer today, such as integration with calendars or cross-referencing with a knowledge base, the technology was more of a data storage system than a true collaborative tool, Zimmermann said.

Then, about a year ago, everything seemed to change. Suddenly, Hubbard One's phone was ringing far more frequently, and most of the calls were about extranets, Zimmermann said. The technology and user interface had finally advanced to a point where it could be useful and easy to use. Now, firms that were slow to pick up on collaboration technology are beginning to see its advantages. Firms that already were on the cutting edge are taking advantage of the more advanced features.

Honigman, for example, is in the process of having the entire firm maintain its calendar online. "That facilitates collaboration and makes for enormously more efficient use of time," Herstein said. "We have a common e-mail system with Novel GroupWise so everyone can have a calendar to see whether someone's time is blocked off."

This can save hours, he said. Rather than calling around to get in touch with a person, or making an appointment, you simply can check their calendar online. However, getting an entire staff of several hundred people to maintain an up-to-date online calendar is no easy feat. "It's just a tool," he said. "It might be the fanciest kind of hammer in the world, but if nobody knows how to use it, they might still use their shoe to drive a nail." **LOC**