

# Briefing

KNOWLEDGE AND PROCESS

JULY 2014

*Interview*

## **Stuart Hopper**

Baker & McKenzie's M&A KM leader on process, projects, pricing and cost pressure. And a bit of KM, too

*Feature*

## **Back to the future**

Knowledge is driving forward sharing and collaboration, and going back to its roots in process improvement with fresh eyes

*Industry views*

## **Powering knowledge**

Industry knowledge from suppliers for knowledge and information leaders

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# Inside the hive mind

A surreal illustration of a man's face, likely Albert Einstein, with a cityscape inside his head. The city features a large, ornate building with a dome, a clock tower, and a bridge. The scene is set within a circular frame, suggesting a window or a portal into the man's mind. The overall style is a mix of realism and fantasy, with a focus on the connection between the human mind and the urban environment.

*How knowledge is shaping value, profitability, project management skills and processes inside tomorrow's legal businesses*





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**David Coleman**

Head of Legal Information, Macfarlanes



# Going back to our roots?



Knowledge as an art, an area of legal business, is a niche one. Or, at least, that's kind of what's happened to it. Cloistered KM directors fussing

over academic texts on impenetrable information theories, right? Think again. Knowledge is going back to the future.

In this issue of **Briefing** we're not talking about KM. We're analysing how process and project management and knowledge combine to create new ways of working and better client value – and how the rise of those disciplines will bring knowledge leaders and their worlds to prominence in the future of the legal market.

Our interview with **Stuart Hopper at Baker & McKenzie** kills the myth that even high-end, complex work like M&A can't be process managed, while our feature, including interviews with leaders from (ex-)Addleshaw Goddard, DLA Piper, Herbert Smith Freehills, Linklaters, Mayer Brown JSM and Pinsent Masons, asks how knowledge is reshaping the delivery of legal services.

Plus we have great supplier content, including a full-length case study on **Charles Russell's use of Thomson Reuters Solcara**. Enjoy.

Should you or your firm be in **Briefing**? Email me at [rupertw@lsn.co.uk](mailto:rupertw@lsn.co.uk) – it's good to talk.

**Rupert White**, editor of **Briefing**  
[rupertw@lsn.co.uk](mailto:rupertw@lsn.co.uk)

## Interview: Stuart Hopper, Baker & McKenzie



Baker & McKenzie's M&A KM director sketches a blueprint for a future of strategic knowledge in legal – where process and project management rule, and value is delivered direct to clients

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## Feature: Back to the future



We find out how knowledge is tapping networks and reshaping delivery in legal to create value and profitability, and how KM is going back to its roots in process improvement

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*All interview photography in this issue: Jonathan Goldberg*  
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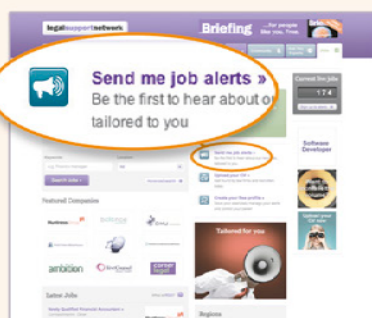
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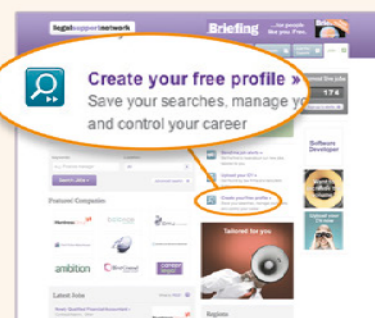
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## In search of success



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This month's interview with **Stuart Hopper of Baker & McKenzie** was transcribed by:



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*The Briefing Interview*

# Progress through process

*Knowledge leaders are bringing the function beyond old boundaries, delivering value directly to clients. Stuart Hopper, director of KM in Baker & McKenzie's M&A department, sketches the blueprint for a future of strategic knowledge in legal – where process and project management rule*

*Words: Rupert White. Photography: Jonathan Goldberg*



**Stuart Hopper is at the coalface of how law firms are changing their processes and improving the way they deliver legal work. As a KM director in Baker & McKenzie, he works for one of the world's biggest firms (depending on how you cut the cake), and as a KM director in an M&A practice he's in an area many would have thought least touched by process and project management. But if you were thinking that, you'd be wrong.**

When it comes to knowledge, Hopper is all business – the role of knowledge in a legal business is to support the business. “There is a risk that KM, and I suppose every other business support function, can become a bit navel gazing – talking about KM issues without anchoring them in the context of whatever it is they're supposed to be doing for their businesses. Of course it's a good idea to get people to exchange best practices, but you've always got to be aware that you're there for a higher purpose.”

Though the US and UK worlds of legal have significant differences – especially in the area of knowledge – the routes KM has taken in the past on each side of the Atlantic have in many firms been something of a dead end, he says. “In UK firms, KM has been positioned as more inward-facing, focused primarily on specialised content creation, development and maintenance and drafting precedents. In the US, it's a bit more around software. But I don't think software or substantive legal content should be the be all and end all of KM.”

Instead, knowledge needs to become a cross-business role that's deeply involved in process improvement and project management – reshaping how a firm delivers its work. And the driver and the lever for this to happen may well be the new world of process improvement and project management.

There's great value for a firm in having KM be connected across the business, says Hopper.

For example, if a legal specialist creates a comparison document looking at public filing requirements in a number of jurisdictions, this is a knowledge thing – but it's also potentially a business development tool, because it can be passed to those involved in pitching as collateral. It can even be used to deliver direct client value, which leads to KM's potentially most valuable role – as part of what Briefing might deem to be key account management.

“KM I think has a role in understanding what the client's requirements are and feeding that back into the business processes of the firm.” Hopper says the future for the role lies in rethinking what the knowledge function in the business is for – and thinking about it as linked completely to the business's strategic goals.

“If a partner speaks to a key client and finds out that they like to be serviced in a certain way, transmitting the knowledge of how that client likes to be serviced across all the potential teams who may service that client going forward is probably a knowledge management function, because it's managing your knowledge of your client.”

Seeing knowledge in this way pushes it heavily towards the areas of process improvement and project-style working, says Hopper, although it's only part of what knowledge people should do. “It's all about identifying silos and trying to break them down. Process improvement is something that absolutely should be KM-driven, because a KM person should be able to get the overview of the entire process.

“In an M&A transaction, for example, from beginning to post-completion and review, identifying what's learned and putting that into improving the process next time should be something a KM function should have its arms around.”

Project management and project process



# New Business Intake is Too...

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Efficiently taking on matters is critical to the practice of law. Today, several market trends are putting new pressures on law firms to transform the way they evaluate and engage new business:

- **Clients** expect greater service (and want to pay less for it)
- **Lawyers** want to start work immediately (sometimes before conflicts are cleared or matter numbers are issued)
- **Firms** want to more carefully evaluate the clients and matters they accept (to avoid surprises or unpaid bills)
- **IT and Risk Teams** are eager to provide lawyers with easier tools, faster service and a pain-free experience

Thriving in this environment requires an innovative approach to intake and conflicts — one that allows firms to act quickly (while still rigorously evaluating new matters), to delight lawyers (especially on mobile devices) and to easily change processes over time (without outrageous delays or expense). In short, intake must evolve.

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improvement should therefore be very close to KM's heart – and in turn it puts KM at the heart of a successful firm.

This could also lead to a change in how knowledge people and their leaders 'live' in a firm. Hopper quotes a magazine interview with Johnny Nichols at Bird & Bird from 2008, who said he considered his role "to be about adding value to the business and understanding the business model". "I think that would be a perfect quote to summarise what KM should be doing," says Hopper.

Hopper is being cute because Johnny Nichols is, in fact, director of HR at Bird & Bird – the interview was with Personnel Today. His point is that HR as a specialism in legal has followed a possibly instructive path for KM: the Ulrich model. David Ulrich, a US business academic, put forward an idea of restructuring HR in the 1990s around 'HR business partnering', wherein HR people work closely with business management to achieve shared organisational objectives, especially designing and implementing HR systems and processes that support strategic business aims. KM could, and perhaps should, learn from this.

Most of the Ulrich model could map from HR to knowledge, says Hopper. "For me, where KM should be going is in thinking about strategic future focus, strategic partnering with the business and the operational stuff at the other end of the continuum. The strength of focus would depend on what the business wants from its KM function."

At Baker & McKenzie, knowledge leaders like Hopper run project and process management training, teaching others about

balancing scope time, cost, quality, risk and resources in a practice. But whatever process or project methodology you're using, he says, "PRINCE2 or Six Sigma or Lean or Waterfall Chart, in the transactional context of a law firm it's about treating the legal process more as a project and less as a purely legal problem".

*"We're moving from a situation where firms would price to scope towards one where they're now scoping to price."*

"That means having a clear scope and understanding of what you're meant to be doing, clearly understood by you and your client, and then clearly transmitted by you to your transaction team, with parameters. Cost is obviously very important nowadays so you need a clearly understood scope of work and cost parameters.

"We're moving from a situation where firms would price to scope towards one where they're now scoping to price. If you're presented with a fixed price, what can you do for that price? The discussion is now that way round. Scoping is critical to managing a project."

To get clarity internally and with the client, especially around cost, and to be able to scope to price, you need to know what the work may cost you to do and to be able to rely on that

information. You need information from a lot of systems and departments across the business to be able to make these process changes, says Hopper.

“You need to know who you’ve got, what level those individuals are at, what their experience is, and what their charge-out rates are. You need information from your billing systems to capture how much work like this cost last time. You want to capture information about the distinction if there is one between what you quoted and what you actually billed. If you haven’t got a unified system, [you at least need] systems able to talk to each other.”

This intrinsically links project and process management to matter management (and puts KM’s boots on more turf). In fact, says Hopper, he’d “probably use matter management and project management interchangeably”, especially when talking to those at the coalface. “Matter management is probably more familiar to lawyers, but what you’re really doing is bringing the methodologies of project management down to the level that is understandable in managing legal matters.”

Many law firms don’t work in this matter- and project-managed way, but it lies in their future – even in M&A. Making process work in as much of a firm’s work as possible, says Hopper, is a matter of rigorously applying

project management thinking to it.

“The entire process needs to be reviewed by every firm, and it needs to be broken into phases of the transaction, and each of those phases needs to be investigated to work out where the process can be improved. It varies from transaction to transaction with your



*“One of the areas that could do that would be better collaboration tools, for example – getting teams collaborating more effectively and more efficiently in real time.”*

client, but there are certain things you can do to create more efficient working.

“One of the areas that could do that would be better collaboration tools, for example – getting teams collaborating more effectively and more efficiently in real time. Another area is better and clearer collaboration with the



client, such as in the due diligence phase of a M&A transaction.

“In an M&A transaction, there are areas of investigation that either are better carried out by the client or carried out by the client in collaboration with the law firm – because they obviously know that industry probably better

from their law firms – negotiating well doesn’t necessarily mean negotiating hard [or fast].”

Nonetheless, it’s important to see every piece of work in the context of project managing a transaction across the life of the transaction, he says.

You don’t need bespoke tools or things

IT have built to be better at this collaboration lark – the world is gradually turning to off-the-shelf solutions for this, says Hopper, and they can be a primary process driver even in traditionally unpredictable areas like M&A.

Whatever tools you turn to, this kind of improvement has to happen in firms, says Hopper, because client pressures are creating the drivers for it.

“Historically we had an hourly billing model, and there was less incentive on both sides probably to give a final figure. But I think there’s been a huge change in that dynamic.

For every other service they receive, they are able to get a price – and there’s no reason why legal advice should be dealt with any differently on their side.”

Clients appreciate there may be creep, but want significant solidity on pricing. “It’s now about risk sharing. Historically, all risk was on the client, and what we’re seeing now is the client pushing back and putting some of the risk on to the law firm.”

That risk comes in two forms: financial and commercial. Financial because it’s driving more commitment to pricing (get it wrong and you might take a bath) and commercial because, as Hopper says, clients want lawyers to give them



*“Historically, all risk was on the client, and what we’re seeing now is the client pushing back and putting some of the risk on to the law firm.”*

than the law firm. So better collaboration with the client and better internal collaboration are two areas that I think are ripe for further work.”

Areas like negotiation are still ‘manual’ and unpredictable, but “that’s an area where clients understand that they are getting value



options, not caveats.

“Clients want commercially sensible solutions, and to provide the solution sometimes a firm will have to come off the fence and say: ‘In our professional opinion possibility X rather than possibility Y might be better. Here are the downsides, here are the upsides.’ That is where clients see value. They don’t see value in someone simply saying ‘you can do this or you can do that’ with a page of caveats and assumptions.”

This takes us all the way back to using the knowledge function as a way of understanding clients’ requirements and binding that to processes and behaviour. BD, for example, will possibly be the right function for gathering client-specific information, he says, but KM should transmit that across the organisation and add the understanding around why it is important.

“Why is it important that we know how client Y wants us to behave, or that we in

London understand how our global client instructing a local office has set something out? It’s capturing that institutional knowhow – capturing, contextualising and acting on knowledge is something KM should be doing.”

These are terms often used when having discussions about (whisper it) big data. It certainly maps to how Eversheds’ then-CIO, Paul Caris, described legal’s big data challenge to Briefing back in December 2013 – documents and phone calls and emails and other items of ‘content’ or knowledge are law firm’s big data, and any firm that can do more with the analysis of that is in a good position.

Seeing this in context with the business of law brings everything together. “If you’re crunching data to get analytics, what do we do with that data once we’ve run the analysis? [Once you’ve crunched numbers to get] cost of production, what does that mean, and what do we do with it?

“We have to pass that information back to anyone who is likely to be entering into that



particular kind of transaction, and we want to be capturing more of that information as it comes in so that we can finesse the models that we're using."

This needs a feedback loop – which is where process improvement comes in, and this is, in essence, continuous improvement. And behind continuous improvement is something law firms haven't always been terribly good at: the ability to change.

"You've got to retain the flexibility to understand when a process needs to be changed. The risk with process improvement methodologies is that you keep improving incrementally but you miss the disruptive modelling or technology or method of working that could render your incrementally improved processes obsolete. That's one of the areas that law firms are struggling with at the moment.

"What we're seeing is the legal market moving from a position of low client capture to high client capture."

OK, stop. This is what 'capture' means, here. Hopper is referencing a 2009 academic article in the *Journal of Management Studies* unearthed as part of his MBA research (finished last year) by Malhotra and Morris: *Heterogeneity in Professional Service Firms*. They found that where clients control or have a strong influence (capture) over the process or production of a professional service (which is highly similar to the position GCs are now in), they are better able to judge how to value and pay for it.

"The suggestion is," says Hopper, "that in professions where there's a high degree of client capture, they are more likely to have fixed-fee pricing imposed by clients, and legal is going this way."

It's about information asymmetry. In the old days clients didn't know very well what lawyers did, so lawyers could charge accordingly. "Now clients have a much greater understanding,

and the information asymmetry is much less. Clients have a much greater understanding of the service that is being provided. Increasingly they are staffed with people who have worked in law firms, and know what's involved."

This greatly reduced information asymmetry is killing the bargaining power of the law firm. Firms now also have to react to new models in competition with them, such as LPOs, and react to pressure on pricing by thinking of other ways of delivering their services.

Process improvement can play a huge role in reacting to these enormous market shifts. It can even become a primary differentiator. "There are firms that actively market the process changes they have introduced as one of their marketing features, and some of the things they're doing are very innovative."

If legal businesses embrace process improvement, even for those areas litigators would reel in horror for saying they could be process managed, there is huge advantage to be gained. And, if knowledge can lead the way to this promised land, its time in the limelight will be nigh. A decade ago, in the halcyon, pre-recession days, the concentration was on HR during the 'battle for talent'. After the crash, firms turned to cutbacks, and then growth – BD – took over. Is KM next? "At some point, KM will move up the agenda when law firm management understands that KM is more than simply content creation or a library function."

Project management and process are the key to that, he says. "There are sound economic drivers for that, and I think firm management understands it, and it ties in with what they're hearing from clients wanting more for less and being under cost pressures. The efficiency driver won't go away. How do you manage that? By capturing the knowledge you have around how to be more efficient, how to manage work better." ●



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Feature

# Back to the future

*The role and place of knowledge in tomorrow's firm is closer than ever to the commercial disciplines, driving forward sharing and collaboration, and going back to its roots in process improvement with fresh eyes. Declan Tan finds out how knowledge is tapping networks and reshaping delivery in legal to create value and profitability*





**Legal knowledge is going back to the future. From it's days in process management, it has come a long way – some would say it's lost its way a few times, too – but knowledge leaders are turning back towards service delivery and helping drive project-style working, collaboration and client connections. It's almost like the good old days – but smarter, and more competitive.**

Understanding clients' businesses and applying that knowledge to the relationship toward mutual growth are very much the themes of the day in legal. That too means drawing on a disparate (and growing) set of skills for the KM function. For Mark Gould, former head of knowledge management at Addleshaw Goddard and now independent consultant, legal faces a KM challenge unlike any other professional services business. "There's a constantly flowing fire hose of cases, statutes, regulations – unlike an architect, say, who can be fairly confident that gravity's not going to change." The challenge is keeping on top of that mass of changing information while trying to make incremental and possibly significant change in the way firms work.

Megan Jenkins, joint head of central knowledge management at DLA Piper, says it's KM's opportunity to harness internal capability for a better-connected, more efficient firm. "Fee-earning lawyers feel under pressure to get onto the next deal each time. KM lawyers have easier opportunities than fee earners to step back and look at efficiency and processes – those connections and structural improvements that don't have time to surface when you're going from deadline to deadline."

Simone Pearlman, head of legal knowledge at Herbert Smith Freehills, says "clients are recognising the real value of an experienced lawyer in the knowledge role – they're thirsty for the expertise and value in it" – cementing the need for legal skills as well as knowledge

skills in the role.

## Knowledge and the relationship

In a commercial environment of constant downward pressure on costs, both for clients and the firms serving them, knowledge is making itself invaluable by getting more commercially aligned. Rachel Wood, head of central knowledge management at Pinsent Masons, says being internally and externally focused requires a shift toward commerciality.

"We have to prioritise what work we do and move our focus away from some things that traditionally were done in KM, such as basic and internal precedents, internal knowhow, updates, and so on. Those things are still important, but law firms need to spend more time on client issues and on efficient working. Knowledge should be the machine that drives, manages and pulls together a combination of people, processes and technology that will deliver the efficiencies clients are asking for."

At Linklaters, the knowledge and learning function has both an internal and external remit. Head of client knowledge and learning at the firm is Ian Rodwell, who says that in-house counsel are themselves trying to prove value to their 'clients' – their own organisations – as they strive to get closer to the strategic heart of their businesses.

"One question for clients is how to embed the in-house team within the business yet continue operating as a team, and not as a number of individuals assigned to different business units. Their internal clients appreciate local presence and local understanding."

"In our recent report, Knowledge to Action, one recently retired general counsel told us that when he started at a pharmaceutical company as a junior lawyer, he was sent out on the road with a sales rep marketing products



to doctors. When he asked why that was, he was told: ‘If we don’t sell any pills, there’s no need for any lawyers.’ It showed the importance of understanding the nuts and bolts of the business. It’s a mirror image for what law firms try to do with their clients.”

Wood at Pinsents says that clients are, however, getting closer to understanding what they want. “A decade ago, for example, clients would ask for access to all a firm’s knowhow, so many hours of training a year, access to our libraries, a hotline – but clients have realised these aren’t the things they really need, though they’re nice to have. Because of their own internal cost pressures, they have a better idea of what they actually want from us. It’s much more about working in partnership, much more about the bottom line and how much they’re paying for outside legal advice.”

## Collaboration within and without

The pressure on firms is to find ways to work differently to meet the clients’ expectations in terms of speed, costs and collaboration – and to grow profit and market share for the firm.

One way to get a clearer insight into the nature of the client’s business benefits the client as much as it does a firm – secondees. For Rodwell at Linklaters, sharing the insight in an engaging way is crucial to developing the collaborative spirit.

“Working side-by-side with your client,

soaking up the culture, their context, the pressures they work under, the challenges and types of questions they get asked – that’s the relationship with the business. And one thing we’re starting to do now is capture that from a returning secondee.”

Rodwell says one simple and engaging way of doing that is through video. “It doesn’t need



*“Because of their own internal cost pressures, [clients] have a better idea of what they actually want from us.”*

Rachel Wood, head of central knowledge, Pinsent Masons

to be a Hollywood production – it can be done very simply. The key thing is what you base it around – ‘The 10 things I learned on secondment’, for example. That learning can then be easily transferred across the client team.”

That sharing process, Rodwell says, works

to the benefit of both the law firm and the in-house team. “The client then gets another person who’s done the preparation, is up to speed and already equipped with an informed knowledge of the business. And so it continues with the next secondees and so on.”



*“If you think back to life in a Victorian office, there would be no walls between people all at their desks having conversations.”*

Mark Gould, independent consultant and former head of knowledge management at Addleshaw Goddard

## Local office, global corridor

Connecting people internally using social media tools, to usher in a more collaborative culture within legal, is one way in which firms are breaking down the barriers of time zone,

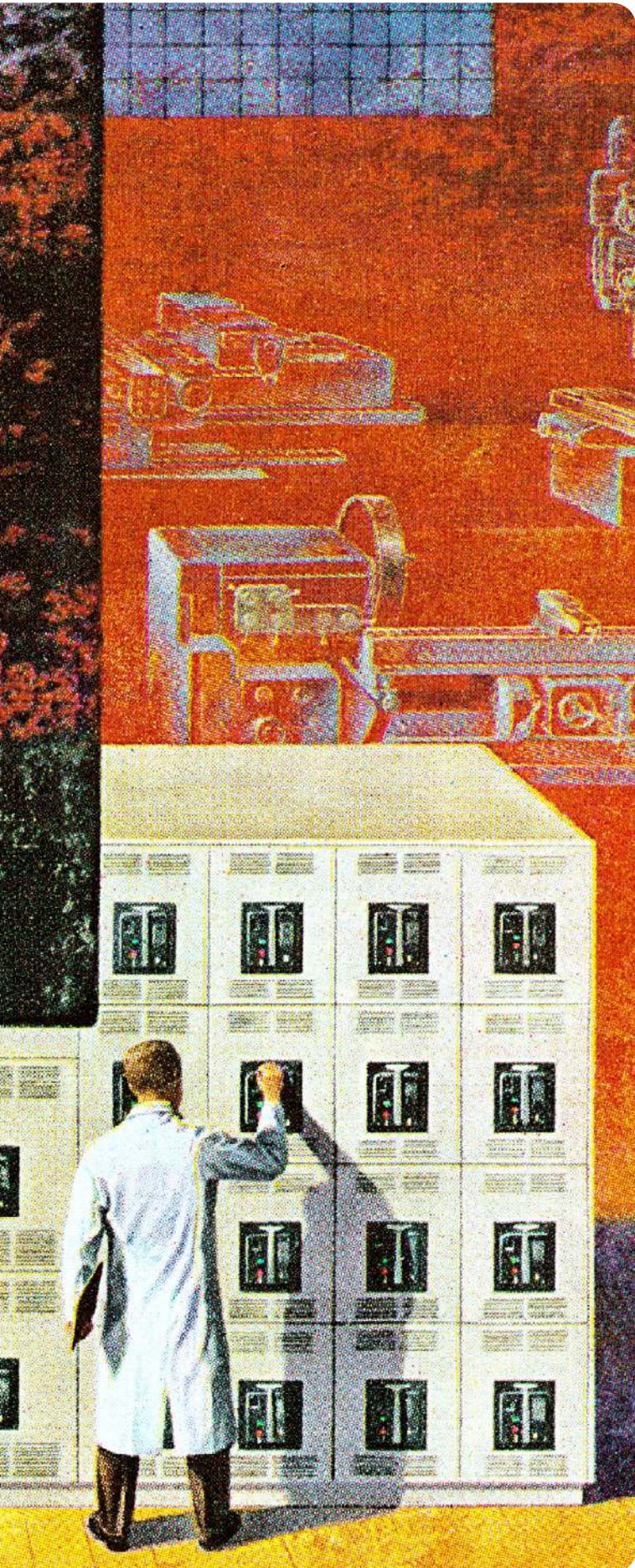
geography and culture.

“We want to bring back the ‘water cooler’ experience for global businesses in a digital age,” says Wood at Pinsents. “Social media could be a very powerful way to join the dots, collaborate, and connect colleagues in relation to sector issues on a global basis.”

Collaborating is also a lot more efficient (in theory). For Gould, the impact of technology in recent years has in some ways served to undermine more natural ways of working. “If you think back to life in a Victorian office, there would be no walls between people all at their desks having conversations. Communications with clients would be direct and in the presence of juniors, with that learning much more akin to the apprentice process.” As communication has become more private, he says, hidden away in emails, document management systems and telephone calls, “it’s made it harder for people to know what’s going on”.

Gould says that this way of working has impacted the cost of building in best practice. Associates aren’t benefitting from seeing a partner in action, a paucity of exposure exacerbated by clients who are “resistant to seeing too many people in meetings, which is, in their view, doubling the cost”. Knowledge’s role is to break down the barriers introduced by the ‘technologisation’ of the workplace, Gould says, and that’s something social media in particular is very good at. “Sharing the interactions you have with a client for the benefit of your team can start to open up the visibility of the work again. The drawback is that, because we’ve become used to working





almost entirely within Outlook and Word, it's hard to get people to move to a different platform, which is effectively what social media requires."

The success of social sites within law firms, says Gould, depends entirely on making a conscious effort to focus primarily on that medium, rather than seeing it as an option or a secondary tool. "If you don't do that, it flourishes for a short while then dies away relatively quickly. But sometimes the more you force it, the more people are likely to recoil. You run the risk of isolating them."

Creating behavioural change is a major challenge for any organisation tweaking process for more efficiency, stronger relationships and altered culture. How can KM counter inertia when people view change as only adding to their workload?

Hong Kong-based Stephanie Abbott, director of knowledge, learning and development at Mayer Brown JSM, says an organisational development remit in her role puts focus on the behavioural element of collaboration internally as much as the systems that underpin it – what she calls "the psychology of collaboration".

"Originally, many knowledge-sharing platforms and functions were designed on the basis that if you just give lawyers an opportunity to share, they will. That turned out to be incorrect. Now we're starting to understand more about what else needs to be in place to encourage lawyers to behave collaboratively, rather than simply saying 'We want to establish a collaborative culture, here's a thing to collaborate with and here's stuff to collaborate on.'"

Internal and external collaboration is about the formation of trust, says Abbott. "Quite a bit of what we've learned has been in the process of working on the behavioural and skills elements of developing closer client



relationships and picking that apart. Much of the same principles apply to your interactions internally. The process of building trust is effectively the same, whether you're working with a peer in another operational function on the other side of the world, or whether you're delivering service directly to a client.

"The stakes are perhaps much higher dealing with clients, but ultimately the underlying behaviours are the same."

## Managing efficiency

Beyond internal process optimisation and internal understanding, KM teams are, by increments, expanding the function towards delivery.

"If a client asks for their legal work at a fixed fee," says Wood, "you've got to map how the work is done, identify where it should go, what should be done internally or outsourced, to build a more flexible model from process mapping. Firms tend to do that out of [the] knowledge [function]."

Pearlman at HSF says that firms are handing over value via knowledge – "free helplines and so on are good value for clients, and that's coming direct from knowledge, rather than partners or associates clocking up the hourly rates" – but project management is a big opportunity for firms to add value to client service. This isn't always happening under the knowledge leaders – some firms are "keen not to use knowledge managers or PSLs for project management, but to bring in possibly less expensive specialists who have more experience in project management-style

working", she says.

"In Australia, we have a big legal project management initiative and a growing team project managing matters for huge clients who welcome project manager specialists. In some cases, those teams are charging for that work separately, and in other cases not – it depends on the client and what they're doing. That's

*"In some cases, those [project management] teams are charging for that work separately, and in other cases not – it depends on the client and what they're doing."*

Simone Pearlman, head of legal knowledge,  
Herbert Smith Freehills

something we've started considering here."

But Abbott says the hype around project management and process improvement in legal of late is familiar to KM people – the function has always been at least in part focused on process improvement for the business.

"Conceptually, KM started in legal process improvement, looking at check lists, matter analysis, improving and systemising process – along the way there was a disconnect where it became focused more on document and content management. That's important too, but has its value in the connection with good project management and process analysis



– this has always been an important part of KM's DNA. What's more surprising is this is perceived as a new development. To me, it's more of a second wave coming back to the close connection between efficiency and quality and content and process."

For Wood at Pinsents, working on knowledge with clients is also a process efficiency challenge. "Our clients tend to either have quite different approaches to knowledge to us, or to be grappling with the same issues we are. That means knowledge has become much more about efficiency, whether that's in working smarter or with more cost effectiveness, be it case and matter management systems, project management, legal process mapping, legal process outsourcing, more flexible work models, document automation, online training or providing real-time management information to clients about their work – it's a toolkit."

The reassessment of how legal work is carried out at a firm is also in KM's toolkit and, binding people with technology, will look at where the process can be automated, says Wood.

That may require new skills. "Are there gaps where training could change how people work? It's about pulling all those different processes and the right technologies together from your toolkit to meet a particular client's needs."

That toolkit may be getting even deeper – specifically in (big) data analysis. Abbott says that analysing and measuring data captured incidentally (and accurately) could be of great value to firms. "We probably need a great deal of creativity in this area, with a deeper understanding of systems and data capture, with a clearer purpose for that data collection."

Firms may start mining value from analysing the connections between thought leadership, activities, purchasing behaviour and search patterns. Analysing database search patterns,

Abbott says, is something firms have already been doing, but there's an opportunity to develop evidence-based approaches to making business decisions. "The more data we have to hand, providing it's quality data, the more evidence we have on which to base our business decisions."

## Changing behaviours

All this is making it easier for firms to define the value of KM, says Wood, "because KM's name is popping up across so many different things, and the business looks to KM for so many of the projects it's doing. With some clients we can provide a sort of knowledge consulting role for their own internal KM, in terms of how their functions operate, what systems they use or, if they're looking to buy online databases, for example, we can provide advice on that."

These are all analytical and softer skills familiar to KM, says Wood. "We've never been just about back-room KM. PSLs have always maintained client connections, aligning with key clients to build strong relationships through precedents and training. Our central knowledge function, library information services and research arms are used to being contacted directly by clients to answer questions and give advice. For a long time it's been both client-facing and internal."

From working with BD, IT and risk, a diversity of skills is inherent in KM – and it's going to make knowledge more useful in legal's future. Pricing and scoping tools developed between the function and other operations teams are just one example. But according to Wood, understanding the fundamentals of how the work is done by the lawyer, what happens as you go through a case and a transaction – and where you could improve that – is where

KM adds most value. “Historically, PSLs have always looked at efficient working, and they have the skills and experience for that process mapping work we’re doing.”

For some legal businesses an expanding KM remit has meant increasingly specialised team members, in project management, matter management, knowledge sharing, knowhow, search, and more. Perhaps there’s no longer a single ‘KM role’, says Abbott at Mayer Brown JSM, but instead a more diverse set of skills falling under (dare we say it) a CKO...

With those new skills comes the potential for innovation, “the potential for KM to zero in on what will be of most value. We cannot, as a function, focus in a leisurely manner on all sorts of things any more”, says Abbott. “We exist to offer practical help to firms in building competitive advantage”.

Echoing the words of this month’s key interviewee, Baker & McKenzie’s Stuart Hopper, Abbott says legal KM was perhaps at one point in danger of becoming overly theoretical – though there is much in the field of KM that’s of “genuine academic interest” – and it must now be about the efforts of practical and value-focused leaders “capable of articulating the strong connection between innovation in KM and competitive advantage for their organisations”.

Knowledge is at the heart of helping firms reformat themselves as businesses. As KM develops the ‘network of networks’ inside firms, connections and value will surface more readily.

Abbott says KM’s role is increasingly about fostering and supporting enterprise-wide commercial disciplines, finding “a more explicit way of understanding the behavioural drivers of project management, and getting more disciplined measuring of metrics around it to deal with pricing expectations.

“Case and pricing functions are bringing



*“We probably need a great deal of creativity in [the area of big data], with a deeper understanding of systems and data capture, with a clearer purpose for that data collection.”*

Stephanie Abbott, head of knowledge, learning and development, Mayer Brown JSM

a business analysis approach [to legal], connecting the dots at a much higher level, between process management, project management, pricing, value delivery, and profitability. The bar has been raised.” ●



# Powering knowledge

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*Briefing Industry Interview*

# In search of Success

Susan Dennis, head of information services at Charles Russell,  
on enhancing value, service delivery and efficiency through the  
power of Thomson Reuters Solcara search



**Using the tools and strategies behind the world of knowledge management is a growing movement at Charles Russell. The firm has always had a strong PSL culture, and an embedded structure of knowledge partners for each practice area. The future of the way the firm works hinges ever more on using knowledge resources and behaviours, says Susan Dennis, the firm's head of information services, as the business creates a strategic knowledge management director role.**

"A key aim is to develop a knowledge management culture across the firm, across all offices," Dennis says. "It's becoming more of a priority and the partners want to invest in the future of KM in the firm." Solcara's search capabilities are a big part of that future, alongside the firm's knowledge management plan and new KM champion and director roles.

"Knowledge management is all about efficiency and productivity, to me, something that we in information services have been advocates of for a long time. Now KM is being taken to board level, which is very heartening. Investing in IT most effectively is part of that KM journey, too."

## Challenge knowledge

Dennis joined the firm in 1997 and was involved in Charles Russell's first knowledge management strategy, back in 2000. She says law is still a challenging professional environment and she firmly believes that "information and knowledge are fundamental to the practice of law – the challenge is to ensure people are using it effectively". Plus, says Dennis, legal's new regulatory framework necessitates a more scientific approach to information delivery – "it needs to be professionally managed, rather than bespoke",

she says.

Taking on Solcara happened in part because of a wider change in the firm – the creation of a new, better intranet for the business. This was an opportunity not to be missed, as it so often is in law firms. The new SharePoint intranet project addressed processes, management and governance to bring resources old and new together on one new platform. But to make sense of this wealth of information, Dennis and her team knew the firm would need to be better able to find what they needed.

## Seeking out a better future

Dennis and her team knew legal search would need to be a key priority for intranet users, but despite the logic of this, information services nonetheless had to put in a lot of effort to make the business case.

"There was an extended trial across a number of groups – litigation, property and specialist lawyers who research a lot. We had plenty of evidence in advance that it was working, and the trial gave us incredibly positive feedback." Lawyers used words like "revolutionary", "a must" and "first port of call" – indicative of how useful cutting-edge search can be when applied well.

The barrier to better practice is often a user experience one – if people don't like doing something, they won't do it. Charles Russell is a heavy user of PLC, Westlaw and LexisNexis, and has access to many other external resources, but Dennis says that lawyer users weren't always using all the resources at their disposal because, in some cases, they felt they were hard to use.

"If fee earners perceive a resource is difficult to search, they go to a known favourite and just use that. There are certainly resources available that could be used more. We also need to

make sure our internal knowhow is prioritised, otherwise we are missing value from using the firm's own hard work."

Solcara is making this happen, because it can tap into all the internal and external resources the firm has access to. There's also another important and useful advantage – Solcara creates a kind of meta-entry pass to these resources, removing the need to use different logins and passwords for each information resource. Having multiple passwords needed for resources can create a barrier to comprehensive searches, because it makes searching easy for lawyers to do.

"We can now search across everything without having to enter different usernames and passwords, which has helped to remove a barrier for people." This is especially valuable for people and groups that are not so IT-literate, or those that use resources less often, such as family law, says Dennis. "Now there's one place for everything and they can potentially search across password-protected resources."

## Faster forward

Dennis's team is continually increasing what's available via Solcara. And, while it's fairly early days, feedback within the firm says Solcara is "already saving time and delivering higher-quality research".

"Strategically we're aiming to ensure that fee earners are able to carry out research more quickly and efficiently, and provide an awareness of what is available, saving time, making their lives much easier."

For Dennis it's also important that fee earners become part of the knowledge management process. "They should be thinking that 'contributing knowhow is something PSLs should be doing,'" she says. "They should be

actively engaged – it's not something someone else does. Knowledge is what they sell, and they can now take more responsibility for it."

Solcara is a fairly light implementation, says Dennis, which is a benefit beyond KM. At the start, she and her team analysed current usage of external legal resources to indicate the initial priorities for Solcara, because "it made sense to make the most popular ones more accessible first". When you have limited resources to deliver projects like this, which is the case in any business, you need to focus them well. "Solcara doesn't draw much on finance or the IT team. It points at the resources, but it's not embedded. And it's a way for us to work more closely with fee earners."

Solcara and the new intranet is more ongoing work for information services people, but Solcara "enhances our value, and shows that we are making a difference". Great information search services like Solcara, then, can serve up and make visible the value of business services.

There have been challenges, she says. One has been managing perceptions and expectations in the firm around the transition away from a physical library. "There is still an awful lot to be managed to make it work, but fee earners can't always see that." She also admits that some perhaps couldn't see Solcara's value and relevance initially, but sceptics have largely been converted "after some one-to-one training, and after word got around that it's good".

Dennis's team is now in the process of refining the solution and responding to fee earners' specific needs to make sure it works equally well for everyone. "Some people just want a broad first search, but in areas like tax, where research is so specialist and focused, they have also seen the value because we're looking at drilling down very deep, on key specific



resources on VAT, for example. Solcara is very flexible, so we can deliver that.”

The next move is to become even more focused on practice area-specific needs, eventually making access to what they need to know a seamless part of the firm’s intranet. The firm’s use of Solcara Collections (an advanced foldering mechanism that works across internal and online content services) will become more and more sophisticated, says Dennis, to enable this. “It’s a fantastic set-up for specific topics – like a mini online library – and it gets around what previously had to be held on paper in a file.”

An IP team working on clinical trials may need case references, links to government websites, and so on – another team might use Solcara Collections for client-focused documents. “We will create a bespoke Solcara Collection, and fee earners will have up-to-date, shareable and easily maintained information from all internal and online services required.”

Dennis also plans to make Solcara Collections more accessible using the SharePoint intranet. “We may not use search for the whole of our intranet, but in legal we will. It will mean Solcara Collections will be even more in your face and accessible – they will be seen.”

## Building better knowledge

Dennis’s next challenge is further improving access to external information. “We have 15 external connectors and we’re looking to add to them and integrate them further, for example by adding search across individual books on Westlaw UK and Practical Law, and improving broader search capability for our whole portfolio, creating more efficiencies.”

The benefits of knowledge management

infrastructure interests and motivates Dennis, because they build a better legal business. “If you have good systems and process, you can deliver reliable results. I enjoy the architecture and applying skills in the development of our intranet – making sure it works as well as possible for everyone.”

But with more structure in how lawyers and firms work with information come challenges, she says. “Firms need to accept that in building an infrastructure you adopt rules. That might be seen as less autonomy by some, and it’s certainly a change.” You need to create buy-in and to show value, but for many it’s an open door – because they are already pushing to change how they work.

Search as a wider issue is also presenting semantic challenges, she says. “Even using Google search properly needs training to get the best results. There are interesting things happening in the technology, but what they say is true: we need to make ‘simplicity out of complexity’, and not be overwhelmed by choice.”

The strategic KM goal at Charles Russell, to support searching and the integration of online resources and internal resources, is being realised. “There’s lots of pressure on fee earners, and here is a tool in Solcara that saves them time, works well, is easy to implement, is low-cost and good value.

“It meets so many fee earner requirements – giving them quick, well-managed results they need. We want to ensure there is quality in the answers we provide our lawyers, with as much of the thought and reflection already done for them as possible.”

Find out more about  
**Thomson Reuters Solcara**  
[www.thomsonreuters.com/solcara](http://www.thomsonreuters.com/solcara)



A man in a dark suit and white shirt stands on a bridge with a red metal railing. In the background, there are green trees and a city street with buildings and a car. The man is smiling slightly and looking towards the camera.

*Briefing Industry Interview*

# Drafting made easier

**Julian Morgan of LexisNexis** talks about the risks that lawyers are taking with the proofreading process, how it's affecting clients' and firms' reputations – and how technology can help make the process vastly more efficient and cost-effective

**What do you do when a third of your fee earners may not be checking documents as well as they could, because they don't have time? For most law firms, the answer to that question is: nothing.**

When LexisNexis joined forces with LSN's Business Intelligence unit to investigate whether law firms are putting themselves and their clients in danger by failing to proofread documents as best they can, the result was that they are – and more than you might think.

LexisNexis had already found in research that 33% of fee earners said that at some point

in the past they'd skipped proofreading steps because of time pressures, and LSN's research – Dodging the Draft, enclosed with this month's issue of **Briefing** – found that business services leaders in IT, KM and risk should be much more involved in reforming the drafting process, but that so far little has been done.

This is exposing firms to risk and their clients to real commercial danger, says Julian Morgan, head of drafting applications for LexisNexis. "When we actually look at law firm documents, we find that the vast majority contain some degree of errors that could



potentially be addressed by using technology.”

Why is this happening? Because humans aren’t perfect, and a lot of the work that is done to polish off documents is done under huge time pressures, which almost magnifies the likelihood of error, says Morgan.

The answer might lie in technology, but that doesn’t mean a transfer to some heavily automated process, he says. “There’s an important distinction to be made between the elements in drafting a document that are about high-skill legal advice and experience and the simpler, more repetitive parts, into which proofreading falls.” Building technology into the proofreading process, says Morgan, gives lawyers a safety feature, not a straitjacket. “When we show lawyers how this works, you can see in their eyes that they recognise how much sense it makes. Proofreading has been incredibly manual, it takes a lot of time and it isn’t very enjoyable.”

During its creation many hands will have touched a document and changed it – which you might think would reduce the errors in it to nearly zero. “But that simply isn’t our experience,” says Morgan. “The assumption is that if a document has had so many hours put into it, there is an expectation that there couldn’t be anything wrong with it. But we find errors in nine out of 10 documents, and I’m talking 20-plus errors.”

This departure from reality appears to be worryingly common. Dodging the Draft found that many in business services think that this either never happens in their firm, or there’s nothing they can do about it. This could in theory be solved, to some extent, by throwing hours at the task, says Morgan – but firms don’t have those hours. While there may be over-capacity in the legal market in terms of junior lawyers, it’s not good economics to put those hours into proofreading.

But something’s got to be done, because

doing nothing exposes firms to risk. A key finding in Dodging the Draft was that many of those involved in ensuring that firms make great documents think it’s someone else’s job to ensure proofreading happens as well as possible. So business services leaders – risk, knowledge and IT – need to come together with practice heads to change the way firms finish the drafting process.

“There’s an opportunity to become more efficient and deliver better-quality work in a way that isn’t disruptive to the lawyer’s workflow. We know that people in general are relatively resistant to workflow change. Proofreading tools just slot in alongside the way that lawyers already work.

Right now, according to Dodging the Draft, only 15% of firms have any tools in place to make proofreading better and more efficient – which means a lot of documents being produced are creating risk and danger for the firms making them.

Morgan calls on business services people to solve this problem, because lawyers haven’t been able to change the status quo. “This issue needs business services champions to take it on. It doesn’t matter whether they are in IT or risk or KM – they’re the ones who need to step up and remove the risk and inefficiency in what is a core law firm product.

“There is a gap here, and it’s creating danger. There will be two types of firms in the future – those using technology to be more efficient, deliver better-quality work and improve customer satisfaction, and those that don’t. And the firms that don’t will be putting themselves, and their clients, in peril.”

Find out more about  
**LexisDraft**  
[www.lexisnexus.co.uk/lsn](http://www.lexisnexus.co.uk/lsn)



*Case Study*

# Competition proof

Accurate documents are the bedrock of a successful law firm. Sam Luxford-Watts at Watson Farley Williams talks to Briefing about gaining a competitive edge with XRef drafting tools

**Greater competition in the legal market and an increasingly cost-conscious client base is driving firms to produce work more efficiently – and to tighter timelines. As a result, building better processes into how legal businesses deliver work has become a necessity to meet these demands – but some areas have improved far more than others.**

An unloved but important part of the document drafting process, proofreading, is a process that's ripe for improvement. Significant amounts of non-chargeable time are spent proofreading legal documents. The process is there to ensure simple errors have not crept

in during the many iterations of a document's lifecycle – but lawyers are human and prone to missing small errors – errors that can represent real risk to a firm, its clients and its reputation.

Watson Farley Williams has transformed the way document drafting is done in the firm, ensuring consistent document quality with what is to the lawyers using a seemingly simple Microsoft plug-in.

Sam Luxford-Watts, WFW's global IT service delivery manager, says the value of this proofreading tool, created by XRef, is significant. Using the XRef add-in for Microsoft Word, lawyers can check documents for simple



drafting errors at the click of the mouse. The tool is “slashing the time it takes to proofread documents, while ensuring they still meet the highest standards”, says Luxford-Watts.

“A non-legal draftsman would never know [proofreading] was such an issue – I certainly had no idea how much time was spent on it. XRef is a deceptively simple tool that cuts out two very time-consuming parts of the proofreading process prone to errors, particularly on long documents: it checks that definitions are defined and used consistently in a document, and it checks cross-references are correct.

“By focusing on just the key proofing tasks that lawyers would have to do themselves, XRef has sought to balance usefulness with simplicity. Errors such as undefined terms or incorrect cross-references can at best be an irritation used by the other side’s lawyers to gain brownie points or to delay the process. At worst, it can leave ambiguities that can be damaging for the client and embarrassing for the firm.”

The really big firms can afford sizeable proofreading teams, says Luxford-Watts. Tools like XRef give firms like WFW the same kind of power – in fact, access to the best possible quality end product, in document terms – as the biggest firm’s team. “What seem like small, mundane errors provide loopholes for the other side to pick apart – it’s happened in the past. And even the best proofreaders in the world can’t catch everything.”

WFW was already running a trial of a competitor’s proofreading tool when a partner’s suggestion led them to XRef. XRef is much easier for their lawyers, he says. “It does what it says on the tin. It’s simple and easy to use. There are no bells and whistles that get in the way. It’s not part of a bigger system, it just does the job in hand, rather than trying to be too clever with unrequired functionality that just makes a product difficult to use.”

When XRef demoed the tool to partners, they were “shocked by the errors in their documents still found by the tool. But humans are fallible, and these are long and complex documents.”

A key advantage to the XRef tool, he says, is drawn from the fact that it was developed by lawyers who’ve faced the proofreading challenge. “They understand the legal process, and that makes everything easier.”

Luxford-Watts can’t be sure that XRef’s claim that it can shave 80% of comparable manual tasks is borne out in practice, at least not yet at WFW. But his firm appreciates the advantages this tool gives. XRef, he says, has the capability to save a huge amount of pain (and time) in the firm. The ability to carry out tasks like definition checks and cross-referencing automatically “will transform lawyers’ lives”, as they currently spend a lot of time manually trawling through documents, often with tired eyes under time pressure.

“Automated tools like XRef won’t completely replace proofreading,” he says, “but they make the process quicker, easier and less painful. You wouldn’t proofread a document without at least running it through a spell checker first, and this is where XRef will fit into working practices – a version of the spelling/grammar checker, a tool that we have taken for granted for so many years, but for definitions and cross-references.”

XRef, and tools like it, will become part of the standard legal desktop, says Luxford-Watts – because they will have to. “People are used to spelling and grammar check in Word – it’s only a matter of time before people in legal come to rely on this kind of technology as well.”

Learn more about  
**XRef**  
[www.xrefonline.com](http://www.xrefonline.com)



A man with short, light-colored hair, wearing a dark suit, a light blue shirt, and a blue striped tie, stands against a red brick wall. The wall has a textured, slightly weathered appearance. The man is looking directly at the camera with a neutral expression.

*Briefing Industry Interview*

# Collaborate to innovate

**Search technology can go further than simple knowhow, says Matthew Cleverdon of HP Autonomy – and how far it can take firms to real collaboration is a genuine opportunity for firms**

**Discovering how to better connect people with knowledge, and to connect that knowledge with clients, is a relatively new combination in legal. And with the scope of knowledge incorporating ever more data, drawing on a wider knowledge network of people, clients, and resources has never been more pivotal for competitive, growth-focused firms.**

Knowledge management is taking the lead on legal's big data challenge – mining value (and ultimately profit) from deeper data sources. But even basic 'search' is limiting if your firm's data is inaccessible. So, how firms better leverage internal information and legal knowledge to innovate service delivery and

streamline the legal process could be their differentiator.

Matthew Cleverdon, legal and professional services solutions manager at HP Autonomy, put a good decade under his belt as an IT professional in two full-service law firms before his appointment at HP. Knowledge management, he says, is going far deeper than search.

"Someone working on an employment contract, for example, can gather knowledge from a generic keyword search and the knowhow curated content layer on top of that. But what takes KM further is being introduced to experts within the firm and perhaps even externally. Combined together, this helps put



that particular contract into context – you get the bigger picture.”

Documents, email, telephone conversations – this is legal business’s big data. Using it to create intelligence in and around sectors, particularly work types and products, will be the next step to knowledge nirvana.

“What people are interested in is not just how many document ‘hits’ are on the system for a given topic, but rather being connected with real knowledge wherever it is. Increasingly, that means connecting people with the right people to put the search requirement into context and to get ‘the bigger picture.’”

Further value can be added through a deeper understanding of the sectors firms work in, and by understanding the trends and issues affecting them – and that value can be realised as much by business development as those delivering legal work.

“Making available to fee earners the detailed sector knowledge held by specialists, and in other sources, means they can be proactively exposed to sector intelligence and knowledge, helping them deliver a better service. It helps BD draw on the fringes of knowledge to approach prospects, and it enables more realistic pricing because costs are based on experience of previous matters to clients in those sectors.

KM is a key element of legal process optimisation, says Cleverdon, because the more that firms can automate and fine tune the creation and automation of legal services up to and beyond the point of delivery, the higher the quality and quicker the turnaround of work. “This creates more of a chance that you’ll be keeping within your estimates on a matter or work type, and that the work will have built-in quality and consistency based upon best practice, knowledge, and experience.”

Cleverdon calls this broader view of

knowledge and sector information ‘sector intelligence’. “You can fully demonstrate what work you’ve done in their sectors, and how particular trends or changes in legislation can affect them.” Strengthening those links reinforces the trusted adviser role between lawyers and clients, he says, and delivers what clients want – investment in the relationship, knowledge of their sectors and the issues affecting them, and better cost certainty.

Where KM goes now is into fostering a new brand of intra-firm collaboration, he speculates. Knowledge sharing through firms’ internal channels, paired with search technologies, builds stronger communities and enhances client relationships. The ability to ‘fuse’ knowledge and best practice into the process of the legal transaction also underpins the fact that KM now plays an ever-increasing part in the legal process.

“Firms need to surface the right knowledge at the right moment in a matter as it passes through its key stages. Efficiency in KM will bring in that proactive presentation of knowledge at the point of requirement – it’s brought to you, rather than you needing to find it.”

Creating efficiency and capability in these ways, using the tools of the knowledge professional is boosting how firms see value perception of KM in firms, “by building quality in, and ensuring quality and consistency out of the firm”, says Cleverdon. Knowledge and the tools of search have an enormous amount of value to put into the whole delivery process, now – if knowledge leaders can see that as part of their future.

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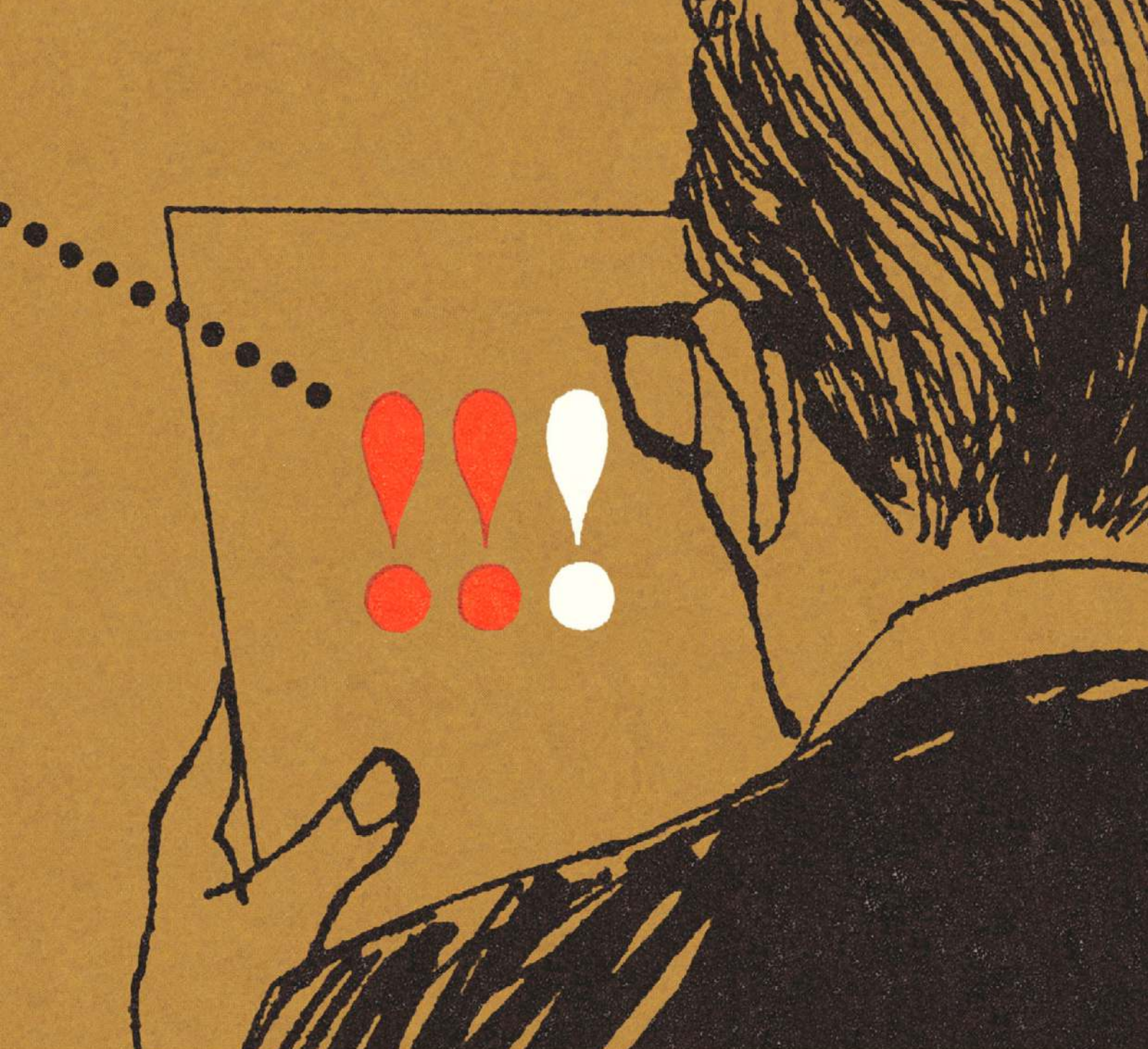


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RETURN TO THE INDEX







# Dodging the draft?

HOW PROOFREADING FAILURES ARE CREATING RISK FOR FIRMS AND  
THEIR CLIENTS, AND DENYING FIRMS EXTRA REVENUE

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# Who, what, why

## A short explanation of the survey

Legal Support Network polled its business services management audience across a range of roles such as finance, IT, risk and knowledge to find out how firms see proofreading and document review in March 2014. See the graphs to the right to find out more about what kind of people in which firms answered our questions. Total number of survey completes: 77.

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[lexisdraft@lexisnexis.co.uk](mailto:lexisdraft@lexisnexis.co.uk)

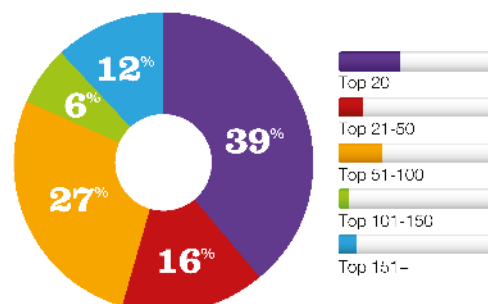
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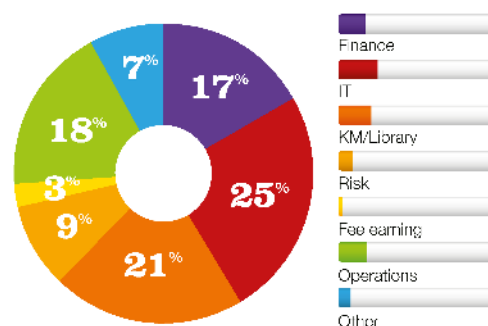
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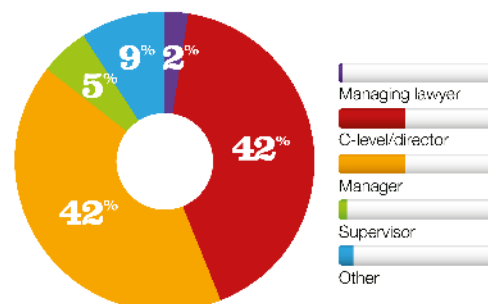
Firms surveyed by ranking in the Lawyer top 200



Respondents divided by role type/area



Respondents divided by seniority



## Julian Morgan

*Head of drafting applications, LexisNexis*



Law firms are under increasing pressure to become more efficient in the way in which they work, driven not just by macroeconomic conditions but also from increased competition. There is also a growing expectancy from law firm clients that firms will make greater use of technology in order to both reduce costs and increase the value they provide.

Yet law firms have for so long operated in an environment where efficiency was talked about, but was not really approached systematically. Although law firms have looked for easy savings around resourcing costs through reductions and outsourcing/offshoring, they are barely scratching the surface on legal process efficiency and what can be achieved when they really analyse what lawyers do, where the inefficiencies lie, and how technology can help.

When analysing the legal process to look for efficiency gains, drafting seems like an obvious place to start, given that 90% of lawyers spend time creating and reviewing documents daily. Lawyers can spend hours on this core task every day, and the manual activities they carry out have remained largely unchanged by technology. In a recent survey, 66% felt they are under too much time pressure to proofread properly, and 33% admitted to having skipped proofreading tasks when creating or reviewing legal documents. Rather alarmingly this is leading to a position where, in our tests, we found that 90% of legal documents checked with LexisDraft contained errors, even on those documents that lawyers were confident they had checked.

Driving improvements and efficiency in the work lawyers produce, which is most often a document of some sort, tends to be seen as the role of a lawyer. But if the lawyers don't have the right tools it will be hard to achieve and many simply are not aware of the real advances that technology has made in the area of drafting to help them draft better and faster. What is more, the benefit in reduced risk, thanks to the reduction in critical errors, can only benefit the law firm's bottom line.

Technologists have a vital role in showing lawyers how technology can now not only help them run their business, but fundamentally improve the profitability and practise of law, and I am sure this report will help in this capacity.

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## Executive summary



Many clients are being ill-served by legal business when it comes to the primary 'product' of law: document production.

LexisNexis's research into proofreading and document review has found that not only do lawyers skip proofreading steps to save time in a high-pressure environment, their business services counterparts know this happens and are not doing enough to stop it.

Few firms are addressing this significant commercial and compliance risk that's being created by those entrusted with creating near-perfect documents. Some are in denial that it even happens.

Time and cost pressures mean fee earners are regularly failing to create documents that are as error-free as possible. This is creating risk for firm and client, reducing work capacity and revenue, and driving down client value. Worse, people across fee earning and business services are aware of this failure, but many are either at a loss how to fix it, or even if it can be fixed.

Intelligent technology solutions to the problem exist, and some business services people know of them – but many fee earners and business services leaders have, it seems, assumed that there is no way to create better-quality documents for clients.

Drafting is fundamental to lawyering, and a vital stage in drafting is proofreading and document review, but LexisNexis has uncovered that as many as 33% of lawyers admit skipping proofreading through lack of time. The risk and opportunity to address this has never been more critical.

This research, mainly around business services leaders' attitudes to more efficient and risk-managed document drafting, has uncovered a number of key themes that show why and how law firms are failing their clients around drafting: a reluctance to and fear of change, a lack of

understanding and knowledge of the tools available to support proofreading improvements, and a lack of clarity around who should drive improvements.

### Key findings

Firms aren't delivering the near-perfect work clients expect – a third of those polled say they've skipped proofreading steps.

Business services managers are either in denial about the gap between the quality of work expected of the firm and the reality, or concede it happens but believe there is nothing to be done about it. Others are aware of the problem, but admit they have yet to work out what to do to improve things. Only a tiny fraction of business services leaders are ahead of the game.

Almost two-thirds of fee earners say that they could complete more work if they used tools to help with proofreading.

Business services managers tell us that there is more work that their firms could do, if fee earners were more efficient in creating documents, and that firms could be more efficient in how they create those documents.

Few firms have invested in proofreading technologies, and many aren't even considering investing in it.

Business services managers lack understanding

# 33%

of fee earners admit to skipping proofreading steps because of time or work pressures

# 6/10

fee earners say they could do more work, if they had the tools to be more efficient

# 48%

of business services leaders say that a business services person should lead on driving proofreading efficiency

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## Executive summary cont.

around the significant impact proofreading tools can make to reducing errors and improving quality and productivity, which technology options are available and what the investment cost-benefit analysis looks like.

There is a general fear of change that's holding back creating better documents. Business services managers find it difficult to get fee earners to actually use tools, and many firms say they prefer traditional methods of drafting and review.

Law firms need to create a team crossing fee earning and business services – especially risk, IT and knowledge – that can, as a group, drive up efficiency and drive down risk in proofreading and document review.

### Conclusions

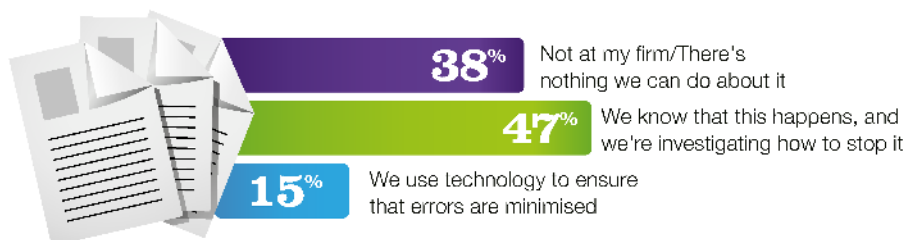
Business services management in key areas such as IT, risk and knowledge and their fee earner colleagues alike are creating risk in their core products, when the technology exists to remove this threat and drive more efficiency – creating the capacity to carry out more work.

With the significant benefits that can be created with new proofreading and document review tools, in efficiency gains, decreased cost of document drafting and reduction of risk in the process, this is an area that cannot be ignored any longer.

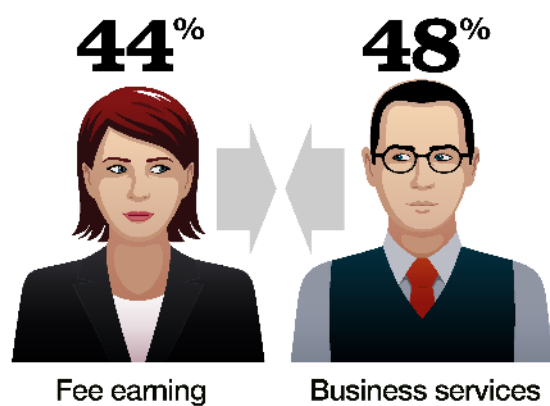
If a third of top law firm lawyers admit to skipping proofreading steps, can law firms afford not to act to stop them, and help them deliver work more efficiently at the same time?

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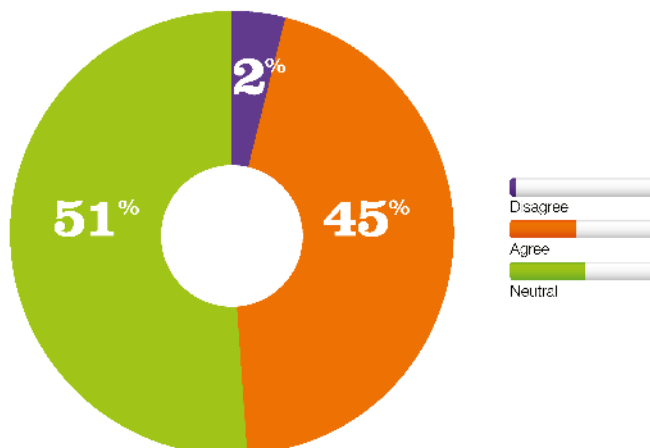
A third of lawyers questioned admitted to skipping proofreading tasks at some point in the past due to time pressure. How do you respond to this?



Which area of your firm do you think should be primarily responsible for driving efficiency in relation to proofreading and document review?



My firm sees proofreading and document review as an area where efficiencies could exist



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## 1

## Overview – why are firms putting their clients at risk?

Drafting occupies as much as 60% of a lawyer's time. One of the most important elements in drafting is proofreading and document review – because crossing the Ts and dotting the Is can make the difference between a negligence claim or complaint or not, or a client who wins a piece of litigation, or loses.

It naturally follows, then, that better, more efficient proofreading and document review processes help firms avoid risk, improve quality of service and increase efficiency and, potentially, revenue. Why, then, are legal businesses failing to do this job to the best of their ability?

In previous research carried out with fee earners by LexisNexis in late 2013, a third of fee earners admitted they had skipped proofreading tasks in the past because of time pressures. This is creating serious risks for clients and firms alike.

We wanted to find out how law firms were handling this risk and capability gap, and what kinds of technology they are using to generate better documents in light of this human failing.

What we found, however, was an industry at odds with itself about who should be responsible for fixing this gap in the most vital point in document drafting – and an industry partially in denial that anything at all can be done.

In the UK's top 20 law firms, 63% of business services managers know that lawyers skip proofreading tasks, but very few are doing anything about it. Many are beginning to investigate how to use technology to change this to plug the holes, but there's still far too much inaction and denial in the air.

It's at best very difficult to comprehend why law firms across the top 200 are putting themselves and their clients at risk because of inadequate proofreading and document review processes. Ensuring documents are carefully checked and as accurate as possible should be a fundamental building block of good legal practice – a 'must have', not a 'nice to have'. A failure to embrace the technology and tools – which would require minimal financial investment yet would vastly improve this part of service delivery – lets clients down and exposes them and their firms to unnecessary risk.

Even disregarding the risk exposure element for a moment, there is still a clear case for the benefits of more efficiency in proofreading and document review, because the majority of business services leaders say that there's work that their firms could be doing that they are not, because of fee earner drafting capability. Therefore there's more revenue out there to be had – if only the tools were used and fee earners could be more efficient.

But the biggest reason for why this is an area as yet unaddressed is not technological, it's about responsibility – who should be responsible for driving efficiency in proofreading and document review, and how to build a team of people across fee earning and business services to make it happen.

## Rupert Collins-White

*Head of content, Legal Support Network*

It's at best very difficult to comprehend why law firms across the top 200 are putting themselves and their clients at risk because of inadequate proofreading and document review processes.

Ensuring documents are carefully checked and as accurate as possible should be a fundamental building block of good legal practice – a 'must have', not a 'nice to have'.

# 33%

of fee earners admit to skipping proofreading steps because of time or work pressures

# 63%

of business services managers know that lawyers skip proofreading tasks

## Creating documents, creating risk

### Present imperfect: In denial about document production

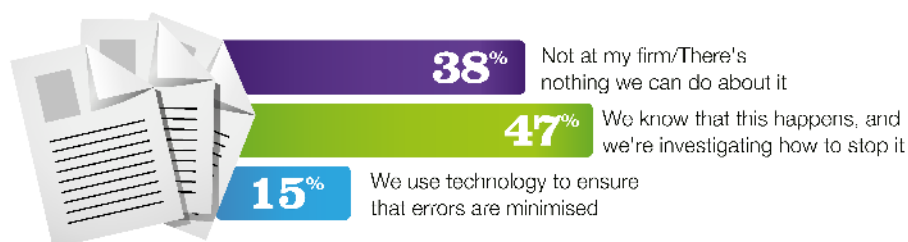
No firm can deliver perfect work, but the goal is to be as close to that as humanly possible. But many firms are falling short of the mark – and they know it. Possibly worse than the fact that one third of fee earners skip proofreading tasks at some point due to time pressures, almost 40% of law firm business services leaders are either in denial about this, or they know it happens but think there is nothing that can be done about it.

This denial combined with apathy is disappointingly consistent across various sizes of firms (divided from here on by segments such as top 10, 21-50 etc). There's a small glimmer of hope in the top 20, inside which 52% of business services leaders surveyed know this process failure happens and are investigating how to improve it. But more than a quarter (26%) of managers in the top 20 said this kind of behaviour doesn't happen in their firms. Are their firms special, or are they in denial?

Curiously, only 11% of those polled said their firms currently use technology to ensure errors are minimised in proofreading and document review. Technology usage jumps to a healthy 30% in the next segment down (firms ranked 21-50 by revenue), but this dissipates fast – only one of the firms in the lowest quartile of the top 100 has document proofing technology in place.

It's hardly encouraging that our other 'denial' contingent – those who said they're aware of this failure but think there's nothing that can be done – makes up 36% of all firms polled, and 55% of the top 20. There is something that can be done – proofreading and document review tools exist that can dramatically improve error checking and document quality.

**A third of lawyers questioned admitted to skipping proofreading tasks at some point in the past due to time pressure. How do you respond to this?**



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## Error drivers: Under pressure and under-delivering

Fee earners are under ever-increasing pressure to deliver more, better, faster. This is not a situation that will abate, now or in the future.

An overwhelming 87% of business services leaders agreed with the statement that their firm is under increased pressure to reduce costs, and it seems the pressure is very real across the sector. The top 21-50 firms are the least intensely pressured (73% agreed), while the top 20 is close to complete agreement at 96%. Outside the top 100, things are worse – 100% agreement for firms ranked 101-150.

Alongside this consensus around pressure on costs is pressure on capability. While they're rarely the ones asking for more process, six in 10 fee earners say that they could complete more fee-earning work if they used tools to help with the proofreading.

This is something the business services side can agree with – 45% of business services managers say proofreading/document review is an area where efficiencies could exist, indicating that the lack of adoption around proofreading technologies might be more a question of priority than need. Firms in the top 21-50 segment 'get' this best – 73% of business services leaders in that segment agree with that statement compared with 48% of those in the top 20. Firms outside the top 100, however, have a very different view – just 20% of those polled in that segment agreed that proofreading and document review could be more efficient.

Proofing and document review can occupy a significant portion of the drafting process, which takes up the majority of a fee earner's day. Business services chiefs agree there is plenty of extra work out there, and that there is scope to do it better and more efficiently. Only 1.5% don't think it's worth making proofreading and document review more efficient.

# 20%

of business services leaders said fee earners don't skip proofreading tasks – despite fee earners admitting they do

# 87%

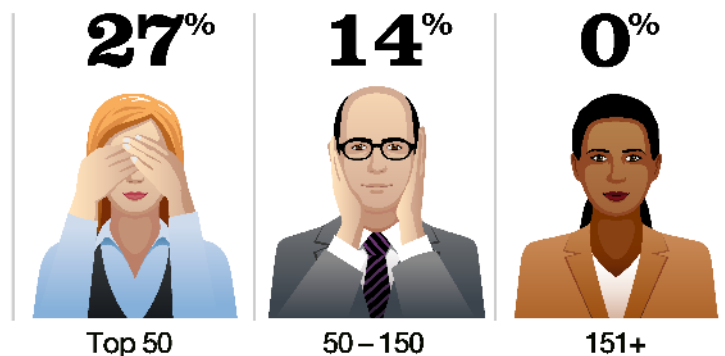
of respondents agreed with the statement that their firm is under pressure to reduce costs

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## Creating documents, creating risk cont.

It makes sense, therefore, that firms across all sizes polled are, in the main, seeking opportunities to improve the efficiency in document drafting and review. So why don't these areas match up? Firms know there's more work that can be done, and that there's risk being built into their work because of skipped checking stages – so why have so few invested in proofreading and document review technology?

Not in my firm! Which kinds of firms are in denial that skipping of proofreading steps happens?



### Adoption gap: Why aren't firms using IT to make better documents?

Many firms are looking at a variety of tools to deliver more efficiency in the process of drafting and reviewing documents. Over a third of firms are looking at document automation, proofreading software or house styling software. Half have already invested in document automation and house styling. More than a third have already invested in internally developed tools.

This pattern is pretty similar across the segments. It's maybe no surprise 46% of the top 50 firms have developed tools internally – the only surprise is that the top 101-150 firms have the most proofreading software in place (20% of respondents in that segment).

But given that 68% of top business services leaders are 'neutral' on whether efficiencies are possible in this area (rising to 80% outside the top 100), it's no surprise that over half of those polled tell us their firms aren't considering the use of technology to help with proofreading and document review. The majority of firms, therefore, are not looking at technology to help with proofreading and

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document review, despite knowing that it is not being done as well as it could be.

Have these firms done all they can? When proofreading technology is capable of detecting avoidable errors in 90% of documents, thereby improving quality and reducing risk – and able to do so in a fraction of the time it takes to check a document manually – what excuse can there be not to use it?

Fundamentally, too few firms have invested in technologies to deliver more efficiency in the process of drafting and reviewing documents. Around 10% have nothing at all in place, and only 6% of firms have invested in proofreading-specific technologies.

But examining the few firms that are turning to technology to help support their proofreading and document review processes, it's encouraging that their motivations are to drive both efficiency and quality, rather than one or the other.

Of those looking at technology to help them in this area, a respectable third (33%) of all firms polled (55% of the top 50) want these tools to improve both efficiency and quality. Only one firm we polled is doing it just for quality.

None of these results, however, demonstrate that there is enough process or technology in place to ensure documents in any of these firms are as near to perfect as possible.

27%

of business services leaders in top 50 firms say that fee earners don't skip proofreading tasks

45%

of respondents say that there may be efficiencies to be gained in proofreading

33%

of respondents are turning to proofreading tools to improve quality and efficiency

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## 3

## Challenges in delivering better documents

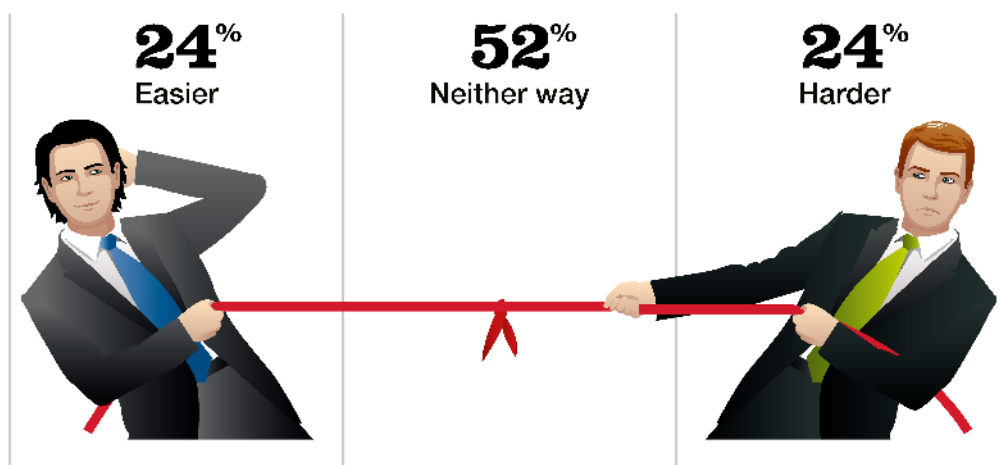
### Fear of change

Several reasons for the lack of focus and investment in drafting productivity solutions seem to centre on law firms' attitude to change.

Almost a quarter of business services chiefs say they've found it difficult to get fee earners to use tools that might improve drafting and reviewing. Even in the top 20, a meagre 4% find it 'easy', and across the top 200 that drops to 2% – and almost no firms find it unchallenging. Business services leaders are concerned that they will be unable to change how fee earners work (37% overall), with the top 21-50 firms especially wary (70% cite this concern).

There is also resistance to change more generally – 33% of those polled say their firms prefer the traditional methods of drafting and review. Plus, there's a lack of knowledge around how to deal with this – a fifth of those polled say there is a lack of quality options available. So, the lack of movement towards better proofreading may be partly down to a fear of the ability to change fee earner working methods, coupled with a loyalty to traditional methods and a lack of understanding of available tools. This is a failure to understand how easy this 'change' can be – the latest drafting/proofreading tools sit comfortably within the 'traditional' method for review and drafting: Microsoft Word.

How difficult has your firm found it to get fee earners to use tools that improve the process of drafting and reviewing documents?



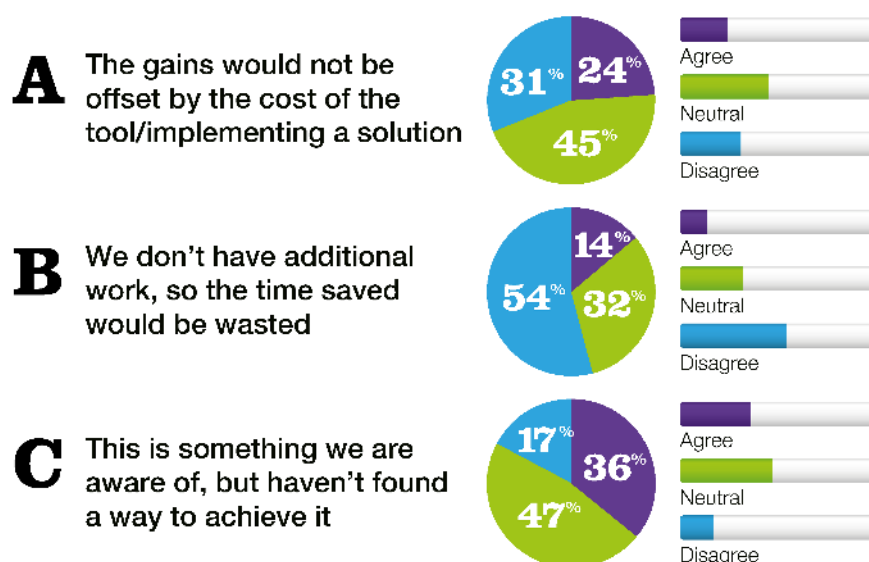
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## Cost of investment

A big disconnect exists in understanding ROI or gains made on better proofreading/document review. Will the efficiencies and other benefits be worthy of the upfront investment?

Just shy of a quarter of business services leaders disagree that the gains would offset the cost of implementing such tools.

More than 60% of fee earners said they could do additional work if their firm used tools to assist proofreading. How do you respond to this?



This is higher in firms outside the top 100 (31%). Almost half of all those polled (45%) were 'neutral' on whether the gains would offset the cost.

Exactly a third of all business services leaders polled said their firms had not invested in proofreading and document review tools because of budget constraints – ironic given the efficiency savings and reduction in exposure to commercial risk that would come with investment.

Overall, it seems there may be a general failure to understand and match benefit to cost.

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## 4

## Championing improvement, changing hearts and minds

Perhaps the biggest hidden reason (until now) behind law firms' failure to get better at hitting that near-perfect mark in document drafting is there's no clear idea of who should be leading on making it happen, or who should be involved in getting there.

Responsibility for improvements in the quality of output from a firm is often seen as sitting firmly with the fee earners, but it's clear that both pillars of the business – business services and fee earning – need to be involved here to make real change in working practice and attitudes. There seems, however, to be little agreement around who should drive improvements in this fundamental area.

While it is often seen as a lawyer's concern, nearly half of business services leaders say that a business services chief should lead the drive for efficiency around proofreading and document review. To put that in perspective, they are more likely to think a business services person should have responsibility for driving efficiency in proofreading and document review than practice heads. The role named most was knowledge management, at just shy of one fifth across all respondents and 36% of respondents in the top 21-50 firms, followed by risk at 16%.

But generally, as you would hope and expect, business services managers wanted several areas of the business involved in the process of making better documents – there was a significant call to generally bring more than one area into the discussion and decision making.

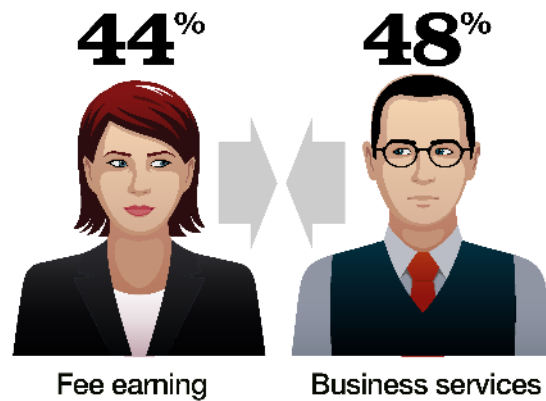
For example, 58% across all firms wanted to also include IT; this figure peaked at 73% in the top 21-50 segment. Almost a half (44%) of business services leaders felt a need for risk to be involved (unsurprisingly, given the risks involved in inadequately completing documents), a figure that rises to 50% of firms in the second half of all those polled by firm size. Knowledge management follows closely behind as a role that should be included, at 38% across all firms polled.

Firms ranked 101-150 called for the most wide-ranging inclusion, with 80% of them calling for risk and KM, and 40% adding IT and finance into the mix. A healthy quarter of those polled across all firm sizes added finance into the equation when expanding the responsibility to 'should also be included' – a nod to ensuring firms understand the return of investment from such initiatives, and possibly reflecting the realisation that the COFA needs to be aware of all potential risks to revenue...

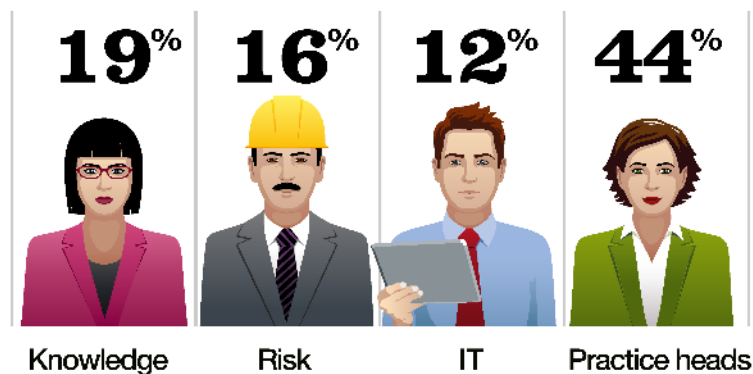
In the round, our results show that firms should create a team crossing fee earning and business services – especially risk, IT and knowledge – that can as a group drive up efficiency and drive down risk in proofreading and document review.



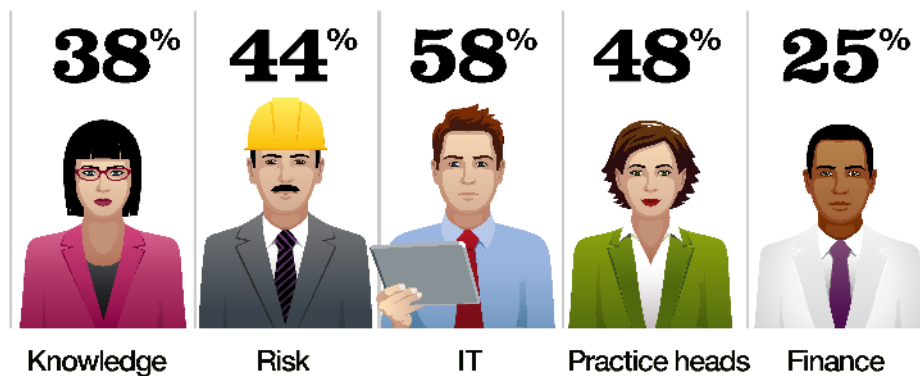
When combining answers across which business services role should take charge of driving efficiency in relation to proofreading and document review, business services people thought one of their number was preferable to a practice head



Which area of your firm do you think should be primarily responsible for driving efficiency in relation to proofreading and document review?



Which other areas of your firm should also be involved in driving efficiency in relation to proofreading and document review?  
(Respondents could make more than one choice)



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