

# **103 - Legal Matter Management and Monitoring Performance**

Legal Matter Management  
Sabine Brumme

# How to set-up a contract management system



Tasks	Identify stakeholders and conduct interviews - Evaluation of requirements (i.e. based on an old system, business requirements) - Definition of fields needed for the various files - Definition of functions (i.e. search function, reporting) - Identify legal requirements	- Review existing procedures - Conduct interviews (Legal, IT, outside counsel) - Understand current technology - Identify current contract management practices	- Perform GAP analysis - Prioritize actions - Create action plan - Setup Contract Management strategy
Goals	- Current „As-Is“-situation	- Expected „To-Be“-situation	- Action plan incl. prioritization and effort estimation to fulfill the strategy - Contract Management strategy

# Legal issues

- Data protection and privacy
- Restrictions in client contracts / Confidentiality obligations
- Employment law / Works council
- Record retention / disclosure

## Data protection and privacy

- Depending on the applicable law(s) access to the data might need to be restricted, i.e.
  - HR matters
  - Public sector
  - Health care sector
- Additional restrictions might be needed in a group as transfer from one affiliate to the other might be prohibited.
- Hosting of data outside the territory (i.e. outside EU) might be prohibited.

## Restrictions in client contracts

- Additional restrictions may result from client contracts
  - Confidentiality obligations
  - IP issues
- But note: Many data protection issues can be solved in the client contract.

## Employment law / Works council

- Approval by works council might be needed
- Reporting tools may have an impact on the employment of the legal team members

## Record retention / disclosure

- If the system is used to comply with record retention obligations the various requirements in different countries have to be observed.
- To avoid unnecessary disclosure it should be checked which has to be filed and which can be deleted periodically

Note: Not all European countries recognize the privilege of in-house counsel (see separate work shop during the conference)

## Standard product vs. individual solution

- Many standard products are focused on a specific market (i.e. USA) and the legal requirements in this market (i.e. record retention).
- For international companies with activities in various markets an individual solution may be more favorable.



## Common issues

- Misunderstanding between lawyers and IT team
- Not all functions / fields needed were defined
- Not compliant with all legal requirements / Conflicting legal requirements in various countries

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 http://legaldb.bearingpointconsulting.com/contracts/2011-0583/Pages/MatterData.aspx

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 LegalDB > Contracts > 2011-0583  
 Matter Data  
 Create Site | Add Link to Site

View All Site Content  
 Functions  
 Print Cover Page  
 New Contact  
 New Reminder  
 Recycle Bin

Matter Data	
Title	Test
Current Stage	in house
Matter ID	2011-0583
Matter Type	Client
Issue/Scope	Review of .....
Agreement Type	Proposal
Date Received	5/13/2011
Owner	Brumme, Sabine
Co-Owner	
Requestor	
Managing Director	
BearingPoint Entity	BearingPoint GmbH (DEU03)
Office Location	Frankfurt
Business Unit	FS
Comments	
Parent Matter	2010-xxxx
Old Matter ID	
SAP-Project-No.	
Other ID No.	
Completed Date	5/13/2011
Effective Date	

Contacts  
 Company Last Name  
 Contact type : other party (1)  
 BearingPoint GmbH

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 Contracts Corporate HR Legal Search

LegalDB > Contracts > 2011-0583  
 More details

View All Site Content  
**Functions**  
 Print Cover Page  
 New Contact  
 New Reminder  
 Recycle Bin

Matter Data	More details	Documents	Reminder
Effective Date			
End Date			
Termination Date			
Termination Period			
Volume			
Volume period			
Additional approvals needed	No		
Price arrangement	No		
Reference	No		
Referral Fee	No		
Change of control clause	No		
Confidentiality			
IP/Ownership			
Warranties			
Liability			
Penalties			
Cross Border Aspects			
Additional Information			
Storage of original signed copy/file			

Contacts  
 Company Last Name  
 Contact type: other party (1)  
 BearingPoint GmbH

Site Users  
 Groups  
 Contracts-Editor  
 Contracts-Superuser  
 Add new user

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Matter Data | More details | **Documents** | Reminder

**Final documents**

Type	Name	Document type	Modified	Modified By	Version
There are no items to show in this view of the "Documents" document library. To create a new item, click "Add new document" below.					
Add new document					

**Draft documents**

Type	Name	Document type	Modified	Modified By	Version
There are no items to show in this view of the "Documents" document library. To create a new item, click "Add new document" below.					
Add new document					

**Correspondence**

Type	Name	Document type	Modified	Modified By	Version
There are no items to show in this view of the "Documents" document library. To create a new item, click "Add new document" below.					
Add new document					

**Contacts**

Company	Last Name
Contact type : other party (1)	
BearingPoint GmbH	

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