# ACC'S LAW DEPARTMENT EXECUTIVE LEADERSHIP SERIES 2008

## "STRATEGIC IMPLEMENTATION OF LAW DEPARTMENT TECHNOLOGIES"

**Hosted by Jeffrey Paquin, Chief Operations Counsel- Legal Division, Abbott Laboratories**

**February 15, 2008**
**10:00 a.m. – 3:00 p.m.**
**The Sutton Place Hotel – Chicago, IL**

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## Participants' Briefing Materials

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**Strategic Implementation of Law Department Technologies**

The following outline is intended to provide a short overview of some of the issues at the heart of this discussion topic. There may be other issues we've not identified or perspectives on the identified issues that are not adequately represented in the outline: you should feel free to raise these additional thoughts, as you like. ***The outline is merely intended as a starting point to help you identify discussion topics and tee up your conversation.***

A.      **Organizational Structure**

1.  **Law Department 'Technology Czar'/Office of Technology Counsel:** Do you have an individual(s) within the law department on point for evaluating and managing technology strategies for the law department? Is that part of your role as the law department executive leader or is this a dedicated position? What is the organizational reporting relationship between this individual and you? Is this a relatively new position or has it been in place for several years? What are the key responsibilities (e.g., interface and strategic discussions with corporate IT, interface with technology personnel at law firms and legal service providers, procuring and implementing dedicated law department technologies, etc..)?

2.  **Dedicated IT Personnel within Law Department:** Do you have dedicated technology professionals within the law department? How many? Who do these professionals report organizationally to—you, as the law department executive, a lead technology counsel/czar, other? Have you always had technology professionals within the law department or is this a more recent staffing development? Did the law department have to present a business case to support including dedicated technology professionals? What are the key responsibilities of these professionals? What are the pros and cons of having dedicated IT personnel within the law department?

3.  **Centralized Corporate IT Personnel; Specialists Assigned to Law Department:** Are there dedicated personnel within the corporate IT group who are on point for supporting technology tools and initiatives for the law department? How many? What key role(s) do they play? What is the general process for requesting and receiving support? Does the law department 'pay' for these services? What practices have you implemented to help streamline and maximize efficiencies and enhance interactions with these IT personnel? Are these professionals co-located with the law department?

4.  **Knowledge Management Leader:** Do you have an individual(s) within the law department on point for strategic development and implementation of information and knowledge management tools and processes? Is this a full-time responsibility or does the individual(s) also have additional legal practice or other responsibilities? What is the scope of this person's role (e.g., internal information and knowledge management within the law department only; interfacing with and

setting strategies for knowledge management with external legal service providers; interfacing with and setting strategies for knowledge management with corporate client groups; combination; other?)?

5. **Chief Privacy Officer:** Does your company have a Chief Privacy Officer? Is that individual part of the law department or does she/he have an organizational reporting relationship with the law department? What role(s) does the Chief Privacy Officer play with regard to setting technology strategies/implementing technology systems for the law department? Has the role increased in recent years, and if so what are the greatest challenges? How have privacy and data protection considerations impacted design of your company's records management systems? What practices have you implemented to help streamline and enhance coordination relating to these roles?

6. **Security:** What role does the corporate security group play with regard to law department technology strategies? Do they perform periodic security assessments of the law department's technology systems? Do they set standards/perform assessments of outside legal service provider technology systems or platforms? What practices has your law department implemented to help streamline and enhance coordination relating to these roles?

7. **Procurement:** What role does the procurement function play in connection with purchasing, implementing, accessing law department technology systems? What are some of the key issues you've had to face in working with procurement on these issues? Have you seen or implemented practices you would consider to be leading or best practices in working with procurement?

8. **External Technology Tools and Support:** Does your law department use key technology tools that are managed/supported by external vendors or service providers? What tools or processes fall into this category? What are the pros and cons of administering these tools or processes externally? Is there someone on point within the law department to strategically oversee these processes? Has your law department identified/implemented best practices in this area?

9. **Budget; Other:** What other types of organizational structures does your law department implement to strategically manage its technology needs and processes? Have you identified leading or best practices? Do you have a set budget for technology support and initiatives? Is this budget part of the law department's overall budget or a negotiated line on the corporate IT budget?

    a.      Program on The Latest Technology for Law Department Management

    http://www.acc.com/resource/getfile.php?id=9086

    b.      Article on The Emerging Role of Office of Technology Counsel
    http://www.acc.com/resource/getfile.php?id=8395

    c.      Practical Law Company Technology Best Practices Survey

http://www.acc.com/resource/getfile.php?id=7544

    d.       Article on Nine Contractual Items to Consider Before You Outsource Your Company's Data Center
https://secure.acca.com/resource/v8046

    e.       Article: The Insider's Guide To Technology Procurement: 20 Practical Ways To Make Large Procurements A Success

    f.       Article:  Five Technology Must-Knows


**B.  Strategic Technology Review/Law Department Technology Strategic Plan**

1. **Strategic Technology Review:**  Has your law department conducted a strategic technology review?  What were the key components of that review?  Who performed the review?  Did you develop the review parameters in-house?  Did the review include a cost/priority assessment?  What was the review approach and scope (e.g., law department personnel only; benchmarking with other law departments or law firms; personal interviews; survey tool; etc..)?  How long did it take to design and complete the review?  How do you use this information?

2. **Strategic Plan for Law Department Technology:**  Does your law department have a strategic plan for technology?  Who created the plan?  Did you create it internally or with outside assistance?  What are the key components of the plan?  Does it include provisions for security, backups, and disaster recovery?  How and to whom do you communicate the plan?  Do you measure and report on performance against plan?  How do you use this information?

    a.       Article on The Ins & Outs of Intranets
http://www.acc.com/resource/v6825

    b.       Article on International Use of US corporate Intranets
http://acc.com/resource/v4868

    c.       Program on Best Practices Using Intranets
http://acc.com/resource/v4683

    d.       Top Ten Tips on Blogging
http://www.acca.com/protected/reference/tech/blogtopten.pdf

    e.       Wikis & Bloggers & lawyers

http://www.acc.com/resource/v8393

**C.    Using Technology to Enhance Efficiencies:**  What types of strategic technology initiatives do you implement within your law department? Is your law department's approach to technology global (e.g. are lawyers in the U.K and in the United States using the same systems?)

1. **Equipment/Tools:** What types of tools does the law department provide to lawyers and professionals within the law department? Do you use video conferencing/web-casting/common phone or other communication systems? Do all lawyers have desk-top (or laptop) computers? Do they have printers in their offices or use shared printers? Do they have hand-held portable devices (e.g., blackberries, palm, treos, etc..)? Does the law department provide/reimburse for these tools? Does your law department have policies on use of these tools and what are the key components (e.g., for business-use only or primarily; password-protection or other data protection requirements; any restrictions on text messaging, internet use or blogging; etc..)? Does your company have a policy on these types of communications? Does it apply to employees using company-issued equipment or to all employees? Does it apply to Directors? What are some of the key features of the policy? *(See material listed under Section A above)*

2. **Legal Intranet:** Does your law department have a legal intranet? What types of information do you include within the intranet? Who manages it? What capabilities does it have (e.g., is it primarily a lawyer directory, or does it double as a knowledge management or legal chat or bulletin board)? Is it global? Is it accessible to lawyers or members of the law department exclusively? Is access password-protected? Do you have a policy or policy provisions with regard to creating or posting information on the intranet and use of the intranet? What are the key provisions? What are the key challenges? *(See material under Section B above)*

3. **Knowledge/Information Management:** Does your company promote or house knowledge management databases or other resources? Do your in-house and outside counsel share expertise in retrievable formats to avoid re-inventing the wheel and to promote avoiding previous mistakes? Do your managers or other managers in the company promote "forms" or other kinds of contract databases that create standards and document deviations from standards? Are there problems or pitfalls to knowledge sharing that impact your document creation and retention processes?

   > ACC LPP on Knowledge Management

   http://acc.com/resource/v5897

4. **Matter Management System:** Does your law department use a matter management system? Was it developed in-house or with outside assistance? What are its features and functions? What have you excluded from coverage and why? Are outside counsel required to enter case information into this system? What security measures have you implemented to help ensure integrity of the information and limit access? Have you identified any best practices with regard to matter management systems? What are the greatest challenges?

5. **Contract Management System:** Does your company use a contract management system? Does the law department use a contract management system? Is it part of the larger corporate contract management system or designed specifically for the law department? What role did the law department play in helping to create

either the corporate-wide system or the law department's specific system? Who manages the system? Who is on point for quality control? What are some of the key features of the system? Does it include features for:

-Creating contracts

-Storing/filing contracts

-Storing/filing clauses

-Managing the lifecycle of contracts (including renewals, amendments, etc.)

-Other?

Who has access to the system? Does the system include preferred corporate positions and fall-back positions? Is there a process for receiving approval for using any of the non-standard preferred provisions? Can clients generate contracts using the system? Are there features of the system that you would consider to be best practices? What are some of the key challenges? What type of training have you developed for system users? Has the system helped enhance efficiencies? Do you track these efficiencies?

6. **Document Management/Assembly:** Does your law department use a document assembly system? What types of documents is the system used for? Did your law department/corporate IT function create the system in-house or did you purchase/customize an 'off-the-shelf' system? What are some of the key features that you like most about the system that you use? What are some of the key challenges? Who has access to use the system (business clients, lawyers, paralegals, contract administrators, other)? What was the process for uploading forms, clauses, preferred language? Is the system global? What are some of the best practices/key challenges associated with this system?

7. **E-billing:** Does your law department use an e-billing system? Is it integrated with a matter-management system? What are the pros and cons of having a combined system? Is it web-based or software-based? What were the key strategic requirements in selecting an e-billing system? What key steps did you take before selecting the system? What are the key challenges in implementing the system? Do you require all of your outside counsel/legal service vendors to use this system? What types of training, communications, practices have you (or your outside vendor) implemented in connection with these requirements? What types of reports can the system generate? How do you control access to the system? Who is on point within the law department for administering the system?

Article on Electronic Billing Enters the Mainstream

http://www.acc.com/resource/v7173

8. **E-discovery:** What types of practices and technologies have you implemented in connection with e-discovery? Do you primarily handle e-discovery in-house? Is there a centralized group on point (within or outside of the law department)? When litigation is pending, what services are best accomplished in-house and

which services should be outsourced? Who should be part of the litigation response team? For e-discovery, do you use an e-discovery vendor? How do you select and instruct an e-Discovery vendor? What practices have you implemented within your law department and organization that you consider to be best practices? What practices/tools have you implemented to set relevance parameters to narrow the scope of documents to be preserved? What data must be searched? Is meta-data relevant to your case or not? Should you make "scrubbing" techniques required in general retention policies or only for documents germane or responsive to the litigation setting?

a.      Article on E-data & Discovery: Protecting Your Company from Avoidable Risk

http://www.acc.com/resource/v8043

b.      Article on Trends in Discovery of Electronically-stored Information

https://secure.acca.com/resource/v8044

c.      Rough Waters Ahead No Smooth Sailing

https://secure.acca.com/resource/v8045

d.      Ten Tips for Electronic Discovery

http://www.acc.com/resource/v4984

9.  **Corporate Governance Databases:**  Does the law department maintain corporate governance databases/systems with information relating to the company's corporate governance initiatives? What types of information are included within the database(s)? Who is on point for managing the system(s)? Who has access to the system(s) to (a) input information, (b) view information, (c) publish, if relevant, reports from the system, (d) manage the information that is in the system? Did your company/IT/law department develop the system or is it web-based supported by an external legal vendor or 'off-the-shelf' technology? How is information updated/kept current? What types of reports/metrics do you pull from the system? What are the key benefits of having this sort of system? What are the key challenges? Are you implementing practices with regard to the system that you consider to be best or leading practices?

10. **Intellectual Property Databases:**  Does the law department maintain databases or systems relating to the company's IP rights? Does it use these (or separate systems) to track the rights of others? What are the strategic factors to consider in designing or selecting these systems? Who is on point to administer these systems? Does everyone have access? What types of reports can the systems generate? How are these useful? What are the key challenges in connection with creating and using these databases? What are the benefits of managing this information in-house?

11. **Other categories of technology that assist?**

**D.     Records Management**

1. **Organizational Issues:**  Is the law department on point for setting and implementing records management policies?  Is there a separate corporate records manager who reports organizationally through the law department?  If there is a non-law department office responsible for records management policy and practices, what is the organizational relationship between that function and the law department?  What are the pros and cons of having an organizational reporting nexus between the law department and these groups? Who takes the lead in communicating and implementing practices involving document preservation for litigation?  What role does the law department play in developing and implementing policies, communications, and training relating to records management?

2. **Centralized Records Management Function:**  Do you have a centralized records management function?  How many and what kinds of professionals are included within this group, and who does the functional lead report to?  Has there been a change in reporting structure in the last several years, and what was the rationale for the change?  Does your company's organizational structure include having records 'ombuds' or embedded records specialists within various business and/or geographic units?  How does the records management function interact with the other key functional groups within the organization (such as IT, legal, compliance, tax, privacy professionals, security, business groups, etc..)?  What value does having a centralized records management function offer?  What is the scope of this group's responsibilities?

3. **Developing a Records Management Policy/Policies:**  Does your organization have a written records management policy?  Did you develop it in-house or with outside assistance?  What was the process for developing this policy?  Did you create a cross-functional multi-disciplinary team?  Which skill sets and constituencies proved key to your efforts?  What was the role of the law department?  How long did it take?  What were the greatest challenges in developing the policy?  And now in implementing it?

4. **Single or Multiple Policy/Policies; Global Considerations:**  Does your company employ a single, global policy that applies to a broad range of business records and documents, or are there several policies for managing various types of business information (e.g., email policies, internet use policies, blogging policies, blackberry/palm use policies, financial records policies, etc…) or various groups of businesses within your corporate family?   For global companies with different jurisdictional requirements, how do you work to harmonize the various requirements?  What are the greatest challenges?  Ideas on best practices?

5. **Scope of Coverage:**  Do records policies and responsibilities apply to all employees?  Do they also apply to contractors or third parties (e.g., vendors, suppliers, service providers, etc..)?  Do they apply to the Board?  Do you have separate policies for the law department?  Do you require those who are covered by the policy to formally acknowledge that they've reviewed and will follow the

policy? Do you require a periodic attestation of compliance? Do these requirements vary depending upon jurisdiction or employment status? How do these policies address use of personal or home computers, portable drives, offsite paper files (as in those in the telecommuting employee's garage), text messaging on phones or palm devices, voice mail, etc..?

6. **Strategic Technology Considerations:** What types of technologies does your company/law department implement in connection with records management?

> a.      Article on Creating a Strong foundation for your company's records management practices
>
> http://www.acc.com/resource/v8864
>
> b.      Article on Le Document c'est moi
>
> http://www.acc.com/resource/v6696
>
> c.      ACC InfoPAK on Records Retention
>
> http://www.acca.com/infopaks/rcrdsretention/recretent06.html

## E.      Email, Electronic Communications & Blogging

1. **Email:** Does your company have a policy with regard to use of email? Is it part of a broader records management policy or a separate policy? What are the pros and cons of having a separate policy? What are the key provisions of the policy? How do you enforce it? What types of training do you provide to employees with regard to the creation and use of email? What security practices do you implement with regard to emails? Do you monitor employee emails? How do you set and manage email retention practices? Is there a need to try to limit email use or is that futile/counterproductive to doing business? *(See material at Tab 7)*

2. **Systems to Support Retention Schedules for Electronic Documents and Email:** Does the law department/company have retention schedules for email and electronic documents? How do you use technology to enforce retention schedules? Are there auto-delete cycles in effect for email or other electronic documents? Do individuals receive notifications of the need to take action to avoid auto-deletion? Do auto deletion cycles simply encourage "copies" to be made and filed in an attempt to avoid deletion of the primary file (and thus a false belief by management that documents have been purged)? If your company uses these or similar features, were these programs developed in-house or do you utilize an outside service provider or purchase software to support these practices? How does the law department interface with IT to preserve documents and 'pull' them from auto-deletion? How do these systems and practices extend to electronic documents and information that is not part of the company network (e.g., Palms, personal computers, cell phones, etc..)?

3. **Text messaging:** Does the law department/company have policies on text messaging? Is it allowed? Are there guidelines on text messaging? Who is

covered?  How do you enforce these guidelines?  What are the pros and cons of having these types of guidelines?

4. **Blogging:**  Does your company have a policy on blogging?  What are the key provisions of the policy?  Do you have a corporate blog?  Do you have a law department blog?  Why or why not?  If your company has one, does the company's records management policy apply to it?  Do you think that in-house lawyers should participate in blogs?  Are there individuals on point for monitoring external and internal blogs (either for information retrieval or for inappropriate statements/disclosures)? *(See material listed in Section B above)*

       a.      ACC Info PAK on Email & the Internet

      http://www.acc.com/resource/v6263

       b.      Email disclaimers

      http://www.acc.com/resource/getfile.php?id=7591

**F.**     **Law Department Knowledge Management Systems and Practices:**  Does your law department have a knowledge management system?  Was it developed in-house or with outside assistance?  Did you develop the technology in-house or buy and tweak or semi-customize outside software?  What process did you follow to select the system? *(See material listed in Section C.3  above)*

1. **Organizational Support; Access:**  Do you have a professional within the law department on point to manage creation, content, quality, and life cycle of the knowledge within the system?  How does information get included within the system?  Does everyone within the law department have access to the system?  Are there 'external-facing' components that allow business clients, outside counsel or legal service providers or other vendors to access all or some of the information?

2. **Types of Information:**  What types of information are included within the knowledge management systems?  Does it only include information generated internally (either within the law department or the company) or does it also include information from outside sources?  Does it include RSS feeds or links?

3. **Outside Legal Service Providers' Knowledge Management Systems:** Do you have access to your primary law firms' knowledge management systems and vice versa?  Have your law firms created client web-pages for you to help facilitate knowledge and matter management?  What best practices have you identified in this area?  Do shared knowledge management systems without outside counsel include other components (such as fee/bill tracking on a real-time basis, or technology sharing capacities)?

4. **Keeping Information Current:**  How do you keep information current?  How do you weed out old information?  What types of guidelines have you set regarding information within the system?  Who is on point for quality control?

**G.**     **Privilege Considerations**

1. **Creating and Maintaining Documents:**  What types of practical steps does your law department take to help preserve privilege protections when creating and maintaining documents?  With all of the new technology and systems in use by law departments today, how do you communicate the law department's policies and expectations on maintaining privilege?

2. **Training:**  Has your law department developed and does it deliver training to clients and to members of the law department on privilege considerations and how to help protect and preserve privilege in light of all of the new technologies that are being used?

3. **Strategic Consideration:**  Has privilege been a strategic consideration in selecting and designing technologies for use within the law department?  Is it a consideration in determining and setting access to information?  How do you integrate strategic consideration of privilege into decision processes relating to new technology strategies?

4. **External Service Providers:**  If your law department uses external services to receive information on company cases or matters that can be sensitive, what types of policies and procedures do you include in contractual arrangements with these providers to help preserve privilege?  Do you audit or inspect their systems and practices?

5. **Global Considerations:**  How do varying jurisdictional views on the status of in-house counsel (and availability of privilege protection that may attach to in-house counsel communications) impact the selection and use of global technologies within the law department?  Are portions of the law department's intranet segmented?  Is access limited?  Are there guidelines on the types of information that can be included within global databases, intranets or systems? If you have a global law department and a law department intranet, do you implement different practices/restrict access to certain shared system drives, etc.. to preserve privilege for those portions of the law department located in jurisdictions that don't recognize attorney-client privilege for in-house lawyers?

6. **Corporate Subsidiaries/Affiliates:**  As part of the law department's strategic considerations in setting access and determining the scope of information within various systems and databases, how do privilege considerations for advice and information relating to subsidiaries/affiliates get factored into the assessment?  Do you segregate/password-protect information for various corporate entities?

    a.	ACC White Paper on Pragmatic Practices for Protecting Privilege

    http://www.acc.com/public/attyclientpriv/pragpract.pdf

    b.	ACC White Paper on All in the Family

    http://www.acc.com/public/attyclientpriv/parentsbcrprsnttnethics.pdf

H.	**Outside Legal Service Providers- Strategic Technology Considerations**

1. **Law Firm Access to Law Department Systems:**  Do you set technology requirements for law firms?  What law department technology systems (e.g., e-billing, matter management, etc..) do outside law firms have access to?  Do all

law firms have access to these systems or only some of your firms?  Do you have extranet pages set up by substantive practice area that law firms can 'post' their substantive newsletter items on?  What types of access do you provide to law department intranets or extranets so that law departments can provide information to you in the format and on the timetable you'd like it?

2. **Law Department Access to Law Firm Systems:**  Do you have the ability to access knowledge management databases created and maintained by your law firms?  What types of information do you have access to (only info created for your company OR also information created for others such as general memoranda on regulatory developments or interpretations, etc..)?  Is this subscription-based or a 'free' service that they offer?  Have your law firms created customized extranet(s) for your law department?  What were the key steps in creating these?

3. **Other Legal Service Vendors:**  As part of your relationship with the legal research vendors, have you developed customized technology interfaces?  Do legal research providers implement knowledge-sharing practices that enable you to tap into research they've performed for others?  How do you measure the quality of service and performance?