



409 - The Latest Technology for Law Department Management

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David Munn is an attorney with Fair Isaac Corporation, a Minneapolis-based data analytics and decision management company that is best known as the developer of FICO® credit scores. Mr. Munn manages legal affairs for various business units and he heads up the 40-person Fair Isaac legal department's technology and process reengineering initiatives.

Prior to joining Fair Isaac, Mr. Munn had been general counsel at Pella Corporation and associate general counsel at Menasha Corporation. He began his legal career in the Minneapolis office of Faegre & Benson. Prior to law school, he worked as a mechanical engineer.

Mr. Munn is a member of ACC, the International Association for Contract and Commercial Management, and the Minnesota State Bar Association. Mr. Munn has had a longstanding interest in legal technology and how it can help to improve the practice of law. He has written articles and organized and participated as a panelist in several seminars dealing with technology and the practice of law, including heading up sessions on technology tools for small law departments at past ACC Annual Meetings, participating as a panelist at the Marcus Evans LawTech Forum, and speaking to a symposium on legal standards sponsored by the Open Legal Standards Initiative. He is the author of "Creating a Matter Management System Using Outlook® Public Folders," ACCA Docket, July/August 2002. He developed a website at www.legaltech.com to help provide information on technology for corporate counsel and he started a related blog.

He received a B.S. from Iowa State University and his J.D. from Yale Law School.

Laura Williams

Laura N. Williams is a legal and professional services consultant to Ixio Corporation, a Seattle-based software company that specializes in improving corporate law departments' document workflow through implementing its QShift document assembly solution. Ms. Williams is Ixio's former general counsel and director of professional legal services.

Before joining Ixio, Ms. Williams served as an assistant attorney general with the Washington State Office of the Attorney General. Prior to that, she was the vice president and senior counsel with Northland Communications Corporation, a national cable television operator based in Seattle.

Ms. Williams is a member of ACC, the Washington State Bar Association, and the International Association for Contract and Commercial Management.

Ms. Williams received her M.B.A. degree from California State University, Long Beach, and her J.D. degree from Seattle University School of Law.

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Document Descriptions and Key Words

Contract Management - Most companies do not do an effective job of managing their contractual processes or contract-related information. However, there are a number of vendors offering systems to assist companies in improving how they manage contracts. This document contains an extensive list of vendors offering contract management systems as well as information about what these systems can do and considerations in selecting the right system for your needs.

Key words: Law department automation; law department software; contract management; contract lifecycle management; enterprise contract management

Intellectual Asset Management - Management of intellectual assets is becoming more important to companies around the world. There are a number of systems available to help companies organize and automate their IP information and processes. This document contains an extensive list of IP system vendors and resources as a starting point for researching options for your company.

Key words: Law department automation; law department software; intellectual property management; intellectual asset management

Document Assembly – Most companies still draft contracts and other documents using the “open file – save as” method, which results in documents with inconsistent language and formatting, oftentimes containing harmful, hidden metadata that can result in breaches of confidentiality or worse. A document assembly system enables attorneys (or non-attorneys) to draft a document or a suite of documents, for a particular matter or transaction, using internally-approved language, without the need for duplicative data entry; the document or documents generated will have consistent formatting and be free of hidden, harmful metadata. Companies are finding that automating their document drafting improves the quality of their documents and allows attorneys to spend less time drafting routine documents. There are a number of vendors that offer document assembly solutions, ranging from ASP-hosted (or SaaS) systems to client-server, enterprise systems. This document contains a summary of document assembly systems (including key features, issues and benefits), and provides an extensive list of vendors offering this solution.

Key words: Document assembly; document creation; document drafting; document automation; document model; document template; contract assembly; contract drafting; contract automation; meta data; metadata; law department automation; law department software

Document Management - Most companies do not do an effective job of managing their documents. Oftentimes, final, signed contracts are located in a paper file in someone's office, and all documents associated with a particular matter or transaction are kept in

paper files, on hard drives, in e-mail, and the like. There are a number of vendors offering systems to assist companies to effectively manage their documents through automation, ranging from ASP-hosted (or SaaS) systems to client-server, enterprise systems. This document contains a summary of document management systems (including key features, issues and benefits), and provides an extensive list of vendors offering this solution.

Key words: Document management; document management systems; DMS; records retention; enterprise content management; ECM; records management; digital asset management; document imaging; document workflow

Corporate Secretary - This document summarizes the key features, issues, costs and vendors of systems used to manage corporate secretarial functions, including entity management, stock ownership, officers and directors, meetings, and filings.

Key words: corporate secretary, entity management, governance, officers and directors

E-Billing - This document summarizes the key features, issues, costs and vendors of systems used to process electronic legal bills online, including bill submission, audits, review, approval/rejection, budget tracking, and reports.

Key words: electronic billing, e-billing, spend management, outside counsel management, budgets, audits, bill review, financial reports

Matter Management - This document summarizes the key features, issues, costs and vendors of matter management systems, which track information about current legal work managed by the law department, including people involved, issues, inventory, exposure/reserves, deadlines, spending, budgets, documents, contracts, status, and results.

Key words: matter management, case management, litigation management, document management, contract management, outside counsel management, compliance, exposure, reserves, legal spending, budgets, results, reports

ASP – SaaS - This document summarizes the technology, benefits, issues, and ethical considerations related to the use by law departments of application service providers (software as a service) to manage their legal work.

Key words: application service provider, ASP, software as a service, SaaS, hosted software, Internet-based software, confidentiality, ethics of Internet communications

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TECHNOLOGY SUMMARY FOR APPLICATION SERVICE PROVIDERS (SOFTWARE AS A SERVICE)

Name

Application service providers ("ASPs"), software as a service, hosted software (as distinguished from client-server software), Internet-based software

Definition

ASPs offer systems that are accessed over the Web, permitting users to utilize the software (enter, review, and process data) from anywhere that they have an Internet connection. Instead of installing new hardware or software in their offices, users log into the site provided by the vendor on the Internet, generally through an encrypted connection. In most cases, all users of a specific system utilize the same code version, which is configurable to meet the specific needs of each customer. Each customer's data is maintained in a separate, secure database.

Benefits

No hardware or software to install or maintain, allowing IT to concentrate on core competencies.

Quick, secure connection of legal teams within and outside of the law department (including outside counsel, experts, vendors, etc.) through encrypted Internet connections to a shared online platform.

Access to data and software from anywhere that the user has an Internet connection.

Upgrades installed by the vendor for all customers directly to the system, often for no additional charge.

Quick implementation to respond to regulatory or other requirements—often 1-2 months.

Lower risk implementation due to the ability to gradually roll out to selected groups before an enterprise-wide commitment is made.

Can be tailored to fit limited technology budgets with pay-as-you-go pricing, rather than large upfront capital investments.

Lower overall cost because software, hardware, network, support, etc. costs are spread across all system users. Cost generally matches system use and is in the form of a monthly service fee.

Access to the latest best practices in frequent upgrades without significant new time and money investments.

To retain users, vendors must focus on ensuring that current users continue to get significant value from the system, rather than being concerned primarily with getting new customers.

Risks

Since this model involves hosting of the customers' software and data by the vendor, due diligence is required to ensure security, reliability, configuration, integration, and disaster recovery. Once you have selected a vendor that provides the functions that you need, have your IT department assist the law department with an evaluation of the technical due diligence. Request verification of periodic third party testing or certification to assure continued security and reliability. See the discussion below regarding the ethical considerations of using a Web-based system to transmit and store confidential legal information.

Make sure that the vendor allows you to use the live system, and talk with users (as well as those who have stopped using the service) to make sure that it works as you expect. To avoid a situation where the lawyers refuse to use a new system, make sure that users at all levels are involved in the selection process.

Ensure that the system will be used as intended by evaluating the training provided by the vendor (must be brief and convenient if lawyers are involved), online help materials, and live support.

Because all users have the same base code set, it is essential to make sure that the system is flexible enough to handle the specific configurations that your users will require. For example, it is important to assess what specific information you will want to track and report on, so that you can check to see whether the system that you are considering can do so in a convenient way. And, if your situation changes (e.g. a reorganization of your business groups or merger of law firms), how will the system accommodate such changes, and can you do them yourself without getting the vendor involved?

Check on the vendor's document retention policies, and who determines what documents and information are removed from the system.

Assess the contractual commitments regarding the return/migration of data if you decide to stop using the vendor.

Evaluate what integration may be necessary with other internal company systems (e.g. connection of the law department's ASP e-billing/matter management system with the company's A/P system for the payment of legal bills).

Carefully examine the number and nature of the other users of the system to assess whether it is likely that the platform will grow in accordance with your priorities.

As with any major supplier, it is essential to assess their long-term viability by checking the scope and growth of their customer base, their financial position (whether they are profitable or dependent upon future investments), ownership control (whether they are subject to outside investors or parent company), etc.

Ethics Opinions Regarding the Use of Web-based Systems for Handling Confidential Legal Information

1. Transmission The transmission of confidential information over the Internet generally does not violate ethical restrictions so long as there is a reasonable expectation of privacy. E.g., ABA Formal Opinion No. 99-413 (March 10, 1999) (the transmission of unencrypted e-mail over the Internet does not violate the Model Rules of Professional Conduct because it "affords a reasonable expectation of privacy from a technological and legal standpoint.") In general, most application service providers encrypt all transmissions to and from their servers, making the communication of confidential documents and information with outside counsel even more secure than the unencrypted email assessed in this opinion.

2. Storage and Processing The ABA ethical opinion condoning the use of unencrypted email also specifically addresses the situation where the confidential data may reside upon a third-party system (e.g., Hotmail.com), which theoretically could be accessed by that service provider: "[t]he threat to confidentiality caused by the potential inspection of users' e-mail by OSP ["on-line service provider"] system administrators who must access the e-mail for administrative and compliance purposes is overcome by the adoption of a formal policy that narrowly restricts the basis on which system administrators and OSP agents are permitted to examine user e-mail." Therefore, the use of a third-party service provider to store and process confidential client information is permitted by the ethical rules governing attorney conduct, so long as the attorney receives reasonable assurances regarding the policies for the protection of such information. ABA Formal Opinion No. 99-413 (March 10, 1999); ABA Formal Opinion No. 95-398, dated October 27, 1995 (a law firm may allow a computer maintenance company to access information in client files for "effecting repairs or correcting problems" provided that the law firm must make reasonable efforts to ensure that the vendor has in place, or will establish, reasonable procedures to protect the confidentiality of client information).

3. Client Consent Although not necessarily required, it is recommended that the attorney inform the client that a third party may be used to store/process confidential data (unless it is obvious from their work together on a shared system). ABA Formal Opinion No. 99-413 (March 10, 1999) (although approving general use of unencrypted email, suggests consulting with client and following client instructions for "highly sensitive" information that requires "extraordinary measures"); ABA Informal Opinion No. 1364, (April 26, 1976) ("... it is not mandatory for an attorney to notify his client in advance of giving information from the client's file to a data processing service for bookkeeping, accounting, and other data processing.").

4. Similar Analysis for Paper Delivery Services This analysis is consistent with the use by attorneys of third party services to deliver confidential paper documents. Most courier services (e.g., Federal Express, UPS, etc.) reserve the contractual right to inspect the contents of packages that they are delivering with terms such as the following:

We may, but are not obligated to, open and inspect any shipment at our sole discretion and with or without notice.

[Company] reserves the right to open and inspect any package tendered to it for transportation.

Despite such potential third party access to confidential information, no state or ABA ethics opinion has ever held that lawyers may not use such services to deliver confidential documents, or that the mere possibility of access to confidential information

constitutes a violation of attorneys' ethical duties. There is a reasonable expectation of privacy that protects such deliveries through such services, similar to the electronic transmission and processing of online legal documents.

5. Different Analysis for Service Providers Retained to Review Confidential Information By contrast, if the third party service provider is not just transmitting and storing information, but regularly conducts detailed analysis of confidential information (e.g. a legal bill auditing service whose staff actually reviews legal bills, unlike e-billing software systems where bills are reviewed by the client), client consent for such third party access may be required under state ethical opinions. E.g., N.Y. State Bar Ass'n Comm. On Prof. Ethics, Ethics Op. 716 (1999).

6. Conclusions Before entrusting your confidential legal data to a third-party service provider, you should receive reasonable assurances regarding their policies for the protection of the confidentiality of that information, during both transmission and storage. You should also make sure that third party staff will access that information only on an incidental basis, not as a regular part of the services provided. If the information is highly confidential and the client is not otherwise aware of the third party service, it may also be advisable to notify the client and obtain informed consent.

Reference Materials

Choosing the Right On-demand Compliance Software, by Michael Rasmussen, Forrester Research, published by the Institute of Internal Auditors:
<http://www.theiia.org/ITAudit/index.cfm?catid=21&iid=547>

Techno Ethics – Coming of Age on Ethics and the Internet, by Mark Tuft, published by the ABA's GPSolo Magazine:
<http://www.abanet.org/genpractice/magazine/2005/jun/technoethics.html>

The Truth About Software as a Service (SaaS), by Galen Gruman, published by CIO magazine:
http://www.cio.com/article/109706/The_Truth_About_Software_as_a_Service_SaaS_/1

How ASPs Work, by Marshall Brain, includes links to other articles about ASPs:
<http://www.howstuffworks.com/asp.htm>

Application Service Providers: Costs & Benefits, by Laura Bray, published by American Payroll:
<http://www.cybershift.com/news/ASPFeatureMarch2006.pdf>

Include Management Costs When Calculating Software as a Service Benefits, by Galen Gruman, published by CIO magazine:
http://www.cio.com/article/111151/Include_Management_Costs_When_Calculating_Software_as_a_Service_Benefits

TCO of On-Demand Applications is Significantly Better for SMBs and Mid-Market Enterprises, by Sanjeev Aggarwal of Yankee Group:
http://www.intente.net/pdfs/Yankee_On_Demand_vs_On_Premises_TCO_1_.pdf?ID=13165

Software as a Service Podcasts:
<http://www.deitel.com/ResourceCenters/Web20/SoftwareasaServiceSaaS/SoftwareasaServiceSaaS/aaSPodcasts/tabid/1662/Default.aspx>

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TECHNOLOGY SUMMARY FOR CONTRACT MANAGEMENT SYSTEMS**Names**

- Contract Databases
- Contract Management Systems
- Enterprise Contract Management Systems
- Contract Lifecycle Management Systems

Description and Primary functions

Few companies manage their contracts and contract processes well. Contract management systems can help to bring order and efficiency to this critical area.

Contract management systems range from simple database systems that allow companies to find their contracts and track basic information (such as contract expiration dates and deadlines) to contract lifecycle management (CLM) systems that attempt to automate the entire contract lifecycle, from the initial contract request through contract creation, signing, filing, and post-contract reporting. Some systems are primarily intended to support the procurement function, and others the sales contracting function, but increasingly these systems are being designed to handle all types of contracts.

While a simple database and tickler system may be adequate for companies with only a small number of contracts to deal with, more fully featured CLM systems add significant features and functions to help manage what, for many companies, is an increasingly complex and critical area. With more systems being offered as a hosted service (SaaS), the advantages of CLM systems are increasingly available even to smaller companies and law departments.

A Definition of a CLM System

An integrated system that applies business rules to manage contracts of the enterprise on a worldwide basis, from request through negotiation to filing in a central repository, and that allows people and systems within the organization to access, analyze, and act on contract-related information to improve efficiency, consistency, reporting, and control.

What are some of the benefits you should expect from a CLM system?

- Streamline contracting process and improve contract cycle time
- Reduce overhead associated with contracts
- Improve consistency of contracts and contract processes across the organization
- Better control of risk and revenue recognition issues, including Section 404 controls
- Improve corporate-wide visibility of contracts and related information – people have access to the information they need
- Eliminate redundant entry of information

- Allow procurement, sales, and legal staff to concentrate on value-added work rather than administrative tasks
- Better understanding of contractual commitments (e.g., SLAs)
- Improved amendment and renewal processing
- Increased visibility into cross-sale/up-sale opportunities
- Allow more efficient integration of acquired companies' contracts and related processes

Key Features – Aberdeen recommends¹ that enterprises assess CLM application capabilities in five primary areas:

1. *Contract creation* – ability to support collaborative contract negotiation, contract templates and clause libraries, approvals, workflows, [electronic signature,] and audit controls.
2. *Contract repository* – ability to establish a searchable repository of all contracts, clauses, and associated business information.
3. *Contract management* – ability to automate and control contract administrative processes, including compliance management, amendments, and renewals.
4. *Reporting and analytics* – ability to monitor and report on contract and operational performance as well as support risk and scenario-based assessments.
5. *Integration and services* – ability to integrate and interoperate with business applications, especially ERP and Microsoft Word, and to provide support services.

Key issues

- Many groups within a company need to access contracts or contract information. Make sure you involve the appropriate groups in the process of selecting and implementing a system.
- In many companies with a high volume of contract activity the law department is not the primary user of contract management systems and does not have overall responsibility for contract management. It may be a procurement department or a dedicated contracts department supporting the sales function. Those departments may include lawyers, or the law department may play more of a supporting role on an as-needed basis.
- Be careful that you don't choose a solution that substantially increases administrative burdens by requiring users to input detailed contract information. Some systems can actually create more work rather than less.
- There is currently a lot of innovation and consolidation taking place in the industry. This should be taken into account in system and vendor selection.
- More systems are being offered as a subscription service (SaaS)
- You will need to figure out what to do with your existing (legacy) contracts. How will you get them into a new system? Some vendors offer this as an additional service.
- "Additional emphasis should be placed on application architecture and usability, both of which will influence deployment, adoption, and total cost of ownership (TCO) performance. Enterprises must also thoroughly assess solution provider's customer

¹ Source: Aberdeen, The Contract Solution Selection Report, June 2005. A free download of this report is available from several of the vendors listed below.

references and financial viability. Such diligence is particularly important considering the establishment of the CLM solution marketplace and continued market consolidation."²

Alternatives

- Many of the individual functions of contract management can be handled using standard Microsoft tools (e.g., Word, Outlook, Excel, Access) or other stand-alone products to accomplish the functions of a contract management system. This is what most law departments are doing today. The problem with this approach is that where you are dealing with any volume of contracts it generally means inefficient, fragmented processes and an inability to efficiently locate information.
- Many matter management systems can be used to store electronic copies of contracts and provide notifications of deadlines, expiration, renewals, etc. Although they may lack all the features of a full CLM system, there can be advantages to consolidating contract information in the same system you use to manage other matters.
- Home-grown solutions. For example, some document management systems (e.g., Interwoven, SharePoint) can be used as the basis for a contract management system. However, with any home-grown system you are responsible for designing, supporting, and maintaining the system, and you will not be able to take advantage of a vendor's expertise and experience working with many other companies.

Costs –

- Costs of implementing a contract management system can range from no up-front investment (if you are able to use a system or systems you already have) to more than \$1 million for a full-featured CLM system.
- Using an existing matter management system as a contract repository and tickler system will probably not involve any incremental investment.
- Home-grown systems using existing software may not involve any up-front software investment, but will require time and expertise to design and maintain the system.
- SaaS CLM systems avoid some of the up-front costs and start at about \$50 per user per month.
- Implementing an installed software CLM system can involve a substantial up-front software license fee, ongoing software maintenance fees, plus implementation fees and charges to input legacy contracts. Total initial investment can easily reach \$1 million, with ongoing fees of more than \$100,000 per year.
- Don't forget to factor in costs for getting legacy contracts into a new system. For companies with thousands of contracts these costs can be substantial.
- Some systems (such as Corporate Legal Standard and Pontus Global) now include a labor component using less costly resources that could make those systems more affordable on a total-cost basis.

Vendors – The following list includes everything from relatively inexpensive software programs to matter management systems that include contract management features, to full-blown CLM systems. Most of these vendors have extensive information on their web sites.

1. Apttus www.apttus.com Delivered only as a service. Integrated with Salesforce.com
2. Ariba www.ariba.com
3. Basware www.basware.com
4. Bridgeway eCounsel matter management system http://www.bridgeway.com/?sec=products&product=contracts_management
5. CMA Contiki <http://www.cmacontiki.com>
6. CobbleStone Systems <http://www.cobblestonesystems.com/>
7. ContractAssistant (Blue Ridge Software) <http://www.blueridgesoftware.biz/>
8. Contraxx (Ecteon) <http://www.ecteon.com/whoneeds.asp>
9. Corporate Legal Standard <http://www.corplegalstandard.com> A relatively new entrant that has contract management as a part of a more comprehensive system to manage legal processes.
10. Decipher Contract Management <http://www.innovation-asset.com/Products-Decipher-ContractsManagement-InnovationAsset.asp>
11. Emptoris (purchased DiCarta) <http://www.emptoris.com/>
12. ERP System Vendors (e.g., Oracle, SAP) – ERP systems are generally not seen as being able to provide the full range of CLM functions, although this will probably change over time. Most of the CLM system vendors, however, claim they can integrate with existing ERP systems.
13. Finetooth www.finetooth.com
14. Great Minds Software Contract Advantage <http://www.greatminds-software.com/products.htm>
15. I-Many <http://www.imany.com/businessSolutions.html>
16. Intellicontract <http://www.intellicontract.com>
17. Interwoven and Perfectus http://www.interwoven.com/documents/partners/perfectus_contract_mgmt.pdf
18. Ketera – www.ketera.com
19. Lecorpio http://www.lecorpio.com/Contract_management.html
20. LegalSquire <http://www.legalsquire.com/en/legalsquire/contracts.jsp>

² *Ibid*

21. Lex Contract Suite <http://www.lex.com.au/>
22. Memba <http://www.memba.com/en/contracts.htm>
23. Microsoft Office SharePoint Server 2007 (MOSS) SharePoint now includes features that make it possible to use it as the basis for a contract management system. <http://www.microsoft.com/office/showcase/contractlifecycle/tech.mspx>
24. Nextance <http://www.nextance.com>
25. OpenSource http://www.opensourceinc.com/solutions.legal_dept.phtml
26. OpenText (acquired Hummingbird) <http://www.opentext.com/2/sol-products/sol-pro-docmgmt-collaboration/pro-ll-contract-lifecycle-mgmt-dmc.htm>
27. Pontus Global <http://www.pontusglobal.com> A new entrant in the industry that combines technology and contract processes, supported by a team of offshore and onshore resources.
28. Procuri www.procuri.com
29. Selectica www.selectica.com
30. Serengeti Tracker Serengeti's matter management and e-billing system includes a contract management module at no additional cost. <http://www.serengetilaw.com/Tracker/Contracts.htm>
31. Softrax <http://www.softrax.com/solutions/contract-management/>
32. SpringCM <http://www.springcm.com/v2/index.php>
33. Upside Contract <http://www.upsidecontract.com/>

Reference materials

Aberdeen Group – Has research materials on contract management, although a subscription is required to access much of it. <http://www.aberdeen.com/>

Contract Minds – The Blog for Contract Lifecycle Management (sponsored by Selectica) <http://www.contractminds.com/>

IACCM - The International Association for Contract and Commercial Management www.iaccm.com. A wealth of information about contract management. Membership is required to see much of the information, but quite a bit is available to non-members.

National Contract Management Association - <http://www.ncmahq.org/> Focused primarily on procurement contracting.

PWC White Paper – Contract management: Control value and minimize risks <http://www.memba.com/library/Memba-PwC.pdf>

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TECHNOLOGY SUMMARY FOR CORPORATE SECRETARY SOFTWARE

Names –

- Corporate (Legal Entity) secretary
- Corporate compliance
- Corporate governance
- Corporate risk
- Corporate governance, risk, and compliance (GRC) - *new hybrid/combination name*

Description and Primary functions – These software systems streamline the electronic tracking of information regarding corporate governance and compliance.

Key Features – Electronic tracking of the following areas:

- Corporate entity and organization information
- Officers and directors information
- Minute book information
- Securities ownership
- Corporate compliance filings

Key Issues –

- Web-based/On-Demand/Hosted-Solution/ Software as a Service (SaaS)/ Application Service Provider (ASP)/ vs. software installed internally on hardware maintained by the company? [See separate analysis of ASPs/SaaS]
- Allows for corporate files (documents and contracts) storage and management, and what are the searching capabilities for such files?
- Helps to create corporate organization charts?
- How is access to information controlled?
- How are updates to information allowed and what are verification processes for ensuring accuracy of data?

- What historical tracking is provided?
- What event notification takes place?
- Is there a way to transmit messages within the system?
- How does system integrate with e-mail?
- How does system accommodate SEC filings?
- What are the reporting capabilities?
- How is support/troubleshooting handled?

Alternatives

- Utilize matter management system that includes the capability to track corporate secretary/governance information, and exchange documents such as board materials online.
- Develop in-house database/spreadsheets.
- Pay outside law firm/third party to manage this information.

Costs (selected vendors)

Costs can vary widely, depending upon which system is utilized, and whether a per seat license is utilized. It is important to explore all related costs, including implementation, upgrades, maintenance, and support, as well as internal IT costs for systems that are not hosted by the vendor.

Bridgeway: Did not respond.

CSC: Did not respond.

CT (hCue): Tracks board of director meetings, minutes, professional licenses, corporate entities, officers & directors, information related to entities, ownership, documents and compliance calendar. Additional features include document management, uploading shared documents, board materials, minute books, annual report deadlines, and calendars. Costs are \$5000 and up depending on the number of entities managed. First year pricing includes setup, implementation, data upload and training costs. Thereafter, cost is based on number of entities, and whether you are a CT client. Specific costs not disclosed.

DataCare: Did not respond.

ICSA (Blueprint OneWorld): Global entity management, including rules-based entity creation and lifecycle project management. Direct government filings, automatic reminders and document creation, organizational charting, and extensibility to include codes of conduct, etc. Used by more than 2400 clients. Did not disclose system cost.

Mitratech (Corporate Secretary Framework): Part of TeamConnect, hosted by either company or vendor. Tracks entities, directors, officers, dates, notes, and other information. Separate implementation, training, and license fees—not disclosed.

National Registered Agents: Did not respond.

Vendors

Company BoardRoom Software
Product Equity Enterprise
Website www.boardroomsoftware.com

Company BoardVantage
Product BoardVantage
Website www.boardvantage.com

Company Bridgeway Software
Product Secretariat
Website www.bridgeway.com

Company CT (Wolters Kluwer)
Product hCue
Website www.ctlegalsolutions.com

Company Computershare (Transcentive)
Product World Records
Website www.worldrecordsonline.com

Company Corporation Service Company (CSC)
Product RecordsCenter
Website www.incspace.com

Company Data Care
Product Corporate Manager & Board Works
Website www.data-care.com

Company Directors Desk
Product Directors Desk
Website www.directorsdesk.com

Company ICSA
Product Blueprint OneWorld
Website <http://www.icsasoftware.com>

Company Mitratech
Product TeamConnect Compliance
Website www.mitratech.com

Company National Registered Agent
Product Corporate Compliance Manager (CCM)
Website www.corporatecompliancemanager.com

Company Two-Step Software
Product Corporate Focus
Website www.twostep.com

Links –

Dave Munn's legal technology site:
http://www.legaltech.com/Technology%20Options/corporate_information.htm

Corporate Secretary Magazine link to vendors:
http://www.thecrossbordergroup.com/pages/255/Website.stm?form_action=search&company=&category=20

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TECHNOLOGY SUMMARY FOR DOCUMENT ASSEMBLY SYSTEMS

Names

- Document Assembly
- Document Automation or Contract Automation
- Document Creation
- Document Drafting
- Document Modeling
- Document Templates

Description and Primary functions

Document assembly systems range from unsophisticated downloadable forms or samples (e.g., <http://www.law.com/isp/ihc/sampleForms.jsp> and <http://forms.lp.findlaw.com/#business/>), often in PDF format, with blank lines for completion of variable data (e.g., the other party's name, address, type of legal entity, as well as important deadlines and obligations), to sophisticated systems that enable authors to build templates that model a particular type of document (e.g., a nondisclosure agreement, software license agreement) and generate execution-ready documents in Microsoft Word, PDF, and other formats. The more sophisticated systems generally allow variable data to be entered one time for a particular matter or transaction, with the data stored in XML format, so each "answer file" may be used to generate multiple documents.

Document assembly systems, like other workflow solutions, are either "off the shelf" solutions that are installed on individual PCs, ASP-hosted (or Software-as-a-Service) solutions (with little or no IT requirement because the vendor maintains the server), or client-server, enterprise solutions (which may be custom built) that are installed behind an entity's firewall (requires IT to maintain the entity's server). One major benefit of ASP-hosted (or SaaS) solutions is the centralization of document templates, which allows for drafting documents from approved language, and updating approved language, from any location with an Internet connection.

Document assembly systems are either interview-driven (e.g., HotDocs, DealBuilder) or clause-based (e.g., Ixio Legal QShift). Most interview-driven systems are also logic-based, meaning the drafter completes a questionnaire-like dialog that is outside of a target document. Clauses are automatically selected based on answers given, so drafters do not have access to optional clauses or other selections that might be available and relevant to a particular matter or transaction. This is also referred to informally as the "black box" method of document drafting because the drafter isn't able to view the text of a document until a draft is generated based on the "answers" provided. Interview-driven, logic-based systems generally require very heavy programming costs, but may be appropriate for drafting certain documents (e.g., NDAs) by non-attorneys, such as a sales force. By contrast, clause-based systems generally makes available to document drafters all mandatory and optional clauses and any background information (including Internet or Intranet links) the author entered at the document template or clause level.

Document assembly systems are either “stand-alone” systems (e.g., Ixio Legal QShift, HotDocs, DealBuilder) that may be integrated with other solutions, such as contract management systems or document management systems, or they are part of a more complete solution, such as a contract management system (e.g., Upside Software, Emptoris) or a document management system.

Corporate law departments are starting to show great interest in document automation for client self-service. Cisco and Microsoft, for instance, now provide do-it-yourself sales contracts, non-disclosure agreements, and software licenses to their business users. Law departments can off-load routine work and delight their clients with rapid turnaround, while retaining control of transactions that vary from pre-approved, “safe” terms.¹

A Definition of a Document Assembly System

A computer-automated system that enables attorneys (or non-attorneys) to draft a document or a suite of documents, for a particular matter or transaction, using internally-approved language, without the need for duplicative data entry; the document or documents generated will have consistent formatting and be free of hidden, harmful metadata.

Benefits of using a Document Assembly System

- Reduce or eliminate the legal department “bottleneck”, particularly when routine contracts (e.g., NDAs) are needed quickly
- Increase quality control of contracts and other documents with consistent formatting and approved language
- Build a central knowledge base, including approved language, commentary, and shared clauses among document templates
- Reduce outside counsel costs by preventing outside counsel from “re-creating the wheel” each time you need a contract - outside counsel must draft from and build upon your centralized knowledge base
- Maintain an audit trail of who drafted which document from which template using which “answer file,” and when
- Reduce risk by requiring all drafters from any location to use approved language
- Reduce or eliminate duplicative data entry (generally requires data be in XML format)
- Reduce overhead associated with document drafting because once the template is created, documents may be drafted from approved language in minutes without the need for further legal review (unless negotiations result in changes to approved language)
- Generate documents free of harmful meta data
- Best if integrated with, or a component of, a more complete contract management, contract lifecycle management, and/or document management solution, so you have a “one stop shop” for the entire contracting process

¹ *Current Frontiers in Legal Drafting Systems, A Working Paper for the 11th International Conference on AI and Law, Stanford University, Capstone Practice Systems, Marc Lauritsen, June 2007, p. 3* (<http://www.capstonepractice.com/CurrentFrontiers.doc/>).

Key Features

- Integrates with Microsoft Windows and Word
- Integrates with, or is a component of, a more complete contract management, contract lifecycle management, and/or document management solution
- Produces a “best first draft” with approved language and consistent formatting
- Intuitive with minimal training
- Increases efficiencies in document drafting
- Implements and auditable trail for record-keeping (who, what, when, why)
- Requires little or no programming, so authors may easily edit templates “on the fly”
- Accessible from a centralized location, so drafters may draft, and authors may edit, from any location with a PC and an Internet connection
- Either ASP-hosted (with little or no IT requirement) or client-server, enterprise (with need for IT to maintain the entity’s server)
- No duplicative data entry

Key issues

- Legal, contracts, sales, HR, and other personnel within a company need access to draft documents from language approved by legal in order to eliminate or reduce any perceived “bottleneck”
- With increased scrutiny, there is a great need for a clean, auditable trail of document drafting for record-keeping (who, what, when, why)
- Make sure to involve the folks who will be using a system in the process of selecting and implementing a system
- Be careful that you don’t choose a solution that substantially increases administrative burdens by requiring users to input detailed or duplicative data
- Make sure those who will be using the system understand why document assembly is better than the old “cut and paste” and “open file - save as” system; otherwise, they will be adverse to change
- Document assembly systems eliminate the harmful metadata that may now result in State ethics violations²
- There is currently a lot of innovation and consolidation taking place in the industry, which should be taken into account in system and vendor selection
- Determine whether an ASP-hosted, Software-as-a-Service (SaaS) system, or a client-server, enterprise system, is best for to meet your needs (most solutions are now offered as SaaS solutions, which reduce or eliminate the need for IT)
- Consider requiring the SaaS vendor to enter into a source code escrow arrangement³
- Determine which documents and clauses to use to build your document and clause template library; there are many document comparison and scanning solutions available to help select “best practices” language and bring that language into your chosen system
- Make sure to check the vendor’s customer references

² *What Lurks Within: Hidden Metadata in Electronic Documents Can Win or Lose Your Case*, American Bar Association, Eileen B. Libby, April 2007 (http://www.abanet.org/cpr/about/Hidden_Metadata.html/).

³ *Iron Mountain* is one vendor that provides source code escrow-related services - <http://www.ironmountain.com/index.asp>. See also *webcast* with Iron Mountain and the Association of Corporate Counsel (http://webcasts.acca.com/handouts/ACC-Iron_Mtn_03.01.06_Webcast_QAs.pdf), and *webcast* with Iron Mountain and the International Association for Contract and Commercial Management (<http://www.ironmountain.com/events/webcasts/saas5122007.asp/>).

Alternatives - The traditional “open file – save as” system is broken, and document assembly really is the only viable alternative. The question is not whether to implement document assembly, but, rather, which system to implement.

Costs

- For SaaS systems, pricing is generally per seat per month, and usually includes upgrades and ongoing technical and customer support⁴
- Some “off the shelf” systems have a one-time fee per license, but charge additional amounts for upgrades and ongoing technical and customer support
- Most vendors also provide professional services (such as training and implementations) for an additional fee
- Clause-based systems (such as Ixio Legal QShift) generally require little or no programming
- Logic-based, or interview-driven, systems (such as HotDocs and DealBuilder) generally require heavy up-front, and ongoing, programming, which can be costly
- IT costs, if client-server, enterprise system
- Potential source code escrow costs, if SaaS system

Vendors - The following list is not all-inclusive. Most vendors have extensive information on their websites; most of the information in the table below was taken directly from the associated websites. Please keep in mind that functionality and pricing with any technology, including document assembly, is subject to change. Most vendors will perform a free, “live”, web-based demo of their solution.

<ul style="list-style-type: none"> • ActiveDocs http://www.activdocs.com/ 	<p>This is a simple document automation desktop or server-side solution to develop Wizards which ask for information, merge with database records, create an answer file, and create documents from a template. They also offer some content for various industries (wizards/forms). This is based on the Microsoft platform.</p>	<p>21-day free trial available</p>
<ul style="list-style-type: none"> • Adobe® Intelligent Document Platform http://www.adobe.com/enterprise/idp.html/ 	<p>The Adobe® Intelligent Document Platform’s three technologies:</p> <ul style="list-style-type: none"> • Intelligent Documents: Add business logic to digital documents while maintaining the high fidelity your business requires with the powerful combination of PDF and XML. • Universal client: Use ubiquitous Adobe Reader® software to interact with Intelligent Documents. • Adobe Document Services: Create, manage, and automate critical business processes with Adobe Document Services. 	<p>On-line, five-minute tour available</p>

<ul style="list-style-type: none"> • AmazingDocs http://www.amazingdocs.com/ 	<p>AmazingDocs.com is a product developed by Cycle Software, an information technology firm that provides software products and professional services to a number of industries including Financial, Medical, & Professional Associations, Distributors, Manufacturers. Some of these solutions include document and content management, e-commerce, database publishing, catalog production, and many other database driven applications. Enable your organization to consistently create highly customized, perfectly formatted, attractive, accurate and approved documents in minutes. AmazingDocs makes creation of complex documents fast and easy. This is done via an intuitive three step wizard that guides a user through a process that results in a stunningly-sharp Microsoft Word or Microsoft PowerPoint documents. AmazingDocs.com is a browser-based application, requiring very little (if any) installation or local administration.</p> <p>Features are listed at: http://www.amazingdocs.com/Features/tabid/179/Default.aspx/.</p>	<p>On-line sample functionality available</p>
<ul style="list-style-type: none"> • AutoDocs, LLC http://www.autodocs.com/ <p>(Intellectual Property Document Assembly System - IPDAS)</p>	<p>No other software system on the market today compares to IPDAS when it comes to preparing paper and electronic documents used in the prosecution of patent, trademark, and PCT applications with the U.S. Patent and Trademark Office (USPTO) and the World Intellectual Property Organization (WIPO). Complete filings are prepared in minutes using reliable data.</p>	<p>The pricing is annually, per full-time equivalent (FTE), which includes the initial installation, integration with your docketing and DMS, on-site training, on-going updates, product enhancements, and Help Desk support.</p>
<ul style="list-style-type: none"> • D3 (Dynamic Document Drafting) by Microsystems http://www.microsystems.com/ 	<p>“D3 is one of the latest entrants. It has broken new ground in terms of tight integration with Microsoft Word (2003 or better). While possibly weak on some of the more advanced aspects of high-end document automation such as multi-level repeats, D3 includes styles management, group security, and collaborative authoring features that aren’t seen in most other</p>	<p>On-line demos are available for each feature</p> <p>Because this system is logic-based, heavy programming costs may be</p>

⁴ For example, Ixio Legal QShift (www.ixio.com/) is priced at \$99 per month per author and \$59 per month per drafter, with volume discounts available, and the price includes upgrades, as well as ongoing technical and customer support.

		products.” ⁵	required					
		<i>See Thomson press release regarding partnership with D3, “Document Drafting Integration Gives West km New Power, Flexibility.”</i> http://www.thomson.com/content/pr/tlr/tr_legal/173771/						
• DataPrompter by Wordsite	http://www.wordsite.com/products/dpdas.htm	Desktop software that is downloadable from its website. Create documents instantly. Update an entire document or an entire family of documents with a click of your mouse. Work in Word 2007 as well as Word 2000, 2002, and 2003. When working in Word 2007, benefit from Word's new <u>ribbon interface</u> . Automatically get prompted for names, addresses, dates, and other text that needs to be changed. Detect spelling errors in your data with the integrated spellchecker. Import data values from any document into any other document.	Pricing: Single user license is \$149; 10-user license \$999; volume discounts available for more than 10 users. 30-day free trial available		• Document Assembly System by Infoware Canada Inc.	http://www.infoware.ca/content/document-creation.asp?fullpage	"Document Assembly" is a powerful tool for creating documents by choosing from a series of standard clauses. Any document which follows a standardized format, such as a contract or will, can be easily created with Document Assembly. A simple interface in your word processor lets you pick which clauses should be included in the document you are building. A series of pre chosen clauses can be included in a template to produce a starting document from a centralized collection of clauses. The Document Assembly tool can provide standardization and consistency in the documents you produce, and save you time doing it. Document Assembly is available for Word 2000 to 2003.	The tools can be purchased on a per user or per site license basis. Per User, the cost is \$75/user/tool or \$125/user for both the Clause and Data Field Fill Tools. For a site license the cost is \$3500/tool or \$6000 for both Document Assembly Suite Tools.
• DealBuilder by Business Integrity	http://www.business-integrity.com/document-assembly.html	"DealBuilder is purely Web-based on the user end and offers an AI-based authoring environment that reduces the need for traditional template programming. Precedents that are marked up in ways intelligible to substantive experts can often be converted automatically into interactive "masters." Business Integrity established a beach head in the London Magic Circle firms, and has made major inroads into top law departments there and in the US, building on the self-service themes mentioned above." ⁶	On-line demo available Because this system is logic-based, heavy programming costs may be required		• Document Production System (DPS 8.0) by Advanced Logic Systems, Inc.	http://www.dps8.com/	Document Production System (DPS 8.0) is a software program which assembles legal documents and tax returns for professionals. DPS 8.0 assembles a suite of high-quality, customized legal documents and tax forms in these areas of law: Estate Planning, including projections and 709 Probate, including 706 Corporate Limited Liability Companies Charitable Income Taxes. Prepares state-specific documents in all 50 states and District of Columbia. Links information between documents, thereby insuring consistency, minimizing data entry, and streamlining updates. Produces a PDF so that you may view and/or print. Produces files which may be loaded into your word processor.	On-line demo available Price: Varies by state and company size, and is available on a drop-down menu
					• Emptoris	http://www.emptoris.com/	The Emptoris Suite integrates six powerful, Web-based solutions that may be deployed flexibly and modularly to meet the unique demands of your business. Our solutions may be deployed on-premise behind your corporate firewall or delivered as Software-as-a-Service. They are built on a common platform utilizing enterprise-scale technology that delivers security, flexibility, compatibility, and integration with other enterprise solutions. A common underpinning across the suite is its ability to enable better decision-making through business optimization. Whether you are identifying high-risk contracts through scoring and analytics or the lowest total cost sourcing award, you can count on Emptoris to help you make the right decisions with confidence.	
					(contract management solution with a document assembly component)			

⁵ *Current Frontiers in Legal Drafting Systems, A Working Paper for the 11th International Conference on AI and Law, Stanford University, Capstone Practice Systems, Marc Lauritsen, June 2007, p. 4*
(<http://www.capstonepractice.com/CurrentFrontiers.doc/>).

⁶ *Ibid*

<ul style="list-style-type: none"> • Exari (formerly SpeedPrecedent) 	<p>http://www.exari.com/document-assembly.html/</p>	<p>"Exari is a web-based solution based in Australia with a strong commitment to open systems and standards, especially XML."⁷</p>	<p>On-line demo available</p>	<ul style="list-style-type: none"> • Pathogoras 	<p>http://www.pathagoras.com/</p>	<p>Clause-based document assembly and document automation with no programming required. Pathogoras is an add-in to, and runs in tandem with, Word 2000, 2002(XP), 2003 or 2007. Creating a new clause is as simple as adding another Word@ document to a folder -- a folder where you already store documents. Editing a clause is simply opening the document, making the changes and saving it back out. Streamline the production of all types of documents, from standard forms to complex contracts and proposals. Installation and setup is smooth, simple and intuitive. There are no fields to construct. No 'Smart Tags' to create. No complicated replacement rules or formulas to write. You can create a truly workable system within 15 minutes. Create an 'automatic variable' simply by enclosing any text within plain text [brackets]. Save customer and client personal data for reuse with related forms. Pathogoras' simple 'Instant Database' self-generates the required data fields. Ideal for law offices, project managers, contract writers, bid specialists and any other office or setting where documents using extensive standard and boilerplate text are created.</p>	<p>Pricing: One-time license fee – single user (\$379); network bundle, three users plus networking, \$799; contact Pathogoras for add-on per seat and volume discounts</p>
<ul style="list-style-type: none"> • GhostFill by Korbitec Inc. 	<p>http://www.bashasys.com/ghostfill/</p>	<p>"GhostFill is a vigorous player from Korbitec in South Africa. It was integrated into the Amicus Attorney case management software, branded as Amicus Assembly. It also underlies the new and improved construction contract software from the American Institute of Architects and Drafting Wills and Trusts from West Publishing. GhostFill has a programmer-friendly object-oriented and open architecture, making it very easy to add functionality. It offers great flexibility for custom integration, and can be easily hooked up to databases out of the box."⁸</p>	<p>Pricing: Charge per file opened</p>	<ul style="list-style-type: none"> • Perfectus Solutions – Perfectus 5.4.3 	<p>http://www.perfectusolutions.com/prod_perf.asp</p>	<p>Built on leading edge .NET and Java platforms, Perfectus provides an easy-to-use solution for subject matter experts to securely capture and reuse pre-approved corporate clauses and documents, ensuring the compliance of operational documentation.</p>	<p>90-day free trial available On-line tutorials and user guides available</p>
<ul style="list-style-type: none"> • HotDocs by LexisNexis 	<p>http://www.hotdocs.com/</p>	<p>"HotDocs has the biggest market presence and most developed ecosystem. It has an excellent online knowledgebase, email discussion list, and consultant community. HotDocs offers the best tool for automating graphical forms, and has a full-featured Web implementation. The company continues to release significant new versions each year."⁹</p>	<p>30-day free trial of the 2007 Professional Edition is available</p>	<ul style="list-style-type: none"> • Perfectus Solutions – Perfectus 5.4.3 	<p>http://www.perfectusolutions.com/prod_perf.asp</p>	<p>Built on leading edge .NET and Java platforms, Perfectus provides an easy-to-use solution for subject matter experts to securely capture and reuse pre-approved corporate clauses and documents, ensuring the compliance of operational documentation.</p>	<p>On-line, "quick tour" available</p>
<ul style="list-style-type: none"> • Intelledox 	<p>http://www.intelledox.com/</p>	<p>Intelledox is clause-based document assembly solution built on Microsoft technology. It is an XML engine that combines content (text), with structure (layout including format, fonts and styles) together based around a set of rules defined in the answer file XML. The engine outputs content to .Doc, XML, email, PDF or database update.</p>	<p>On-line tour available</p>	<ul style="list-style-type: none"> • Perfectus Solutions – Perfectus 5.4.3 	<p>http://www.perfectusolutions.com/prod_perf.asp</p>	<p>Built on leading edge .NET and Java platforms, Perfectus provides an easy-to-use solution for subject matter experts to securely capture and reuse pre-approved corporate clauses and documents, ensuring the compliance of operational documentation.</p>	<p>On-line, "quick tour" available</p>

⁷ Ibid
⁸ Ibid
⁹ Ibid

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| <ul style="list-style-type: none"> • QShift by Ixio Corporation | <p>http://www.ixio.com/</p> <p>This is a clause-based, ASP-hosted document assembly solution that works with Microsoft Windows and Word and allows authors to import existing content and build templates from that content with no programming needed. With the "reusable answer file" feature, customers input variable field data once, and can draft and redraft from the saved XML file, as well as import the XML data into a spreadsheet or contract lifecycle management system to track deadlines (e.g., expiration and renewal dates) and obligations. Drafters may generate a document using internally pre-approved text that is explained in commentary at the clause level. The end result is an execution-ready document free of harmful metadata and exhibits consistent formatting. So as compared to the traditional "Open File—Save As" system of document drafting, Ixio Legal QShift offers the advantages of speed, improved quality-control, and a reduced likelihood of metadata mishaps.</p> <p>"QShift is an Internet subscription-based application with the slogan 'smart document drafting on demand.' I think of it as a clause manager on steroids. It has powerful underlying technologies that can take it in many different directions."¹⁰</p> <p><i>See Kenneth Adams' Q&A with Ixio's General Counsel</i>
 http://adamsdrafting.com/system/2007/06/18/ixio-q-and-a/</p> | <p>Pricing is per seat with volume pricing available – see the product and pricing catalog at http://www.ixio.com/content/product_catalog.html</p> <p>On-line tour available, but best to call for a demo</p> | |
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| <ul style="list-style-type: none"> • Rapidocs by Epoq Group | <p>http://www.rapidocs.com/rc/index.cfm?fuseaction=home/</p> <p>Rapidocs is a sophisticated software publishing solution that follows an advanced question and answer 'advice' session leading to the creation of tailored documents or PDF forms. Rapidocs files contain the logic for assembly and users' answers to questions in a single compressed, transportable "intelligent" file. Several versions of client software and author/developer tools are available. You purchase content, rather than develop templates from your own content. --"Rapidocs originated in the United Kingdom. It includes innovative features that optimize it for ecommerce applications. It is active in the non-lawyer space—see http://www.directlaw.com/."¹¹</p> | <p>On-line demo currently unavailable, but screenshots of the product are available</p> | |
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| <ul style="list-style-type: none"> • Upside Software | <p>http://www.upsidesoft.com/Upside+Software/Site+Map/Home.htm/</p> <p>(contract management solution with a document assembly component)</p> | <p>UpsideContract is an enterprise-class contract management solution providing full contract lifecycle management functionality – including collaborative contract creation and negotiation, performance, compliance and risk management, amendment and renewal processing, and event management – in a package that is completely web-based with no plug-ins required. After extensive collaboration with customers from industry-leading organizations, UpsideContract Version 5 (V5) is now available to help streamline your organization's contract lifecycle management and effectively handle all your commitments. With enhanced 3rd party paper handling capabilities, native & seamless integration with Microsoft Word®, extra powerful search functionality and more, V5 is set to offer customers an unparalleled comprehensive contract management solution. The bar has been reset to a new level and UpsideContract has taken another huge leap in the marketplace. Let us show you how UpsideContract can handle your commitment management and overall contract lifecycle management for your entire organization. UpsideContract-LITE is a scalable and flexible solution that offers companies the ability to purchase only the required functionality, and add functionality in the future as requirements grow. This approach allows organizations to obtain a feature-rich contract management solution with a minimum investment that can then be scaled up to the enterprise-class functionality of the full UpsideContract solution as requirements expand and budget permits. UpsideContract-Office is a client-based interface to Upside Software's enterprise-class contract management solution, UpsideContract. UpsideContract-Office provides local document creation, editing, review, and sharing along with activity and communication management all within Microsoft Office's well-known user interface and environment. UpsideRFX is a web-enabled e-RFX tool that supports all sourcing and procurement activities through collaborative creation and management of complex RFX documents (i.e., RFP, RFQ, RFI, etc.), reverse and forward auctions, and related processes, with functionality that supports both the purchaser and vendor communities.</p> | <p>On-line presentation available</p> |
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| <ul style="list-style-type: none"> • WinDraft by Eidelman Associates | <p>http://www.lawtech.com/WINDRAFT/</p> | <p>WinDraft is a state-of-the-art document assembly engine that works as an add-in to both Microsoft Word and WordPerfect. It is an "electronic form book" that has the ability to "think like a lawyer." An intelligent WinDraft data entry screen asks you all of the factual and legal questions needed to draft a client document or batch of documents. From this information, WinDraft generates customized documents based on your knowledge and using your language. Using WinDraft, a skilled practitioner can develop expert systems that capture all of the firm's knowledge and expertise</p> | <p>On-line screenshots available</p> |
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¹⁰ *Ibid*

¹¹ *Ibid*

and make that expertise available to everyone at the firm. WinDraft will automate even the most complex documents.

Reference materials

- American Bar Association, Eileen B. Libby - [What Lurks Within: Hidden Metadata in Electronic Documents Can Win or Lose Your Case](http://www.abanet.org/cpr/about/Hidden_Metadata.html), April 2007 - [http://www.abanet.org/cpr/about/Hidden_Metadata.html/](http://www.abanet.org/cpr/about/Hidden_Metadata.html)
- Capstone Practice Systems, Marc Lauritsen - [Current Frontiers in Legal Drafting Systems, a Working Paper for the 11th International Conference on AI and Law, Stanford University](http://www.capstonepractice.com/CurrentFrontiers.doc/), June 2007 - <http://www.capstonepractice.com/CurrentFrontiers.doc/>
- [David Munn](http://www.legaltech.com/), Director of Legal with Fair Isaac Corporation, addresses how to improve corporate law department management and workflow efficiencies on his website and blog - <http://www.legaltech.com/>
- [Exari Document Assembly Blog](http://exari.blogspot.com/) - <http://exari.blogspot.com/>
- Ixio Corporation - [Meta Data: Hidden Liability in Your Documents](http://www.ixio.com/content/PDF/Ixio%20Meta%20Data%20White%20Paper.pdf) - <http://www.ixio.com/content/PDF/Ixio%20Meta%20Data%20White%20Paper.pdf>
- Kenneth Adams - [Law Firms Helping to Implement Law-Department Document Assembly](http://adamsdrafting.com/system/2007/04/09/law-firms-helping-implement-doc-assembly/) - <http://adamsdrafting.com/system/2007/04/09/law-firms-helping-implement-doc-assembly/>
- Kenneth Adams Q&A Sessions with two document assembly vendors:
 - [Exari's CEO](http://adamsdrafting.com/system/2007/06/27/exari-q-and-a/) - <http://adamsdrafting.com/system/2007/06/27/exari-q-and-a/>
 - [Ixio Legal QShift's General Counsel](http://adamsdrafting.com/system/2007/06/18/ixio-q-and-a/) - <http://adamsdrafting.com/system/2007/06/18/ixio-q-and-a/>
- Rees Morrison's Law Department Management Blog - [Law firms help law departments develop rule-based drafting systems](http://lawdepartmentmanagement.typepad.com/law_department_management/2007/04/law_firms_help_.html) - http://lawdepartmentmanagement.typepad.com/law_department_management/2007/04/law_firms_help_.html
- [The International Association for Contract and Commercial Management \(IACCM\)](http://www.iaccm.com/) - www.iaccm.com/ provides a wealth of information about contract management. Membership is required to see much of the information, but quite a bit is available to non-members.

The Latest Technology for Law Department Management

ACC Annual Meeting - October 30, 2007 - Session 409

TECHNOLOGY SUMMARY FOR ELECTRONIC BILLING SYSTEMS

Name – Electronic billing, e-billing, online billing for law departments

Description and Primary functions – Electronic billing systems enable law firms and other vendors to submit bills online to law departments, who use such systems to approve/modify/reject bills, track budgets, and produce spending reports.

Key Features (may not apply to all systems)

Flexible law firm bill submission (both LEDES and non-LEDES bills) so that 100% of your law department's law firms/vendors (large and small, domestic and foreign) can bill through the system without additional work for the law firms. Vendors that can provide 100% implementations save law departments time by having all spending information in one system, and make it possible to generate accurate, complete spending reports.

Immediate, specific feedback to firms regarding bill submission problems.

Customizable bill approval routes, with automatic escalation of larger bills to higher level approvers.

Audits to flag new timekeepers, rate changes, violations of expense guidelines, and bills that exceed the budget.

Bill summaries that show spending by timekeeper category (partner/associate/paralegal), by individual, and by expense category.

Quick search capabilities to find specific items in long bills, and re-sorting of bill details to see largest items, activities of each timekeeper grouped together, etc.

Online bill adjustment, including comments (either internal or to outside counsel) and automatic recalculation of bills after adjustments.

Quick access to prior bill history.

Automatic budget analysis, showing spending compared with the budget for all relevant time periods (month, quarter, fiscal year, life of matter).

Audit trail of all reviewers/comments.

Configurable output to A/P system (including electronic copies of bills and backup documents if desired).

In addition to bills, at least one system periodically captures unbilled time (work in process) and estimates online from law firms so that the law departments can generate accurate accrual-based financial reports.

Detailed information conveyed to law firms regarding bill approvals, rejections, modifications and comments.

For law departments with international legal work, foreign currency conversion and VAT/GST tracking.

Full range of spending reports to analyze legal spending for any time period (using service period of invoice, date posted, or date approved), actual/budget comparisons, spending trends, etc.

Some e-billing systems also include matter management functions, or connect to a separate matter management system, to collect, track, and report on additional key information related to legal projects (spending, status, deadlines, results, etc.).

Key Issues

Which of your law firms/vendors are already using your system? Can the system connect 100% of your law firms, small and large, foreign and domestic? Will system limitations (e.g. inability to process non-LEDES bills, customizations to the LEDES standard) or costs (some vendors charge law firms) keep some of our firms from using the system? How will this limit the system's usefulness to the law department? How do you log an occasional paper bill that you want to track in the system? See the American Lawyer Media survey of law firms regarding their evaluation of specific e-billing systems cited below.

What is the total system cost, including all users and firms/vendors, implementation, ongoing support, upgrades, etc.? If the vendor charges your law firms, assume that some or all of those charges will come back to you as higher legal bills, either directly or indirectly. Most e-billing vendors do not charge outside counsel.

How long does implementation take, to configure the system, train all of your internal users, and all of your firms? (For smaller law departments, implementations should take 1-2 months.) How long do training sessions take, and can you attend them from your offices? (Normal user training sessions for lawyers should take no more than an hour by conference call and Internet to be effective).

What specific audits does the system run of bills, and how does it handle bill problems (math errors, missing rates, etc.)? How can reviewers provide changes/comments, either on the overall bill or for specific line items? Is there an easy way to reject bills with an explanation that goes back to the firm?

How does the system handle foreign currency bills and foreign taxes?

How does the system track spending against both law firm and law department budgets?

How does the system capture unbilled time ("WIP") and estimates from law firms so that your law department can generate periodic accurate accrual-based accounting reports?

Can you use the e-billing connection with outside counsel to also receive other information in the same system (e.g., documents, status updates, results, project calendars, etc.)? See the separate description of combined matter management/e-billing systems.

Can the system track internal law department time so that you can allocate it to specific business units, and compare the cost of doing work in-house with the outside legal cost?

What reports can you run in the system? Can you save reports that you run repeatedly so that they can quickly be updated? Can you also export the data to your own spreadsheet, database, or report writer?

How often does the vendor upgrade the system? What upgrades were done during the past two years, and what is planned for the coming year?

How many law departments currently are using the system? For viability reasons (the recent withdrawal of support for LawPack's matter management system stranded many law departments), it is important that the system have a broad range of law departments using the system, including many like yours. It is reasonable to ask to talk with law departments who are using the system (as well as some who have decided to stop using it) to compare their experiences. In addition to checking on the scope and growth of their customer base, it is also important to examine their financial position (profitable or dependent upon future investments), and ownership control (independent or subject to outside investors/parent company that might stop supporting an underperforming business).

Alternatives

Standalone e-billing systems vs. those that are part of an overall matter management system.

Because of their ability to efficiently connect law departments and outside counsel/experts/other vendors, application service providers predominate among the vendors—see the separate analysis of benefits and issues related to application service providers.

Costs

Bottomline: E-billing/budgeting system (does not include matter management) hosted by the vendor. Targets law departments with annual outside legal spending in excess of \$5 million, but may work for some smaller law departments. Charges to law departments not disclosed. No charges to law firms.

Bridgeway: Did not respond.

CaseTrack: E-billing and matter management system hosted by law department. Matter management used by approximately 200 law departments. One-time license fee to law department based upon number of law department users—amount not disclosed. Additional implementation fee is dependent upon law department requirements. There is also an annual maintenance charge equivalent to 18% of the license fee. No charges to law firms.

CounselLink (Examen): E-billing and matter management system hosted by the vendor. Charges to law departments and law firms not disclosed.

DataCert: E-billing and some matter management of calendars, hosted by law department. Charges both law departments and law firms, but amounts not disclosed.

LawTrac: Did not respond.

Mitratech: E-billing and matter management hosted by vendor or by law department. E-billing currently being used by one law department, with others expected to begin during next several months. Charges to law departments not disclosed. No charges to law firms.

Serengeti: E-billing and/or matter management hosted by the vendor. Most widely used e-billing/matter management system in recent surveys of both ACC law departments and law firms (see ALM survey report below). Cost for small law departments (up to \$2 million in annual outside legal spending, 35 internal users and 130 firms) is \$2,000 per month, and a one-time \$6,000 implementation/training fee. No charges to law firms.

Tymetrix: E-billing and/or matter management hosted by the vendor. Tymetrix 360 has e-billing and matter management. Charges include implementation fee, fees to law department, and fees to law firms--specific costs not disclosed. Matter Metrix has restricted matter management, no e-billing, paid for by the law department based upon the number of matters—specific costs not disclosed.

Vendors

Bottomline Technologies: www.bottomline.com

Bridgeway: www.bridgeway.com

CaseTrack: www.case-track.com

CounselLink (formerly Examen, acquired by LEXISNEXIS): www.examen.com

LT Online: www.lawtrac.com

Serengeti: www.serengetilaw.com

TriPoint Systems (acquired by Wolters Kluwer): www.tripoint.com

Tymetrix (acquired by Wolters Kluwer): www.ctymetrix.com

Reference materials

2006 Law Firm Survey Regarding E-Billing Vendors, American Lawyer Media Research Survey Report, available at: <http://alm-research.com/Documents/ebillingSurvey.pdf>.

Choosing an Electronic Billing System – Measure Twice, Cut Once, by Rob Thomas, white paper published by the International Legal Technology Assoc. available at: http://www.iltanet.org/communications/pub_detail.aspx?nvlD=000000011205&h4ID=000000570205.

Electronic Billing Enters the Mainstream: How to Ensure a Successful Launch for Your Law Department, ACC Docket article available at: www.acc.com/resource/v7173.

Electronic Billing – It's Not Just for Large Law Departments, ACC Webcast transcript available at: www.acc.com/resource/v5875. Webcast background materials and slides are available at: www.serengetilaw.com/webcasts.htm.

The Latest Technology for Law Department Management

ACC Annual Meeting - October 30, 2007 – Session 409

TECHNOLOGY SUMMARY FOR INTELLECTUAL ASSET MANAGEMENT SYSTEMS

Name - What are the common terms used to describe these systems or technology?

- Intellectual Asset Management (IAM) Systems
- Intellectual Property Management Systems
- Intellectual Property and Asset Management (IPAM) Systems

Description and Primary functions

Keep track of worldwide IP status, including filings, maintenance, monitoring, licensing, royalty payments, and deadlines

Manage a licensing portfolio

Support valuation for reporting purposes

Manage:

- Patents
- Trademarks
- Copyrights
- Digital assets
- Internal knowledge
- Software rights
- Confidential information – internal and external

Key issues

"Given the specialized needs of their customers, most IP asset management software vendors focus on either specific tasks or vertical markets."¹ With somewhere around 50 vendors competing for this business, you can probably find a system that will meet your needs. With so many choices the problem is how to narrow down the search.

¹ Article: Creative Management: Intellectual Property Asset Management Tools, by John Edwards, http://www.cio.com/article/29743/Creative_Management_Intellectual_Property_Asset_Management_Tools/

Think broadly about what your company's IAM needs are. For any company where intellectual property plays a strategic role in the business, IAM should probably be more than a legal function. Your IAM system should support the company's broader goals and users outside of the law department.

How much manual data entry will be required of the users? Many IP management systems require a significant amount of manual data entry to get information into the system and keep it organized, which could reduce user acceptance and use of the system.

Vendors

1. AccessIT <http://www.accessitx.com/royaltyservices.html> "Using sophisticated, enterprise-class software, we put your intellectual property to work for you. Whether you manage copyrights, or trademarks and licenses, or complex patents, AccessIT's Royalty and Rights Management applications automate the processes necessary to drive corporate IP revenues and cost control. Manually tracking and managing IP assets is labor intensive, slow, error prone and inflexible."
2. Anaqua <http://www.anaqua.com/> "Anaqua provides Intellectual Asset Management software and services to help companies gain competitive advantage from their intellectual property portfolios, including Portfolio Management, IP Business Intelligence, and Collaborative, Web-based Prosecution." Originally built by Ford Global Technologies and British American Tobacco for their own use. http://www.anaqua.com/about-anaqua/FORD_IAM_ARTICLE.pdf
3. Applied Information Management www.aim-harpoon.com Harpoon software. "Harpoon® is AIM's internationally renowned software solution for the entertainment industry. The integrated Harpoon modules provide a powerful, scalable system to manage the exploitation of intellectual properties ... from acquisitions and rights, through sales and A-Z financial processing."
4. BlackDuck Software <http://www.blackducksoftware.com/> "Black Duck Software offers a suite of products to help companies govern how their software assets are created, managed, and licensed."
5. Cognocys, Inc. <http://www.cognocys.com/index.html> "The Cognocys IAM™ software was created to accelerate all aspects of asset management from the initial cataloguing and classification of an idea that might become an invention, to the final disposition decisions at the end of its life cycle. In other words, Cognocys IAM was built to help organizations manage activities that relate to the development, acquisition, protection, and use of intellectual property, and to align tactical decisions with the overall strategy. Built on the ubiquitous J2EE™ platform, Cognocys IAM is web-based, standards-based, highly scalable, integrated software that allows geographically diverse communities to work together with any compatible browser."
6. CPA Software Solutions <http://www.cpaglobal.com/software> "CPA Software Solutions is a leading provider of Intellectual Property (IP) software solutions for companies and IP attorney firms. We offer customised IP software to manage IP portfolios, including patents, trademarks, domain names."
7. Computer Packages, Inc. <http://www.computerpackages.com/> "Computer Packages is, and has been for 37 years, the world's largest supplier of Patent and Trademark Management Systems. We are the leading company in Intellectual Property Systems and Patent Annuity and Quality Assurance Services."
8. Dennemeyer & Co. <http://www.dennemeyer.com/> "Since pioneering the Intellectual Property (IP) outsourcing industry over 40 years ago, Dennemeyer has established itself as the premier resource for full-service, global IP management solutions. DIAMS-XE supports all intellectual assets for the following practice areas: Invention Submission and Patents, Trademark and Brand Management, IP Matter Management and Financial and Cost Tracking."
9. Edital-Intellectual Property Network <http://www.edital.com/> "Edital – IPN have been innovating in the field of IP management systems for the last 16 years. They produce WorldSuite, a client-server system to manage office workflow as well as Trademarks, Patents, Designs and Domain Names. Used by international firms who share their information across the globe, WorldSuite offers a very high degree of automation. For smaller portfolios, WorldMark Plus is a trademarks-only programme. Edital also maintains a website, with information tools in the fields of Trademarks and Patents."
10. EIDOLOGIC http://www.eidologic.com/index_en.php "Our innovative IP management systems (intellectual property) are based on workflows, knowledge-based applications, and document downloads from international patent and trademark databases."
11. EPILOG <http://www.epitheteonline.com/epilog.aspx> EPILOG IP Management software includes [Epithete Brevets](#) (Patents), [Epithete Marques](#) (Trademarks) and [Sybaris Contracts](#) (Contracts).
12. Feathers <http://www.oppedahl.com/feathers/> The Oppedahl IP firm in Colorado is making some free software available. "Feathers lets you monitor the status of US trademark applications. We have also prepared free software called [Goosefeathers](#) which monitors Canadian trade-mark applications. We have also prepared free software called [Partridge](#) which may be used to monitor the status of US patent applications. We also have prepared free software called [Raptor](#) which monitors US Express Mail filings."
13. First to File <http://firsttofile.com/index.php> "FTF Technologies, Inc. provides its comprehensive patent and innovation management solution to leading corporations and law firms worldwide. The system provides innovative companies and their law firms with unprecedented visibility and control of their entire patent portfolio, from invention disclosures to issued patents. From invention disclosures to patent filing and annuity management, this powerful Web-based, end-to-end application will streamline your workflow, track activities and improve collaboration throughout your organization."
14. FoundationIP <http://www.cpaglobal.com/software/foundationip> "FoundationIP is a web-based intellectual property management system for attorney firms and corporations. It provides an online environment to manage matter-related information and activities with people inside or outside of your organisation."
15. FuturePath <http://www.futurepath.com/dnn/> "Future Path's intellectual asset management suite is appropriate for all science, technology and innovative based companies. Our value proposition is substantial and straight forward. Future Path's

- solution increases the valuation of corporations through better intangible asset management."
16. Genese www.genese.de <http://www.genese.de/d4a9af10-a468-45e6-b05b-2b6b0ce90ade.html?t=1187148948764> "German software company focused on IP management software. We offer several products for international law offices and industrial law departments. We help you to control all files, terms and accounting information including many standard overview reports."
 17. IPDOX <http://www.ipdox.com/> "IPDOX is a powerful and scaleable web-based intellectual property management platform that manages IP assets from their conception as an idea through maturation leading to patents, licensing, etc. Designed to be the IP portfolio platform for the enterprise, IPDOX combines the flexibility for customization, powerful - yet secure collaboration capabilities, and the highest levels of prosecution reliability found in the market today. IPDOX is an intuitive solution to efficiently manage the complex schedules associated with the various forms of IP."
 18. Innovation Asset Group (IAG) <http://innovation-asset.com/> "Decipher is a web-based application that gives you the power to understand, manage, protect and leverage your intangible assets in a whole new way. Transform the way you manage your IP assets. This unique system delivers an ongoing, holistic view of your entire IP portfolio, with tools to stay on top of every aspect of your innovation lifecycle."
 19. DIAMS-XE [Dennemeyer's](http://www.dennemeyer.com/) DIAMS IP Management manages the full intellectual asset lifecycle.
 20. Inteum C/S <http://www.inteum.com/inteum.html> "Inteum C/S® provides a universal view of your technologies, patents, and agreements, and enables quick, direct access to all relevant information, electronic documents and activities. Automated tools used to manage all obligations assure never missing a reporting deadline or royalty payment again!"
 21. IP Document Assembly System (IPDAS) <http://www.ipdas.com/overview.asp> Document assembly system for IP practices.
 22. IP LegalDock http://www.legalstar.com/legal_dock.asp "IP LegalDock is quite simply the most powerful docket management software product in its price range on the market today."
 23. I.P.M.S. <http://www.ipms.com.tr/> "I.P.M.S.® is a helpware designed for the management of intellectual and industrial rights with the aim to encompass all aspects of international IP management and the needs of law firms and/or corporate departments."
 24. IPSS <http://www.ipss.com/products.htm> "IPSSdotNET is an Intellectual Property Records Management System for use by both private practice IP firms and corporate IP departments. The IPSSdotNET system consists of a series of modules; namely Patents, Trademarks, Oppositions, Filing Proposals, Domain Names, Information Files, Document Scanning and Agreements."
 25. ipWorkflow <http://www.aspengrove.net/> "Patent & Trademark Application and Maintenance tracking"
 26. Jurivox http://www.mioinc.com/business/index_e.asp?Cald=24&PgId=34 "Jurivox™ IP management is a completely integrated and powerful solution. It combines patent and trademarks management, managerial accounting and all related documents and/or dockets, including correspondence, email memos, spreadsheets, video and image files to each case/file."
 27. Knowledge Sharing Systems <http://www.knowledgesharing.com/> KSS TechTracS® automates the entire research and intellectual asset management lifecycle for your enterprise – from research to IP protection to technology marketing and licensing. Now researchers will receive the responsive support they need. Your technology transfer office will achieve dramatic productivity gains. And senior management will see the returns on investment they've always wanted."
 28. Knowligent <http://www.knowligent.com/> IP Portfolio is the world's most powerful system for managing inventions, intellectual property, and licensing.
 29. Lecorpio <http://www.lecorpio.com/?qclid=CLefiOPv6Y0CFQWQIwodLBSzrQ> Lecorpio offers several modules for IP management.
 30. LegalSquire <http://www.legalsquire.com/en/> LegalSquire offers several options for IP management.
 31. Lex - http://www.lex.com.au/LEX_Brochure_IP.pdf "The LEX® IP Suite is designed for intellectual property managers in corporate and government settings. It's a simple system that makes it easy for groups or individuals to store important information about their portfolio and related licences in one place."
 32. ManIPulate <http://www.manipulate.co.za/index.html> "ManIPulate™ is the complete management solution for a Corporate Intellectual Knowledge portfolio – comprehensive administration of trademarks and patents, a complete contracts agreements facility with advanced document handling and archiving capabilities, litigation, registered users and associations in an easy, user-friendly environment."
 33. MicroPatent <http://www.micropat.com/static/index.htm> A part of Thompson. "MicroPatent is the world's leading source for online patent and trademark information. Combining advanced technology with the most comprehensive, up-to-date IP information, MicroPatent delivers a complete intellectual property solution—whether it's online searching, document delivery, patent analysis, file histories, or professional search assistance."
 34. MindMatters Technologies, Inc. <http://www.us-mindmatters.com/> "From inspiring employees, to capturing product, market, and customer knowledge, to building and protecting a strong IP portfolio, our Innovator™ Enterprise Idea Management System software makes innovation easier, faster, and more effective."
 35. MyIP - Easy Database <http://www.easydatabase.co.uk/home.html> "MyIP provides technology transfer professionals and licensing executives with a comprehensive and easy-to-use system for the management of intellectual property data."
 36. NameProtect (now part of CSC) http://www.nameprotect.com/index_orig.html "A digital brand management company, provides a comprehensive suite of trademark clearance

- and advanced monitoring services that support the entire life cycle of your brand in today's digital economy."
37. NetsPat <http://www.netspat.com/website/index.php> "The online patent management portfolio management tool for IP managers."
 38. Patent-Management.Net <http://www.patent-management.net/> "Patent-Management.net system is a comprehensive online patent management software system designed to address the professional and clerical needs of IP professionals. Patent-Management.net is developed to reduce the paper and mail processing required for the efficient patent management."
 39. Patrix <http://www.patrix.com/> "Patricia® is the name of our fully customizable IP Management Software, available both as a Client/Server and as a Web product – or as a combination. Patricia was created by IP professionals for IP professionals. The software is flexible and can handle all case matters within an IP organization."
 40. PATTSY <http://www.pattsy.com/> "Our flagship product, PATTSY® (Patent and Trademark Tracking System), is used by hundreds of organizations around the globe. Our clients are among some of the largest patent and trademark filers in the world and include the "who's who" of corporate America and the Intellectual Property Legal community."
 41. PATVIN <http://www.krug-und-partner.de/gb/kundp/kundp.htm> "PATVIN is a professional patent management system."
 42. Pontus Global <http://www.pontusglobal.com/index.html> A new entrant in the industry that combines technology and processes, supported by a team of offshore and onshore resources.
 43. Pro Delta Systems Ltd – <http://www.prodeltasystems.com/cgi-bin/prodelta03/index.pl> "Pro Delta Systems delivers Progressor® - the total IP management solution."
 44. Pro-TecData <http://pro-tecdata.com/ipplatform/index.php> Pro-Tec Data's IP Platform™ software facilitates the identification, classification, and protection of intellectual property, and can be deployed across the extended enterprise to manage confidential information that is transmitted to suppliers, received from customers, created and maintained internally.
 45. RevaWare, Inc. <http://www.revaware.com/index.htm> "RevaTrademark is a simple, easy-to-use database program for tracking your clients and their trademarks." Version 3.0 also tracks patents and integrates with Outlook.
 46. RightsLine, Inc. <http://www.rightsline.com/index.htm> "RightsLine is the first enterprise software solution enabling companies to increase revenue and track royalties when licensing their intellectual property." For licensing digital media.
 47. Trademark Web Services <http://www.tmwebservices.com/> Hosted trademark management services. "Keep your trademark records in a hosted version of WebTMS, the profession's most sophisticated trademark recordkeeping, trademark docketing and trademark management system."
 48. Unicom <http://www.unycom.com/> Unicom IPMS – the complete solution for managing, evaluating and controlling large IP portfolios.
 49. Thompson IP Management Services <http://www.thomsonipmanagement.com/> Manage IP portfolios, track invention disclosures, handle license agreements, monitor conflicts, budget and forecast IP costs.
 50. UTEKip – <http://www.utekip.com/> "UTEK provides comprehensive open innovation solutions for transferring new technologies, managing intellectual property and providing intellectual property consultation."
 51. Worldmark Plus <http://www.edital.com/worldmarkplus.htm> Trademark portfolio management system.
 52. Xen-IP <http://www.xensis.com/> "Our Intellectual Property Management Systems offer an entry cost that is not matched by any of the competition and includes all the software required, including database licences, comprehensive help/tutorials, as well as technical guides to help with installation and configuration."

Reference materials

1. Article: Safeguarding Intellectual Assets <http://www.optimizemag.com/issue/027/management.htm> With the right systems, CIOs can protect the hidden resources of their companies' intellectual property
2. Article: Filling the Information Gap. http://www.anaqua.com/about-anaqua/IAM_Article_Filling_the_information_gap.pdf "Company market value is often tied to intellectual assets, yet most managers still cannot simply turn to their computer and generate a report on what those assets are and how they are performing. Some companies, however, are wising up."
3. IPMenu <http://www.ipmenu.com/ipsoftware.htm> Extensive listing of IP software from Phillips Ormonde & Fitzpatrick in the following categories:
 - Analysis
 - Drafting
 - Filing
 - Management
 - Miscellaneous
4. *Managing Intellectual Property* – "The global magazine for intellectual property owners." <http://www.managingip.com/StubInfo.aspx?id=1166>
5. Assessment of Intellectual Property Databases – prepared by Washington Advisory Group in 2003 http://www.icapp.org/pubs/wag_ipdatabase.pdf
6. *Intellectual Asset Management Magazine* <http://www.iam-magazine.com/>
7. Novience - The Global Marketplace for Intellectual Property. International portal covering legal news, patent and trademark attorney listings, law sources, IP articles, brand brokerage, patent services, and more. <http://www.novience.com/>

The Latest Technology for Law Department Management

ACC Annual Meeting - October 30, 2007 - Session 409

TECHNOLOGY SUMMARY FOR MATTER MANAGEMENT SYSTEMS**Name** – Matter management

Description and Primary functions – Law departments use matter management systems to track key information regarding legal projects, participants, documents, deadlines, spending, budgets, status, and results. Matter management systems may also include functionality for e-billing, contract management, corporate governance, and other areas that were traditionally handled by other systems.

Although “matter management” and “case management” (including “litigation management” and “claims management”) are sometimes used interchangeably, matter management systems generally track work at a strategic level (both internal work and work being handled by outside counsel). By contrast, case/claims management systems are used primarily by law firms (and some in-house counsel who handle a high volume of litigation/claims without the assistance of outside counsel) to track all of the documents and detailed information related to specific cases. For example, unlike case management systems, matter management does not normally include searchable databases of discoverable documents, transcripts of depositions and hearings, witness preparation information, court and case scheduling, and all correspondence exchanged among counsel.

Key Features (may not apply to all systems)

Organized online files to capture key information related to legal projects, both those handled internally by the law department and those handled by outside counsel.

Searchable database fields to locate information across multiple matters. Configuration to specify which fields apply to each of the primary types of matters handled by the law department (i.e. different fields for a trademark filing than for an antitrust case). Some fields may be required for all matters, e.g. the names of adverse counsel, so that the law department can check to see whether a firm under consideration has ever been adverse to the company in the past.

Updates to status, from outside counsel and the law department, including a running history of all status reports and the ability to flag material developments.

Spending and budget information (both law firm and law department budgets). This may come through electronic billing.

Contact information for all matter participants, including outside counsel, expert witnesses, and other vendors.

Calendar to track key deadlines, dates, and events, with email reminders and personal calendar integration. Calendar views for specific projects, all projects handled by an individual, and across the law department (or practice groups).

Electronic notes to memorialize conversations, decisions, and ideas.

Exposure estimates and reserves, as well as insurance policy information, for litigated matters.

Electronic copies of key documents being worked on by a project team (or links to a document management system).

Dashboard and/or email alerts to project team members when important information or documents are posted.

Results achieved in legal projects, including amounts paid and received, time necessary to complete the projects, and lessons learned.

Key Issues

Does the system permit your outside counsel to provide information directly to the system, or do you have to continue to process paper/email and manually enter the data into the system? For example, can outside counsel be required to provide monthly or quarterly status updates directly to the system for important projects? If so, how does the system handle security so that outside counsel can only see the matters and information that the law department wants them to see?

Does the system capture billing and budgeting information online through electronic billing with outside counsel, or do you have to enter all of that data as well?

Is the system designed to be easily used by everyone in the law department (including lawyers), or will it just be used by staff?

Can the system be accessed anywhere that you have an Internet connection, or only when you are in the office?

How long does implementation take -- to configure the system, train all internal users, and all firms/vendors? (For smaller law departments, implementations should take 1-2 months. Training sessions for lawyers should take no more than an hour to be effective.)

Does the system permit configuration so that for each type of project you are only tracking the types of data that you need?

Can you and your outside counsel easily exchange electronic copies of documents (or links to documents) from your word processing or document management system?

Does the system receive a feed of information and documents directly from your registered agents for efficient online processing and quick response to deadlines?

Can the system track internal law department time so that you can allocate it to specific business units, and compare the cost of doing work in-house with the outside legal cost?

Does the system automatically keep an audit trail of all changes, so that the law department can show the source and date entered for all of the information in its reports?

What reports can you run in the system? Can you save periodic so that they can quickly be updated? Can you also export the data to your own spreadsheet, database, or report writer?

Does the system also include functionality to handle e-billing, contract management, corporate governance, and other important duties of the law department?

How often does the vendor upgrade the system? What upgrades have been done during the past two years, and what is planned for the coming year?

How many law departments currently are using the system? For viability reasons (the recent withdrawal of support for LawPack's matter management system stranded many law departments), it is important that the system have a broad range of law departments using the system, including many like yours. It is reasonable to ask to talk with law departments who are using the system (as well as some who have decided to stop using it) to compare their experiences. In addition to checking on the scope and growth of their customer base, it is also important to examine their financial position (profitable or dependent upon future investments), and ownership control (independent or subject to outside investors/parent company that might stop supporting an underperforming business).

Alternatives

Systems that connect directly with outside counsel (online processing of bills, budgets, status updates, documents, etc.) vs. those that are strictly internal to the law department (which manually enters data into the system from paper/emails/faxes received from outside counsel). Because of their ability to efficiently connect law departments and outside counsel/experts/other vendors, application service providers predominate among the vendors—see the separate analysis of benefits and issues related to application service providers.

Systems that are configurable for the specific types of work tracked by each law department, to eliminate unnecessary fields in specific types of projects vs. those that track the same information for all projects.

Systems that include e-billing, contract management, corporate governance, and other law department functions vs. systems that just track only matter information.

Costs

Bridgeway: Did not respond.

CaseTrack: E-billing and matter management system hosted by law department. Matter management used by approximately 200 law departments. One-time license fee to law department based upon number of law department users—amount not disclosed. Additional implementation fee is dependent upon law department requirements. There is also an annual maintenance charge equivalent to 18% of the license fee. No charges to law firms.

CounselLink (Examen): E-billing and matter management system hosted by the vendor. Charges to law departments and law firms not disclosed.

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Mitratech: E-billing and matter management hosted by vendor or by law department. E-billing currently being used by one law department, with others expected to begin during next several months. Charges to law departments not disclosed. No charges to law firms.

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Tymetrix: E-billing and/or matter management hosted by the vendor. Tymetrix 360 has e-billing and matter management. Charges include implementation fee, fees to law department, and fees to law firms—specific costs not disclosed. Matter Metrix has restricted matter management, no e-billing, with all costs paid by the law department based upon the number of matters—specific costs not disclosed.

Vendors

Bridgeway: www.bridgeway.com

CaseTrack: www.case-track.com

Corprasoft (acquired by DataCert): www.corprasoft.com

CounselLink (formerly Examen, acquired by LEXISNEXIS): www.examen.com

Law Manager (acquired by Bridgeway): www.lmi.com

LT Online: www.lawtrac.com

Mitratech: www.mitratech.com

Serengeti: www.serengetilaw.com

Tymetrix (acquired by Wolters Kluwer): www.ctymetrix.com

Reference materials

After the Case, Analyze the Results – Tracking Outcomes Can Help Companies Choose the Right Law Firm and Save Money on Bills, Legal Times article discussing results information and reporting tracked by matter management systems, available at: <http://www.serengetilaw.com/News/Serengeti-AfterTheCase.pdf>.

Building Up In-House Technology, recent article about systems for small law departments, available at: <http://www.law.com/jsp/ihc/PubArticleIHC.jsp?id=1184576796995>.

Choosing an Electronic Billing System – Measure Twice, Cut Once, discusses selection of matter management/e-billing systems, white paper published by the International Legal Technology Assoc. available at: http://www.iltanet.org/communications/pub_detail.aspx?nvID=00000011205&h4ID=000000570205.

Electronic Billing Enters the Mainstream: How to Ensure a Successful Launch for Your Law Department, ACC Docket article that discusses matter management/e-billing systems, available at: www.acc.com/resource/v7173.

Overview of Law Department Matter Management Systems, prepared by Hildebrandt International, available at: http://www.hildebrandt.com/PublicDocs/HIBR_Aid_Overview_of_MMS.PDF.

Top Ten Methods to Manage Outside Counsel, includes descriptions of law department functions generally covered by matter management systems, available at: <http://www.acc.com/resource/v7740>.

The Latest Technology for Law Department Management

ACC Annual Meeting - October 30, 2007 - Session 409

TECHNOLOGY SUMMARY FOR DOCUMENT MANAGEMENT SYSTEMS**Names**

- Document Management System (DMS or EDMS)
- Digital Asset Management
- Document Imaging
- Document Workflow System
- Records Management System

Interesting Factoid

The Association of Corporate Counsel's 2006 "Profile of In-House Counsel" census revealed the following statistic: "Out of 2,569 polled, 34% of in-house counsels said that their organization used Electronic Document Management Systems [EDMS]. Of those sampled (746), 36% said that they used an in-house system."

Most likely, the majority of those that said they used an in-house system used a local server with Microsoft Windows Explorer and Outlook, not an actual EDMS. Corporate law departments are starting to embrace implementing technology in daily workflow processes as a result of increased accountability and compliance concerns.

Description and Primary functions

A document management system is a paper-based system (e.g., the traditional filing cabinet and file folders), or an electronic-based system. An electronic document management system (EDMS) is a computer system (or set of computer programs) used to track and store electronic documents and/or images of paper documents.¹ The term has some overlap with the concepts of Content Management Systems and is often viewed as a component of Enterprise Content Management Systems and related to Digital Asset Management, Document imaging, Workflow systems and Records Management systems.² When this paper refers to a DMS, it is referring to an EDMS.

Document management systems commonly provide [useful] metadata, integration, capture (imaging), indexing, storage, retrieval, versioning, collaboration, and security capabilities. Here is a description of many of these components:³

¹ See Wikipedia, Document Management System (August 16, 2007) - http://en.wikipedia.org/wiki/Document_management/

² *Ibid*

See also Microsoft White Paper, Enterprise Content Management, Breaking the Barriers to Broad User Adoption (July 2006) – EDMS is considered one of four components of Enterprise Content Management Systems (the other three components being records management, web content management, and forms management) - http://www.microsoft.com/content/bpio/prospect_and_demand/ecm_wp2.pdf.

³ *Ibid*

- Metadata - [Metadata](#) is typically stored for each document. Metadata may, for example, include the date the document was stored and the identity of the user storing it. The DMS may also extract metadata from the document automatically or prompt the user to add metadata. Some systems also use [optical character recognition](#) on scanned images, or perform text extraction on electronic documents. The resulting extracted text can be used to assist users in locating documents by identifying probable keywords or providing for full text search capability, or can be used on its own. Extracted text can also be stored as a component of metadata, stored with the image, or separately as a source for searching document collections.
- Integration - Many document management systems attempt to integrate document management directly into other applications, so that users may retrieve existing documents directly from the document management system repository, make changes, and save the changed document back to the repository as a new version, all without leaving the application. Such integration is commonly available for [office suites](#) and [e-mail](#) or collaboration/groupware software. Integration often uses open standards such as [ODMA](#), [LDAP](#), [WebDAV](#) and [SOAP](#) to allow integration with other software and compliance with internal controls.
- Capture - [Images](#) of paper documents using [scanners](#) or [multifunction printers](#). [Optical Character Recognition](#) (OCR) software is often used, whether integrated into the hardware or as stand-alone software, in order to convert digital images into machine readable text.
- Indexing - Track [electronic documents](#). Indexing may be as simple as keeping track of unique document identifiers; but often it takes a more complex form, providing classification through the documents' metadata or even through word indexes extracted from the documents' contents. Indexing exists mainly to support retrieval. One area of critical importance for rapid retrieval is the creation of an index [topology](#).
- Storage - Store [electronic documents](#). Storage of the documents often includes management of those same documents; where they are stored, for how long, migration of the documents from one storage media to another ([Hierarchical storage management](#)) and eventual document destruction [ideally in accordance with an entity's records retention schedules and applicable law].
- Retrieval - Retrieve the electronic documents from the storage. Although the notion of retrieving a particular document is simple, retrieval in the electronic context can be quite complex and powerful. Simple retrieval of individual documents can be supported by allowing the user to specify the unique document identifier, and having the system use the basic index (or a non-indexed query on its data store) to retrieve the document. More flexible retrieval allows the user to specify partial search terms involving the document identifier and/or parts of the expected metadata. This would typically return a list of documents which match the user's search terms. Some systems provide the capability to specify a [Boolean expression](#) containing multiple keywords or example phrases expected to exist within the documents' contents. The retrieval for this kind of query may be supported by previously-built indexes, or may perform more time-consuming searches through the documents' contents to return a list of the potentially relevant documents. See also [Document retrieval](#).

Benefits of using a Document Management System (this is not an all-inclusive list)

- Increased efficiencies and quality control – store and retrieve any document (including facsimiles, emails, instant messages) associated with a particular matter or transaction in a centralized location, which eliminates hours spent on searching for a particular document on someone's desk or hard drive
- Immediate access to any version of a document
- Scalable solution that can be used on a department or corporate-wide level
- Documents are searchable and easily retrieved
- Control and manage versions of documents
- Maintain an audit trail for compliance and record-keeping purposes of who “checked in” or “checked out” which document when and why
- Reduce overhead associated with document management
- Best if integrated with, or a component of, a more complete workflow solution that includes document assembly and contract management (or contract lifecycle management), so you have a “one stop shop” for the entire contracting and document management process

Key Features (this is not an all-inclusive list)

- Integrates with, or is a component of, a more complete workflow solution that includes document assembly and contract management (or contract lifecycle management), so you have a “one stop shop” for the entire contracting and document management process
- Allows access to information via intuitive interfaces, ideally via a desktop, the Internet, and mobile devices
- Requires minimal training
- Version control functionality
- Collaboration functionality
- Stores any type of document (e.g., DOC, PDF, HTML, XML)
- Requires little or no programming
- Secure with permissions at the folder and document level so only those authorized to store, view, retrieve, or otherwise access a document may do so
- Either ASP-hosted (with little or no IT requirement) or client-server, enterprise (with need for IT to maintain the entity's server)
- Reduces cost of ownership through central deployment and administration, including program updates
- Distributes event notifications (e.g., version changes, document check-in, document check-out)
- Allows generation of customizable reports for analysis and auditing of content assets

Key issues (this is not an all-inclusive list)

- Make sure to *implement and enforce* an effective document and records management system; this may prove critical if served with a discovery request⁴

⁴ See the [Zubulake](#) line of decisions at KrollOntrack.com - <http://www.krollontrack.co.uk/legalresources/zubulake.aspx> and http://www.krollontrack.co.uk/publications/UK_V5.pdf (“...In fact, a corporation's most beneficial preparation comes long before litigation commences or is even anticipated. By developing and following a solid document retention program for use in the normal course of business and a litigation response plan to preserve e-documents should a dispute ensue, litigants can take steps to reduce the risks associated

- With increased scrutiny (e.g., Sarbanes-Oxley compliance requirements, litigation subpoenas for records), as well as having the ability to quickly respond to a question about a document, whether it be a business question or a potential dispute, there is a great need for a clean, auditable trail of documents related to a particular matter or transaction (who, what, when, why)
- Make sure to involve the folks who will be using a system in the process of selecting and implementing a system
- Make sure the system is secure, with strict permissions at the folder and document level
- Carefully think through the metadata you want captured for record-keeping and audit purposes
- Be careful that you don't choose a solution that substantially increases administrative burdens by requiring users to input detailed data, or go through too many steps, when saving a document to, or retrieving a document from, the system
- There is currently a lot of innovation and consolidation taking place in the industry, which should be taken into account in system and vendor selection
- Determine whether an ASP-hosted, Software-as-a-Service (SaaS) system, or an enterprise system, is best for to meet your needs (most solutions are now offered as SaaS solutions, which reduce or eliminate the need for IT)
- Consider requiring the SaaS vendor to enter into a source code escrow arrangement⁵
- Make sure to check the vendor's customer references

Alternatives – A paper DMS (e.g., physical filing cabinets) or an electronic DMS (EDMS). If an EDMS, consider the vendors set forth below, most of which have at least two of the following offerings: an ASP-hosted (SaaS) system, a desktop “off the shelf” system, or a client-server, enterprise system.

Costs

- For SaaS systems, pricing is generally per seat per month, and usually includes upgrades and ongoing technical and customer support
- Some of the “off the shelf” systems have a one-time fee per license, but charge additional amounts for upgrades and ongoing technical and customer support.
- There will be costs associated with bringing your legacy documents into the system; several vendors offer scanning and indexing solutions for this purpose
- Most vendors also provide professional services (such as training and implementations) for an additional fee
- IT costs, if a client-server, enterprise system
- Potential source code escrow costs, if a SaaS solution

Vendors - The following list is not all-inclusive. Most vendors have extensive information on their websites; most of the information in the table below was taken directly from the associated websites. Please keep in mind that functionality and pricing with any technology, including

with electronic data... If an organisation can show it proactively developed a reasonable document retention and preservation plan long before litigation ever commenced and then followed that plan when litigation ensued, chances of spoliation sanctions will be significantly reduced...”)

⁵ Iron Mountain is one vendor that provides source code escrow-related services - <http://www.ironmountain.com/index.asp/>. See also webcast with Iron Mountain and the Association of Corporate Counsel (http://webcasts.acca.com/handouts/ACC-Iron_Mtn_03.01.06_Webcast_QAs.pdf/), and webcast with Iron Mountain and the International Association for Contract and Commercial Management (<http://www.ironmountain.com/events/webcasts/saas5122007.asp/>).

document management, is subject to change. For the most part, this paper includes links to pricing information where it was available (rather than list the pricing information in this document) because pricing information can be extensive and is subject to change. Most vendors will perform a free, “live”, web-based demonstration of their solution, which is preferable so you may have your questions answered during the demonstration.

- Alfresco Document Management by Alfresco Software, Inc. in Maidenhead, United Kingdom

<http://www.alfresco.com/products/solutions/ecm/dm/>

Alfresco offers the industry leading open source document management system to simply capture, search and collaborate on documents with full library services and lifecycle management on a unified, robust repository. Features include:

Contact information is at <http://www.alfresco.com/about/contact/>

(Founded in 2005 by John Newton, Co-Founder of Documentum® and John Powell, former COO of Business Objects®)

- Simple Virtual File System Interface
- Email-Like Rules Configuration
- Google Search – Direct from FireFox or IE
- Yahoo-like browsing
- SmartSpaces – Best Practice Collaboration Spaces
- Transparent Lifecycle Support
- Simple Content Contribution
- Automatic Meta-data Extraction and Content Categorization
- Advanced Distributed Search
- Transparent Format Transformation Services
- Library Services
- Smart Collaboration Spaces
- Integrated Simple and Complex Workflow
- Dashboard Access
- Security

This site also contains several blogs, forums, wikis, and podcasts related to document assembly.

<p>• AnuvaDocs</p> <p>Anuva Corporation is the marketing arm of Knowledge Portal Limited, headquartered in Auckland, New Zealand</p>	<p>http://www.anuvacorp.com/</p>	<p>AnuvaDocs has all the features of enterprise document management but is incredibly easy to use and affordable. AnuvaDocs will manage, control, search and access all your electronic documents. AnuvaDocs will enforce a secure and centralized filing and storage system. Configure the Anuva Profile to suit your business and capture the information you need with each of your documents. Then find your documents by profile and/or full text searching.</p>	<p>Pricing - Anuva is sold on a 'per seat' basis. This license for Anuva includes server and user licenses, additional user licenses can be easily and quickly purchased and implemented.</p>	<p>document scanning and electronic file capture needs. Scan using an existing copier (MFP) or desktop scanner and documents will be routed directly into Content Central™. We've made the process easier than making a copy. Point Content Central™ at your electronic files to ensure your documents remain organized and protected. New documents from scanned or uploaded documents and other content will be named and filed automatically as they're created.</p>
		<p>Full text hit highlighting of search results, document specific security, integrated messaging, sticky notes, alert notes and auto in coming mail scan routing to recipients are some of AnuvaDocs many features.</p>	<p>For pricing quotes, you must contact an Anuva partner at http://www.anuvacorp.com/index.cfm?fuseaction=purchase.findpartner</p>	<p>See features list at http://www.ademero.com/products/features/</p>
<p>• Catalyst Repository Systems (formerly CaseShare)</p>	<p>http://www.catalystsecure.com/</p>	<p>ASP-hosted "On Demand" solution. With digital content exploding, corporations, insurers and their counsel are looking for new ways to manage electronic documents and take control of complex legal matters. Since 1998, we've been building secure, web-based software to address these issues. Our document repositories allow distributed teams to review large volumes of electronic documents. Our collaboration systems help them share files and coordinate efforts on cases, claims and financial transactions.</p>	<p>For pricing information and/or to view an online demo, contact information is at http://www.catalystsecure.com/info.cfm?ID=166&ToolbarID=145</p>	<p>See the professional edition and the small business edition. This is an "off the shelf" product.</p>
			<p>Contact information at http://www.ademero.com/company/contact/</p>	<p>DocumentMall is a SaaS, "on demand" solution that serves as an electronic repository for all your business documents providing anytime, anywhere access to them from the convenience of your computer.</p>
<p>• Content Central by Ademero, Inc. (appears to be headquartered in Tampa, FL)</p>	<p>http://www.ademero.com/products/content-central/</p>	<p>Find documents by searching for any word contained in the document even if the original was in paper form. Content Central™ also allows you to find documents using custom fields such as <i>client name</i>, <i>document type</i>, or <i>invoice number</i>. Access your information from any computer on the network with a standard web browser. View your information <i>on site</i> even when you're <i>off site</i> when you allow internet access to the software. Content Central™ allows users to edit, e-mail, and print documents along with many other popular actions. Perform document actions such as appending and replacing with easy-to-use menu selections. Check Out and Check In features guarantee document revisions won't be lost, and any changes will be tracked. Content Central™ handles your</p>	<p>Free 7-day trial, live demo, and screenshots available</p>	<p>Key features are located at http://www.docmall.com/products/documentmall.asp.</p>
			<p>Contact information at http://www.ademero.com/company/contact/</p>	<p>Delivers a platform for enterprise document management that addresses every stage of the document lifecycle – from creation, reviews, approval, and delivery to archiving and disposal.</p>
			<p>Contact information at http://www.ademero.com/company/contact/</p>	<p>For pricing and contact information, go to http://www.emcsoftware.com/mk/getCONTACT_US_FOR_M_SA?res=y&src=/Z</p>
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				<p>For pricing and contact information, go to http://www.emcsoftware.com/mk/getCONTACT_US_FOR_M_SA?res=y&src=/Z</p>
	</			

<p>• eDOCS™ DM (formerly Hummingbird)⁶ by Open Text Corporation, headquartered in Waterloo, ON, Canada</p>	<p>http://www.hummingbird.com/e-docs.html</p>	<p>Hummingbird Enterprise™ was rebranded to Livelink ECM – eDOCS™ DM - http://www.hummingbird.com/products/index.html/ (see the table in the link for the previous Hummingbird product name and the new Livelink ECM product name)</p>	<p>On line tutorial available at http://www2.hcl.com/html/tut/loginV.asp?err=MustLogin&u=/collateral/tutorial/he2005_dm.html</p>	<p>number one Web content management solution, the first The Interwoven Composite Application Provisioning Solution, the most widely-adopted collaborative document management solution.</p>
		<p>See a list of features of Livelink ECM - eDOCS Suite (Document Management plus) at http://www.hummingbird.com/products/enterprise/index.html/</p>	<p>For pricing, call the applicable number at http://www.hummingbird.com/about/contactworld.html</p>	<p>Products are found at http://www.interwoven.com/products/index.html/</p>
		<p>See a list of features of Livelink ECM - eDOCS DM (Document Management) at http://www.hummingbird.com/products/enterprise/dm/index.htm/ and http://mimage.hummingbird.com/alt_content/binary/pdf/collateral/ds/he04/dm_data_sheet.pdf</p>		<p>Key features are found at http://www.interwoven.com/products/document_management/index.html/</p>
<p>• iEnvision</p>	<p>http://www.ienvision.com/docmgmt.shtml</p>	<p>The website was not very informative.</p>	<p>For contact and pricing information, go to http://www.ienvision.com/contact.shtml.</p>	<p>doQuemts4 is available in two editions Professional & Enterprise. Each edition is designed for a different level of document management requirements. The Enterprise Edition comes with the Web Client which lets you access your documents using a web browser.</p>
<p>• Interwoven (formerly iManage) (founded in 1995, headquartered in Sunnyvale, CA)</p>	<p>http://www.interwoven.com/</p>	<p>One of the world's 50 largest software companies, Interwoven is the leading provider of Enterprise Content Management (ECM) solutions that empower enterprises to improve the customer experience and to optimize back office processes and services.</p>	<p>For pricing/purchasing, contact North America +1.888.468.3796 Europe +44 (0) 1344.631900 Asia-Pacific +65.6220.3380 Or email info_sales@interwoven.com</p>	<p>See feature list at http://www.itaz.com/documents/document_s_features.htm</p>
		<p>Interwoven solutions accelerate growth for nearly 3800 organizations around the world, including nearly two-thirds of the Financial Times Global 100 and such respected companies as Adobe, AT&T, BT, Coca-Cola, FedEx, General Electric, GlaxoSmithKline, Jones Day, Merrill Lynch, Microsoft, Samsung, and Time Warner.</p>		<p>This is a commercial, open source DMS with a Web and MS Windows interface that integrates with MS Office.</p>
		<p>Top industry analyst firms Gartner and Forrester Research recognize Interwoven as a leader in enterprise solutions. Our technology innovations include the world's</p>		<p>Features at found at http://www.knowledgetree.com/node/76</p>
			<p>• doQuemts4 by Itaz Technologies Pvt. Ltd., which appears to be headquartered in India</p>	<p>http://www.itaz.com/</p>
			<p>• KnowledgeTree by JamWarehouse, a software company based in Cape Town, South Africa</p>	<p>http://www.knowledgetree.com/</p>
			<p>• NetDocuments</p>	<p>http://www.netdocuments.com/DocumentManagement.aspx</p>
				<p>NetDocuments offers organizations of all sizes a web-centric, SaaS (Software-as-a-Service) document, email and records management service, including extranet services. Documents can be easily and securely shared with clients and others, and documents are protected and backed up in redundant, world-class data centers to ensure built-in business continuity. Documents can also be backed up locally on your network using the NetDocuments Local Document Service.</p>
				<p>Order and pricing information is located at http://www.itaz.com/documents/order.php and contact information is at http://www.itaz.com/contact.htm</p>
				<p>Free 30-day trial available Free trial of enterprise version available on-line</p>
				<p>For pricing, go to http://www.netdocuments.com/Pricing.aspx</p>
				<p>15-day "test drive", quick tour and screenshots available</p>

⁶ On October 2, 2006, Open Text acquired Hummingbird and became the largest independent vendor in Enterprise Content Management (ECM) - <http://www.hummingbird.com/edocs.html>

OnBase by Hyland Software, Inc., established in 1991, and headquartered in Cleveland, Ohio

Hyland markets OnBase throughout North America, Latin America, Europe and Japan

• SharePoint 2007 by Microsoft, headquartered in Redmond, Washington

<http://www.onbase.com/english/index.aspx>

<http://www.microsoft.com/sharepoint/default.aspx> and <http://office.microsoft.com/en-us/sharepointservers/FX100492001033.aspx> and <http://www.sharepoint2007.com/>

OnBase® is enterprise content management software that combines integrated document management, business process management and records management in a single application. Eliminating low-value manual tasks through core OnBase functionality such as document imaging, workflow and COLD/ERM and making all content instantly available from a single, easy-to-use interface increases employee productivity and operational efficiency. OnBase complements its ECM functionality with expertise in specific [industry solutions](#) and [back office operations](#).

Control documents through detailed, extensible policy management. Define customized document management policies to control access rights at a per-item level, specify retention period and expiration actions, and track content through document-auditing settings. Policy integration with familiar client applications makes compliance transparent and easy for employees. Integration with Information Rights Management helps ensure that proprietary and confidential information is better protected even if it is not connected to a server.

Centrally store, manage, and access documents across the enterprise. Organizations can store and organize all business documents and content in one central location, and users have a consistent mechanism to navigate and find relevant information. Default repository settings can be modified to add workflow, define retention policies, and add new templates and content types.

Microsoft's library on SharePoint-related materials can be found at <http://technet2.microsoft.com/Office/en-us/library/3e3b8737-c6a3-4e2c-a35f-f0095d952b781033.mspx?mfr=true>

For pricing, contact Hyland at <http://www.onbase.com/English/Contact/>

Pricing is available at <http://office.microsoft.com/en-us/sharepointserver/FX102176831033.aspx>

Download a free trial version at <http://www.microsoft.com/downloads/details.aspx?FamilyId=2E6E5A9C-EBF6-4F7F-8467-F4DE6BD6B831&displaylang=en>

• WORLDQX GX by World Software Corporation (1988), headquartered in Ridgewood, New Jersey

<http://worldox.com/> and <http://worldox.com/gx/WORLDQXGX.htm>

WORLDQX GX is an enterprise-capable document management system that features tight integration with the latest Windows operating systems, Office productivity suites, e-mail applications, and Active Directory – along with a wide array of productivity programs and networking systems (including Novell). Sophisticated features with respect to e-mail, version control, searching, user-interface, to name a few.

View features and screenshots at <http://worldox.com/gx/WORLDQXGX.htm>

Pricing is available at <http://worldox.com/product/pricinggx.htm>

On-line demonstrations are available

Reference materials

- Ademero, Inc.'s [Document Management Learning Center](http://www.ademero.com/resources/learning-center/) - <http://www.ademero.com/resources/learning-center/>
- [Arno Nel's \(the Strategic Architect\) blog](http://arnonel.com/blogs/arnonel/archive/2006/08/31/Sharepoint-2007_3A00_Document_2F00_Records-Management-resource-list-V0.1.aspx) on Microsoft Office SharePoint Server 2007 and document and records management - http://arnonel.com/blogs/arnonel/archive/2006/08/31/Sharepoint-2007_3A00_Document_2F00_Records-Management-resource-list-V0.1.aspx
- [Capterra](http://www.capterra.com/landing/conmanxdm/) – This company performs a comparison of *enterprise* DMS solutions - <http://www.capterra.com/landing/conmanxdm/>
- [David Munn](http://www.legaltech.com/), Director of Legal with Fair Isaac Corporation, addresses how to improve corporate law department management and work flow efficiencies on his website and blog - <http://www.legaltech.com/>
- [Forrester](http://www.forrester.com/rb/research) (IT consultants and market research company headquartered in Cambridge, MA) – informative white papers and other materials are available for purchase - <http://www.forrester.com/rb/research>
- [Gartner](http://www.gartner.com/) (IT consultants headquartered in Stamford, CT) – informative white papers and other materials are available for purchase - <http://www.gartner.com/>
- Microsoft White Paper - Enterprise Content Management, Breaking the Barriers to Broad User Adoption (July 2006) - http://www.microsoft.com/content/bpio/prospect_and_demand/ecm_wp2.pdf/
- [The Enterprise Content Management Association](http://www.aiim.org) (Association for Information and Image Management - AIIM) – <http://www.aiim.org> and <http://en.wikipedia.org/wiki/AIIM>
- [The Enterprise Content Management Association's \(AIIM\) blog](http://www.aiim.typepad.com/sharepointmeetsecm/) addresses how do you (and should you) implement Microsoft Office SharePoint Server 2007 (MOSS 2007) and core enterprise content management (ECM) solutions in the same environment - <http://www.aiim.typepad.com/sharepointmeetsecm/>
- [Wikipedia, Document Management System](http://en.wikipedia.org/wiki/Document_management/) - http://en.wikipedia.org/wiki/Document_management/

The Latest Technology for Law Department Management

ACC Annual Meeting - October 30, 2007 - Session 409

USEFUL WEBSITES/BLOGS/PODCASTS/NEWSLETTERS/PUBLICATIONS/WIKIS

Web Sites:

[Findlaw.com's Corporate Counsel Center](http://corporate.findlaw.com/). <http://corporate.findlaw.com/> You can browse by practice area or industry.

[LegalTech](http://www.legaltech.com/). <http://www.legaltech.com/> David Munn explores technologies to improve corporate law department work flow (this site incorporates his blog).

[Law.com](http://www.law.com/jsp/legaltechnology/index.jsp). <http://www.law.com/jsp/legaltechnology/index.jsp> The latest technologies from transactions to compliance to litigation.

[Simpson Neely Group](http://www.simpsonneely.com/home/index.htm). <http://www.simpsonneely.com/home/index.htm> A law department integrator providing technology assistance services to the corporate legal community. Their site includes descriptions of legal technology options and vendors.

Blogs:

[Subscribing to Blogs](http://www.feedblitz.com/). Confused about terms like RSS? If you find a blog you like you can get email alerts when something new is posted by subscribing through Feedblitz.

<http://www.feedblitz.com/> Very easy to use. Also check out [Google Reader Mobile](http://google-reader-mobile.html) <http://google-reader-mobile.html> and [Bloglines](http://www.bloglines.com/mobile) <http://www.bloglines.com/mobile> for tools that allow you to read news feeds on your mobile phone.

[Dennis Kennedy](http://www.denniskennedy.com/blog/) Blog. <http://www.denniskennedy.com/blog/> Dennis is a respected technology expert and writer.

[Exari](http://exari.blogspot.com/) Blog. <http://exari.blogspot.com/> The Exari Document Assembly Blog.

[Law Department Management](http://lawdepartmentmanagement.typepad.com/law_department_management/). http://lawdepartmentmanagement.typepad.com/law_department_management/ "Rees Morrison has consulted to law departments for 19 years to help them better manage themselves and their outside counsel. A lawyer, CMC, author of six books, a VP of Hildebrandt International."

[Ken Adams'](http://www.adamsdrafting.com/) Web Site and Blog. <http://www.adamsdrafting.com/> Ken Adams writes about and teaches contracts drafting and the contracts process, particularly document assembly and improving quality and efficiency in the contracting process. He interviews several vendors in his "Q&A" sessions.

[TheCorporateCounsel.net](http://www.thecorporatecounsel.net/blog/index.html) Blog. <http://www.thecorporatecounsel.net/blog/index.html> "The Practical Corporate & Securities Law Blog"

[Tom Baldwin's](http://www.blogger.com/profile/4758603) Blog. <http://www.blogger.com/profile/4758603> Tom Baldwin serves as Chief Knowledge Officer at the 500 lawyer, Los Angeles based firm of Sheppard Mullin Richter & Hampton, LLP and also consults to the in-house legal departments of the Firm's clients. He

helps assess technology tools that increase efficiency, streamline processes and improve productivity for the firm's lawyers and its clients.

Podcasts:

LawBiz.com. <http://www.lawbiz.com/podcasts.html> Informative podcasts that can be downloaded in MP3 format and later listened to while traveling or exercising.

Newsletters:

Technolawyer. <http://www.technolawyer.com/> "Week after week, our newsletters provide you with product reviews, technology tips, and other helpful information on a variety of topics. You can even submit and receive answers to your own technology questions."

Publications:

Law Technology News. <http://www.lawtechnews.com/r5/home.asp> Free online and/or print subscription.

ACC Docket, May 2007, [Wikis and Bloggers & Lawyers--Oh My!](http://www.acc.com/resource/v8393) <http://www.acc.com/resource/v8393> "What's a corporate attorney to do when technological advances have made it so easy for employees, with vulnerable company information at their fingertips, to put the company at risk? In-house counsel needs to first understand the technology, as well as the potential risks it could cause, and then create, adopt, and enforce a policy to deal with it. This article shows you how to do just that."

InsideCounsel. <http://www.insidecounsel.com/> Free online and/or print subscription.

Wikis:

Wikipedia. <http://www.wikipedia.org/> Wikipedia is an [encyclopedia collaboratively](#) written by [many of its readers](#). It is a special type of website, called a [wiki](#), that makes collaboration easy.



Agenda

- Survey Results
- How to think about technology
- Trends
- Planning technology projects
- Specific technologies
- Predictions

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Technology Survey Results

- 43 responses (49% GC or CLO)
- 71% 5 or fewer attorneys
- 93% rely on general company IT resources
- 63% say their tech tools are fair or limited
- 66% say their technology generally works well but could be better



Technology Survey Results

- 39% have implemented Matter Management Systems, 36% Document Management, 28% Contract Management
- 31% plan to implement MMS, 31% DMS, 47% CMS
- 28% use or plan to use MS SharePoint



Technology Survey Results

- Most beneficial technologies
 - Email – MS Outlook - improves communication and saves time
 - Intranet
 - MMS/CMS/DMS - fast search and retrieval; reduce/eliminate physical storage
 - Scanner - make sure to scan to a “searchable” PDF
 - MS SharePoint

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Technology Survey Results

- Greatest frustrations with current technology
 - Cost (particularly for small law departments); limited budget; lack of resources
 - Tools not designed for a law department; too complex; not intuitive
 - Lack of time/resources to train and implement
 - Band-aid approach to “fix” problems
 - Lack of integration among systems
 - Poor tech support and documentation
 - Re-creating the wheel

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Technology Survey Results

- “Pain” technology was intended to address
 - Poor workload/workflow management – Desire to keep matters organized and current; fast retrieval; accurate tracking; everything in “one place”
 - Reduce/eliminate physical storage of paper files
 - Duplicative data entry
 - Poor client communication and exchange of information
 - Inefficient analysis of legal bills from outside counsel
 - Loss of “institutional knowledge”; knowledge-sharing and re-use

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Technology Survey Results

- “Pain” technology is intended to address (cont.)
 - Document comparison; document sharing/collaboration
 - Metadata removal/management
 - Compliance concerns
 - E-discovery concerns; managing legal holds for discovery

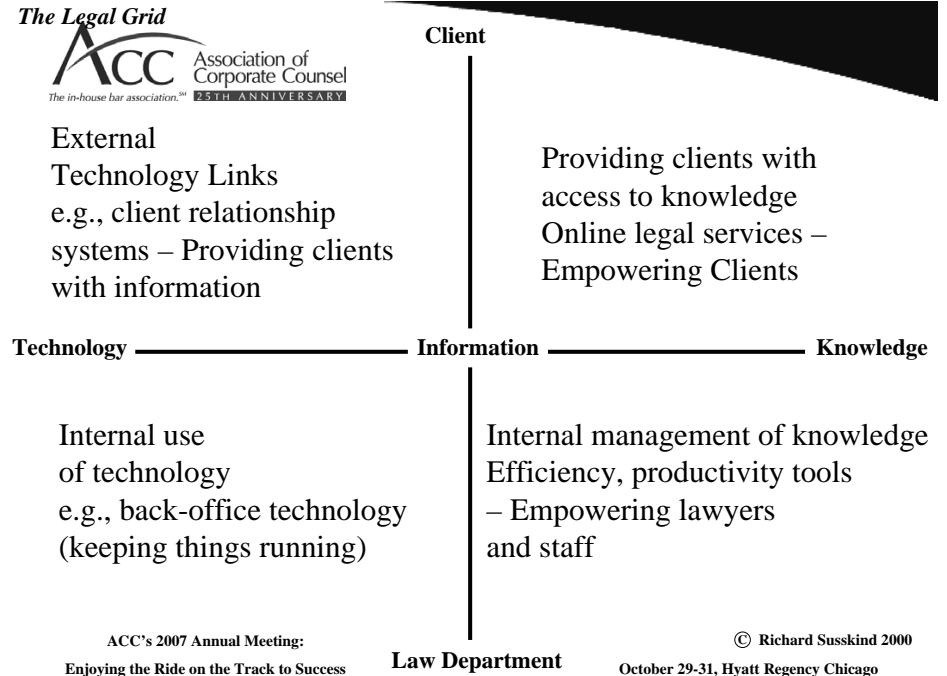
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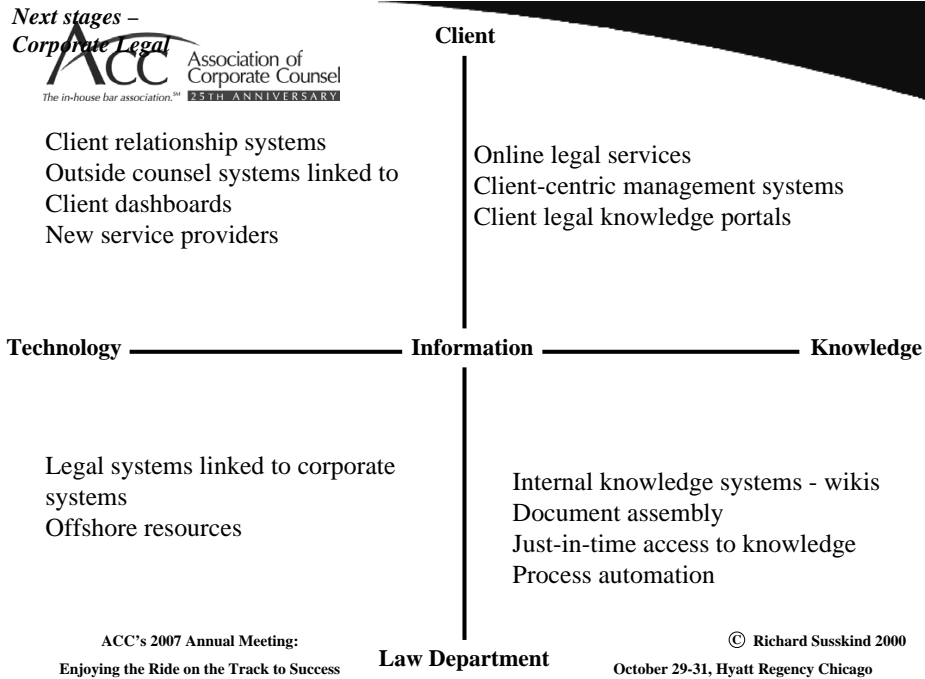
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“The Grid”

- A useful framework for thinking about technology
- From *Transforming the Law: Essays on Technology, Justice and the Legal Marketplace*, by Richard Susskind, Oxford University Press, 2000
- And *The Next Ten Years*, by Richard Susskind, Society for Computers & Law Lecture, 2006 (webcast and podcast available [here](#))





Think of a transportation system

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The Legal Grid



Client relationship system =
GPS tracking system
Real-time online dashboard
No need for client to call to
learn status

Client

Client self-service system =
Expedia – do-it-yourself
planning
Wikipedia = Client access to
knowledge

Technology — Information — Knowledge

Car = computer
Individual use of technology
Network = subway system for
legal department, but
connected to Client's systems

Knowledge = Shared "maps"
How to go from A to B.
Processes, views, roadblocks.
Internal knowledge maps
Sharing between companies

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Law Department

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Transportation Options

- Car – inefficient, subject to delays, have to know where you are going
- Limo = private law firm. High cost, even more inefficient.
- Private Jet = \$1,000 per hour partner

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Law Firm = Personalized service

At a price



And why did they have to bring all these people?

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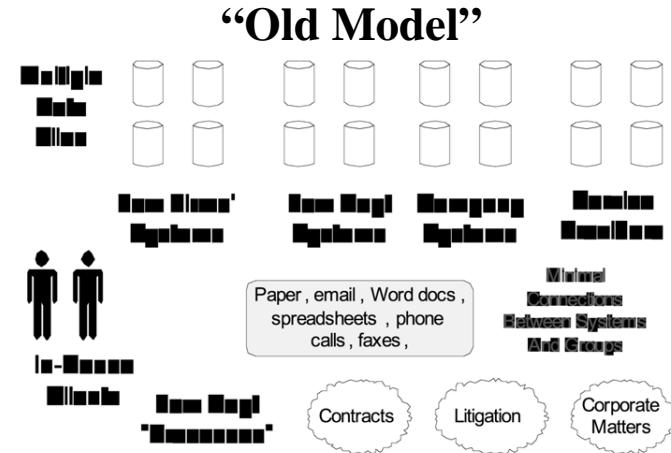
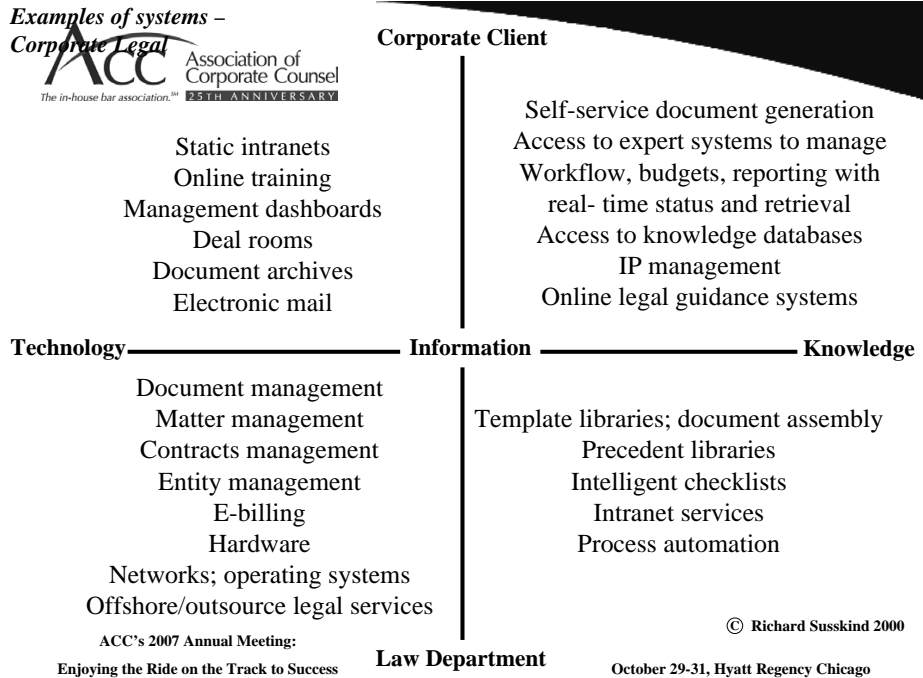
Transportation Options – cont'd.

- ASP (SaaS) = Rail system
 - Pre-configured system – created and maintained by others
 - Pay-as-you go (monthly transit pass)
 - Configurable (Personalized train car)



Transportation Options – cont'd.

- Legal Process Outsourcing
 - Someone to help plan your trip
 - Someone to pack your bags to your specifications

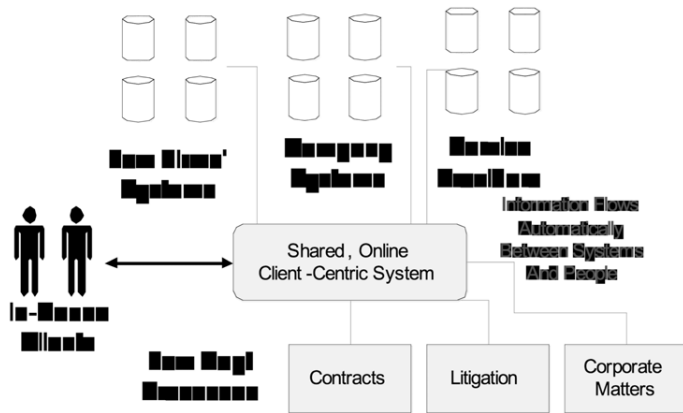


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“New Model”



So what does this mean for you?

- Direct sharing of information in real-time
- Less time managing paper/email
- More time on strategic management, using organized, real-time information to make better decisions
- “Smarter” systems that identify and track material developments; enable management by exception

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Planning technology projects - What do you want to accomplish?

- Address immediate “pain” or long-term need?
- How will systems work together (one solution or multiple, integrated solutions)?
- Who are the users?
- Who is your audience?

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Possible technology goals

- Improve client service (access to information, self-service, quality control)
- Organize internal information – knowledge management
- Improve communication and collaboration
- Improve metrics and reporting
- More effective outside counsel management
- Save time -- let lawyers focus on value-added activities
- Improve quality of life for staff

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What resources do you have available?

- Dedicated IT
- Shared IT resources – how to get priority
- Internal “techie”
- External consultants
- SaaS

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External

What is your overall plan?

Technology ———

Where does your new system/law firm/service provider fit?

———— Knowledge

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Barriers

- People issues - resistance to change
- Individual tech champion without overall buy-in
- Financial/budget constraints
- Time constraints - no time to learn new tech
- Too much software already - only need MS Word and Outlook



Secrets of Successful Tech Projects

- Executive support – reward team players
- Marketing – sell the system to the users
- Reduce overall number of systems
- Avoid scope creep
- Ease of use – intuitive design
- Training – beware if vendor says 1 day needed
- Make sure you will use what comes out of system



Make vs. Buy

- What can you do with existing systems and resources?
- Can you design a better (or cheaper) system?
- Can you maintain it over time?

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Installed software vs. hosted system

- Security/access/data storage
- Protecting privilege/work product – reasonable expectation of privacy
- Practical concerns
 - Integration with other systems
 - Maintenance/upgrades/system evolution
 - Vendor viability/portability of data
 - Try before you buy and/or check references

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Trends

- Systems becoming better integrated, matter centric
- Systems for multiple tasks vs. tools
- Web-based systems can make efficient connections
- Intuitive design-buying a book on Amazon
- Leverage offshore resources using tech

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Problems with law firm technology initiatives

- Are law firms providing innovative (and cost-effective) services in-house counsel can leverage?
- Are law firms sharing knowledge?
- Are law firms sharing systems?
- Have law firm tech spin-offs been successful?

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KM Alternatives – Communities

- In-house counsel sharing knowledge
 - ACC
 - Legal OnRamp
 - Law Department Consortium Marketplace
 - DocStoc – Forms exchange
 - OLSI – Defining Standard Processes
- Law firms may be forced to follow – e.g.,
Legal OnRamp



Specific technologies and providers*

- Matter/Outside Counsel Management
- E-billing
- Document Management Systems
- Document Assembly Systems
- Contract Management Systems
- Corporate Secretary
- Intellectual Asset Management Systems

*Please see written materials for detailed discussions and listings of specific technologies and providers.



Matter/Outside Counsel Management

- Capturing data at the source, all vendors
- Single intelligent system for tracking spending, documents, deadlines, exposure, status, results
- Automatic audits and alerts
- Accurate reporting with audit trails
- Performance assessment, objective and subjective (with ties to compensation)

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Electronic Billing

- Facilitation of review, adjustment and approval
- Billing policy enforcement – automation, customizable
- Rich source of information for reporting and evaluation

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Document Management

- Overlap with content management - ECMS
- Components: (useful) metadata, integration, capture (imaging), indexing, storage, retrieval, versioning, collaboration, security, audit trail
- Increased efficiencies and quality control
- All documents for a matter are in one place
- If ASP-hosted or SaaS, available any time and any where with an Internet connection
- Options to help manage record retention programs

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Document Assembly

- Standardize language so all documents have state-of-the art provisions; update a standard provision and it updates automatically throughout all of your “forms” or “templates”
- Draft from your “best practices” language using your collective, collaborative institutional knowledge
- Consistent formatting among documents
- No more “open-file, save-as” or “cutting and pasting”
- Eliminates “bad” metadata (possible state ethics violations)
- Off-the-shelf vs. ASP-hosted (any time, any where)
- Clause-based vs. logic-based
- Component of or integrates with a CMS and/or a DMS

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Contract Management

- SOX 404 has made this a new focus for GCs
- Companies need to get control of their contracts
- Knowledge, risk management in practice
- Wide range of capabilities
 - Simple database systems
 - Matter management systems
 - Enterprise contract management systems
- Look for integration with other systems

Corporate Secretary

- Entity management
- Corporate records
- Board of directors
 - BOD Extranets

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Intellectual Asset Management

- Keep track of worldwide IP status, including filings, maintenance, monitoring, licensing, royalty payments, and deadlines
- Help make spending decisions
- Manage a licensing portfolio
- Support valuation for reporting purposes
- How critical is IP to your business?
 - May be much bigger than just a legal function

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MS SharePoint 2007 (MOSS)

- Worth considering
 - Improved document management
 - Intranets
 - Extranets
 - Wikis
 - Work flow and approvals
 - Integration with Office applications
 - Many companies already have it, so IT supports it
- Drawback: Needs to be configured, maintained

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The Future

- Different systems will become better integrated by exchanging information using standard data formats rather than by being provided by the same vendor.
- Outsourcing of legal services will continue to grow, a trend that will be facilitated by technology specifically designed to take advantage of lower cost resources.

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The Future

- Collaborative information sources (wikis and blogs) become a primary source for accessing information to solve legal problems
- Law firms learn to that “giving it away” ensures that they have relevance in commodity areas and are perceived as a player in the field – marketing their expertise from their desktops so that they are top of mind candidates for the more difficult projects

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The Future

- Online collaboration systems will replace Microsoft Word and Outlook as the primary tools for transactional attorneys.
 - Why use a tool like Word when most lawyers probably use less than 5% of its functionality?
 - Email is an inefficient way to transmit document drafts and related information

The Future

"The best way to predict the future is to invent it."
Richard Susskind



Miscellaneous Tools, Sites, Blogs, etc.*

- compensationstandards.com
- DealProof – automatic proofreading
- Web-based meetings (e.g., GoToMeeting)
- On-line collaboration (e.g., MS SharedView)
- Document comparison (e.g., Wordsensa, Litera)

*Please refer to your materials for additional resources, detailed discussions, and links.