I’ve been to LAX at least 200 times over the course of my time living in Los Angeles. I know most of the different routes one can take to get there, yet I still put the location into my GPS when I go. Why? Even though I know how to get there, and all the various alternate routes, there’s almost always traffic. I want to be rerouted before I get stuck in traffic and potentially miss my flight.

Pricing and managing legal work is very similar to a drive to the airport. Most lawyers know their destination (the price), yet few lawyers actually turn on the GPS (Legal Project Management, or LPM) to avoid the traffic. Most experienced lawyers know how much something should cost. They’ve done it hundreds, if not thousands, of times. They know most of the deviations something can take.

But today’s sophisticated purchasers of legal services want more accurate pricing. They want to see how you came up with the price. And once you send the client that detailed pricing model, you’ve now set an expectation that you’ll stick to that budget. Therein lies the rub.

Law firms have become very good at creating sophisticated pricing models; however, once the matter is won, most lawyers go back to their office and work as they have for the past 20–30 years. When I talk to lawyers about this, they tell me they have absolutely no idea how they are trending against the budget once they start working a matter. This often leads to the “month end pre-bill surprise,” as I like to call it. Without seeing your progress along the way, by the time the pre-bill hits, it’s way too late to course correct if timekeepers work more heavily than you planned for. This usually leads to write-offs, or having a difficult conversation with your client about budget. It doesn’t end well either way, but it can be avoided if you turn on your GPS.

Even when they know the route, most people still use a GPS to “manage” the trip. Similarly, a GPS-like approach can be used for managing matters. Even though experienced lawyers already know the best route, they can improve the odds that matters are safely delivered through the powerful, yet relatively simple, principles of pricing and legal project management.
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**Pricing + LPM: The GPS for Managing Your Matters**  
By Tom Baldwin  

Even though experienced lawyers already know the best route, they can improve the odds that matters are safely delivered through the principles of pricing and legal project management.

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**How Old Is that Laptop in the Window? Extending Hardware Refresh Cycles without Losing Functionality**  
By Conrad J. Jacoby  

Organizations are finding that traditional hardware-refresh cycles can be extended. How should they approach this analysis?

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**Expertise Location: Which Approach is Right for Your Firm?**  
By Sally Gonzalez  

As law firms grow, quickly finding experts becomes increasingly challenging. Firms are advised to think strategically about the best combination of approaches to satisfy business goals.

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**The Failed Promise of Search**  
By V. Mary Abraham  

Too often, organizations find themselves disappointed with their search implementations. This article suggests approaches to help improve user satisfaction.

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**Mobility and Geopolitical Risk**  
By Kenneth A. Grady  

Law firms and law departments should keep in mind that with advances in the legal supply chain come new risks.

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**Driving Revenue through Collaboration**  
By Silvia L. Coulter  

This article provides good resources that will help guide firms as they continue to work toward cultures of collaboration.
LPM can be a divisive acronym inside law firms. Partners are skeptical at best, but are often borderline offended at the notion that their legal work can be broken down into predetermined tasks. They’ll tell you their work is far too bespoke to be predictable. LPM doesn’t have to be offensive. A big part of the problem is that LPM is often introduced to lawyers in an overwhelming way. As a result, we have come up with a method to help gently, and easily, step lawyers through a gradual, integrated, process of pricing, managing, and innovating how they deliver legal work. We call it the Performance, Profitability, and Innovation (PPI) Maturity Model.

The Model encourages an integrated Pricing + LPM + Innovation approach, all while fostering a “simpler is better” mindset. The upfront effort is minimal for lawyers using this method. Changes in lawyer behavior will be minimal to start, and success can be measured much more quickly.

Why the easy start? Partners are highly-trained top performers with decades of experience. They’re often skeptical that staff can help “manage” their legal work. It implies that, for their entire career, they haven’t been managing their own legal work, and someone with less legal acumen can help them.

The PPI Maturity Model has 5 phases:

**React**
When your GPS is off, traffic sneaks up. You’re stuck having to react to it at the last minute. When managing legal work this way, it can lead to write-offs or difficult conversations with clients. Once you recognize that you are in React mode and ready to change, it’s time to begin down the PPI maturity model.

**Monitor**
The starting point and cornerstone of the model is the Monitor phase. During this phase, lawyers are introduced to a simple method of routinely monitoring the budget status of a matter. In our experience, most firms skip this critical early step. Instead, they jump ahead to the more rigorous and innovative areas of the model, where topics like Artificial Intelligence (AI) rule. Of course firms can selectively pick narrow areas for innovation. However, without getting the basics right
in the earlier phases, they often fail. By and large, the shortcomings we’ve seen come from trying to force too much change, too quickly, without building a foundation of skills and easy wins that requires minimal lawyer effort.

Monitoring is a crucial phase of the model. It helps lawyers break the habit of waiting for the pre-bill to show how their matter is performing against budget. It also gently introduces them to the idea of thinking about the matter routinely. Monitoring helps mitigate emotional responses to LPM and starts to build the core foundation for managing legal work, all with minimal effort or changes in behavior.

A simple weekly report that graphically shows trends can help. More sophisticated firms begin to think about delivering reports like this as part of an intranet or dashboard.

**Improve**

Once your legal teams become more comfortable with routinely monitoring their work, you can look at how to improve the way they work a matter, with an eye towards improving profitability. Here you may consider conducting a full-blown, process-improvement exercise, which becomes the blueprint for:

- developing your task plan
- developing a repeatable and well-defined pricing model
- reducing/elminating steps that may no longer be needed
- discovering what steps might be ideal for alternative staffing options (leverage)
- leveraging KM materials (precedents, forms, instructions)
- brainstorming what elements of the work can be automated
- investigating possible AI opportunities

**Manage**

Now that you have an optimized and well-defined process, it’s finally time to introduce what many consider LPM. At this point, you’ll go back to the work done in the Improve phase and use that as a guide to manage your legal work. You’ll also need tools to manage tasks. You can do something simple with SharePoint, look at using web-based task management tools like SmartSheet, or buy a fit-for-purpose LPM product. If you’re still doing this in a small pocket or two of the firm, I recommend starting simple: create some momentum and build a win or two using simpler tools before you move on to a fit-for-purpose LPM system.

This is also the point where you’ll begin to fully realize the power of combining pricing and LPM. Instead of blindly running the matter and hoping you hit the target budget, you’ll know what’s happening. You can then course correct as needed and give yourself a much better chance at not only providing a great legal outcome, but doing it within the budget. In addition, you’ll be collecting data that helps you improve your future navigation.

**Innovate**

Most firms say they are “looking to innovate,” but they are unsure of what that really means, how to approach innovation, and most importantly, how to demonstrate a competitive advantage or return on investment (ROI).

So many firms buy an AI product, and then look for problems to solve with it. Or they just buy something so
they can tell their clients that they are innovating. If you follow the steps in the PPI Maturity Model, you’ll be poised to deliver strategically-focused innovation that solves a client pain point, helps create competitive advantage, and leads to greater profitability. You won’t have to seek out innovative ideas—they’ll already be queued up.

Innovation can also mean things other than AI. It can mean a novel approach to staffing work, such as using not only internally lower cost resources like staff attorneys, but also partnering with a Legal Process Outsourcer (LPO). The process map from the Improve phase will be your step-by-step guide to identify where to apply more leverage.

Firms will also need to face the big elephant in the room: alignment with partner compensation. The old saying, “reward your desired behavior,” has never been truer. Most partnerships still look at hours and bottom line revenue as the key metrics that drive compensation. If you want to truly take advantage of the combination of pricing and LPM, as well as real innovation, you have to be prepared to reward it. Innovation can also mean partner compensation that meaningfully aligns with the outcome of these efforts—which is usually fewer hours, but improved profitability.

If you keep an eye on how you get to your destination, and adjust when the inevitable traffic jam arises, you’ll be less likely to miss your flight!
Until recently, personal computers were like American cars of the 1950s, with new features and dramatic new redesigns every year. Within most enterprises—whether academic, government, or commercial—computers were typically upgraded every two or three years. Those in their third year were often foisted off onto the most junior employees, who had to nurse these slow, borderline-obsolete beasts to the end of their lease terms.

Today, many enterprises have moved to four- or five-year leases for computer workstations. There’s also a thriving business in refurbishing used equipment for further use, either by cost-conscious companies, or for use in the personal market. What has changed? And, should organizations view this change as short-term cost-cutting, or a genuine opportunity to restructure IT and infrastructure spending?

Why are Computers Useful Longer?
Many factors have contributed to the extended life of business-class computers, but three leading factors stand out:

1. Newer computers are overpowered for most business uses—With relatively modern computers, even the most modestly-powered PC can run basic office productivity software. Where once each update to Microsoft Office or Corel WordPerfect Suite required additional memory and a faster CPU for all features to work properly, now even the most basic computer processors found in enterprise-grade computers are rarely fully taxed during routine use. This means that they retain ample reserve capacity, which can be readily tapped when newer software comes out. Put another way, if software is designed so that it can run on a bare-bones, low-powered netbook, it will most certainly run adequately on a three-year-old business class computer.

2. Minimum hardware requirements for popular software has plateaued—Software requirements drive hardware purchases. In recent years, many common software programs have stabilized in their features.
and their CPU requirements. Developers have started to run out of additional features to add to existing tools, which are already extremely powerful. Much to the chagrin of software developers, users can create perfectly adequate memoranda, spreadsheets, and presentations using 10- or 15-year-old versions of software. Absent “must-have” new functionality, the increasingly long life of many popular software programs has helped to reduce the perceived urgency of upgrading hardware. Indeed, IT security concerns (i.e., older software is a target for computer hackers) more so than new features drive many software upgrade decisions.

3. Use of the Cloud has reduced demand for local computing power—Cloud-based tools and storage are the basis for one of the largest transitions in IT design since the invention of the personal computer. Some companies have retired their physical network servers entirely, and host their entire infrastructure and organizational data in Cloud-based virtual servers. Other companies have moved to Cloud-based tools, where the Cloud service provides both the productivity software and all associated data storage. All that is needed to access the Cloud productivity environment is a computer with a web browser—something that many elderly computers can still provide.

Given the potential cost savings that comes from replacing IT equipment less frequently, it’s no surprise that many organizations are considering how best to update their own IT policies to reduce expenses. Before making such changes, though, organizations should ensure that they won’t lose critical functionality in the name of saving a few dollars. It might be helpful to consider the following questions:

What does staff need to do with its computers?

While many business professionals may use their computers for little more than email, word processing, PowerPoint presentations, web surfing, and the occasional Microsoft Excel spreadsheet, not everyone within an organization uses a computer the same way. Some users, particularly graphic designers and data analysts, use software tools that are notoriously resource-hungry. They require powerful computing hardware. Such users would be hobbled if forced to extend the useful lives of the computer hardware that they use.

It’s worth the effort to conduct some type of survey or inventory of an organization’s users, taking an accurate count of “regular” and “power” users, and understanding how these users may be clustered within the organization. Such an inventory provides valuable insight into how many enterprise users genuinely need cutting edge tools, and which users might continue to be fully functional with older hardware.

Is a Cloud service an adequate replacement for existing server/infrastructure?

Before moving anything to the Cloud, it’s important to make sure that a Cloud-based service will meet both current and projected enterprise needs. IT cost savings shouldn’t prevent an organization from completing its essential work. Cloud services may be a complete substitute for existing local infrastructure—many organizations have moved to Microsoft’s Cloud-hosted Exchange service from physical Exchange servers. Other times, the Cloud system is a non-identical replacement for an existing locally-hosted system. The type of Cloud solution selected (if any) impacts the basic applications that a workstation will be running. If a Cloud implementation replaces a physical server with a virtual server, the workstation doesn’t really see any change. It must still be able to run all the software it was already running. On the other hand, if both processing (aka, CPU) and data storage are being pushed out to the Cloud, the workstation will have far fewer tasks it needs to run—and will be a much stronger candidate for an extended working life.

Is the proposed solution more cost-effective than existing infrastructure?

Moving resources to the Cloud swaps the expense of running and maintaining independent infrastructure for a never-ending stream of monthly or annual rent. It can also create some sticker shock. Moving services to the Cloud seems expensive because it incorporates additional costs like support staff salary, which are often covered by other accounting cost centers within an organization. A Cloud provider flat fee bundles together costs for salaries, associated data storage, data backup and disaster recovery, and expansion-on-demand architecture. All of these costs must be calculated when comparing Cloud to internal hosting of the same service. Cloud services are not always cheaper.

How will staff react to the new paradigm?

It’s very difficult to put a price tag on staff morale, but there’s no question that a happy workforce is more productive and more flexible. Extending the upgrade cycle for computers can have a powerful negative effect if the change is not explained well.

People naturally get jealous when they see colleagues at similar organizations with newer computers, especially when those newer machines are thinner, lighter, and more powerful than their own. It is important
to make sure that staff understands that keeping older hardware in service longer doesn’t mean that the company is cutting corners. Instead, explain that a better, newer Cloud-based system is the upgrade, permitting the organization (and, often, employees) greater flexibility in completing their assigned duties. Such an explanation may not eliminate jealousy over a colleague’s sleek new laptop, but at the very least, it will reinforce that the organization continues to deploy modern technology.

Many different factors must be considered in deciding whether an organization can extend the life of its computer infrastructure without compromising its efficiency. It is also likely that a careful analysis will reveal a mosaic of technology usage within an organization, rather than a uniform level of needs and usage. Though the challenges are real, thoughtful planning should be able to leverage Cloud and other technology advances for many organizations. This can increase system performance and flexibility while maintaining or even reducing costs.
For law firms, expertise location (i.e., helping lawyers find colleagues who are experts in a specific area) is essential to creating effective matter teams, as well as to promoting cross-selling efforts. As law firms grow, quickly finding experts becomes increasingly challenging. Technology isn’t a perfect solution, but it can help. Firms are advised to think strategically about the best combination of approaches to fit their culture and satisfy business goals.

Finding Expertise Through Personal Referrals

Ask partners how they find colleagues with expertise, and many will say, “I generally know who does what. If I don’t know, I contact a practice group leader or an office-managing partner for a referral. I generally get a very quick response.” Many lawyers profess that this approach is entirely sufficient and that no technology assist is needed. To its credit, personal referrals satisfy an important criterion for successful expertise location: people trust, and generally choose to work with, someone who is referred to them by a person they trust.

But personal referrals break down in several important situations.

• What about lateral partners, who do not know which of their new colleagues to contact? And how do we promote assimilation by helping their new colleagues know when to reach out laterally to pull them into existing matters and new opportunities?

• What about firms that are rapidly expanding? If partners reach out to their known colleagues rather than embrace new ones in the larger firm, will this slow the economic benefits of the expansion?

• What about firms with offices in multiple jurisdictions across the globe? Will time zone differences significantly delay critical responses?

In mature, global firms, partners recognize the constraints and risks of the inter-personal approach. They comment: “Personal referrals will help me find someone, but they don’t guarantee I will find the best person. To build a world-class matter team or satisfy a client inquiry, I have to find the best of the best, not just the colleague that I or my peers happen to know already.”

Self-_populated Expertise Location Systems

Some law firms have addressed this problem by building experience databases. These systems rely on people to capture structured information about fee-earner experience in a database, and then make it searchable. They encounter common barriers.

• They are self_populated. Unless carefully curated, they may contain expertise that the lawyer aspires to build in addition to proven capabilities.
• They require people to take on non-billable work to capture the information, a task that fee earners are loath to undertake (and one that staff is not well-situated to perform on their behalf).

• Data requires regular maintenance to keep pace with the evolving experience of fee earners.

Absent an experience database, lawyers often search the firm’s public website for bios. Unfortunately, bios share two key flaws with the experience databases. They require people to capture information and keep it current, and they may not be an accurate representation of a colleague’s actual experience.

While these approaches have some success, both are subject to the Achilles Heel of any self-populated experience management system: If a lawyer can self-populate experience information, will lawyers trust it as an accurate representation of a colleague’s experience? Content curation by an authoritative source seems like a possible solution. But for most firms this is not viable. It goes against the collegial spirit of the firm’s culture, and requires scarce non-billable lawyer time to curate the content.

**Enterprise Search: A Viable Alternative?**

Over the past decade, scores of global law firms have leveraged their enterprise search systems for expertise location. The premise of this approach is that a fee earner’s real expertise is reflected in the documents and matters they have worked on, their time sheet narratives, their bios, and internal experience databases.

Enterprise search can unify data stored in the document management system, financial system, public website, and experience databases, then make it available to lawyers through a single search engine. This means that a lawyer can create a search that returns a consolidated list of colleagues ranked by the relevance of their experience to the search terms. The lawyer can further narrow results by additional factors (such as geography and professional qualifications), and then quickly view an unknown colleague’s profile as a mash-up of information including photos, contact information, biographical information, and other objective data. More importantly, the lawyer can build insight into a colleague’s actual experience by readily viewing the relevant documents and matters on which that colleague has worked.

Enterprise search has several benefits. For global firms, it can bypass the time-zone delay of secondary referrals. For all firms, it ranks expertise on the basis of the work lawyers have actually done, as reflected in the documents and matters they have worked on, rather than on self-populated representations of their skills.

So, what are the restrictions? First, enterprise search is only as good as the quality of the data in the many systems it searches. The document management system may not accurately capture the degree to which partners—the firm’s most experienced practitioners—are involved in document generation. And lateral partners require time to build up the volume of matters and documents that will properly rank them in search results. Fortunately, enterprise search includes tools to tweak relevance ranking to mitigate these and other restrictions, and promote the right people higher in the results.

Sadly, information security is eroding some of the potential benefits of enterprise search. All firms feel the pressures of ethical and regulatory constraints on open information-sharing, as well as the growing imposition of need-to-know security structures imposed by clients on documents and matters. As a result, lawyers may not be allowed to readily view a colleague’s documents and matters when navigating the experience management search results, and therefore may not trust the system and its referrals.

One remedy is to include a knowledge map of a person’s experience in the search results. This map will present a graphic-based dashboard view of information that can be shared (e.g., the number of relevant documents a person worked on, the number and type of relevant matters the person worked on, and the hours billed on the matters). The searcher can then choose to reach out for a colleague’s expertise based on the search result.

**Artificial Intelligence—The New Kid on the Block?**

Given the useful, but admittedly imperfect, results of the existing technological approaches, leading edge firms are now looking to emerging Artificial Intelligence (AI) platforms to take expertise location to the next level. They hope that, at a minimum, AI tools will be able to detect and eliminate duplicative documents that distort relevance rankings. More significantly, AI promises to explore the contents of documents, matter narratives, and matter descriptions in order to derive more accurate and comprehensive information on what a matter is about—and therefore, how relevant it is to an expertise search. It is still early days for this technology, but if AI can show some progress toward these lofty goals, it should greatly enhance the next generation of expertise location systems.
So What Approach Should a Firm Take?
While none of these approaches are perfect, all have value in specific situations.

- Personal referrals are certainly the go-to approach for most lawyers. They respect the trust principle that is at the heart of a successful connection. Firms that do not feel the pressures of growth and geographic dispersal may elect to accept this approach rather than invest in a technology solution.

- Self-populated experience capture systems, including bios, are most effective where there is a sustained leadership mandate to support the non-billable fee-earner effort required to create and keep the information current. This leadership support often arises at the practice or business sector group level, rather than on a firm-wide basis. As a result, firms should anticipate useful, but uneven, adoption of experience capture systems.

- Enterprise search is available to firms that have made large investments in that technology.

Often, these investments are justified primarily on the basis of improving the ability of lawyers to easily find documents across multiple document storage repositories. These firms should consider including expertise location in their search application to help lawyers better find internal expertise and improve the return on investment on their search.

- AI is an intriguing area for the future. Firms with a strong business need for global expertise location systems should consider early pilots to assess the potential value of AI within their specific environment.

Given the diversity of approaches available, firms should develop an expertise location strategy that fits their business goals, culture, and technology platforms. Successful firms may adopt a strategy that includes multiple approaches, recognizing that lawyers will inherently adopt the approach that best suits their specific needs. These approaches are likely to evolve over time.
In a world of abundant information, search technology should be a lifesaver. However, the statistics on search satisfaction are not comforting. Take, for example, the following results from the 2016 Enterprise Search and Findability Survey conducted by Findwise:

- Two-thirds of respondents report that more than 50 percent of their employees are dependent on good findability in their work.
- One-third of respondents say their employees find it difficult or even very difficult to find the information they need.
- More than 40 percent of search technology users are dissatisfied or even very dissatisfied by their user experience.

Given these data points, it’s hard to deny that we still have some distance to go. Martin White, author of Making Search Work, suggests the following test to determine how well search is working in your law firm:

“If you are in any doubt about whether search works for your organization then ask your employees. It is not just a question of how many times they use search. In the case of search, ‘hits’ is an acronym for How Idiots Track Success. It is about whether they feel they can trust the search application to deliver the information they need to make informed decisions. If the answer is in any way negative then you are putting your organization’s performance and reputational risk on the line and wasting a substantial amount of your annual salary bill in creating information that no one can find.”

Why is the general experience with search so disappointing? According to Jeff Fried, CTO of BA Insight, it is not fair to blame the entire problem on the technology. In his view, currently-available technology is extremely capable and constantly improving. However, the problems that search technology seeks to address are becoming more difficult. For example, Findwise’s survey reported increased business expectations that search would help with employee reuse of content, knowledge sharing, improved decision support, customer service, and increased innovation. They also noted that some user dissatisfaction might be “due in part to constantly rising expectations with respect to search technology.” We’ve come a long way from simple keyword searches.
The Failed Promise of Search

Fried concluded that fundamentally, this is not a technology problem. Rather, it is a problem with approach, practices, and understanding. The following recommendations from findability and search experts will help your firm reduce search engine disappointment:

Adopt an effective search strategy

Findwise recommends that an organization adopt a search strategy that defines the “desired findability state,” and provides an action plan to help the organization reach that state. In its 2016 survey, Findwise saw evidence that having a search strategy “helps justify the necessary investments, especially in staff.”

For an organization that is just starting this strategic planning process, begin by identifying the most critical business information that must be easily accessible, and understand to whom it is important and for what purposes. Then, identify both the findability challenges related to this information, and the consequences for the organization when this information is not findable. Next, learn exactly how users engage with this content—how they look for it, how they use it. Finally, describe the desired findability state and create a plan to achieve that desired state.

To help you create an effective search strategy, BA Insight proposes a Search Strategy Success Model. According to this model, an organization should develop specific sub-strategies to address the following elements of search:

- **Context**—Who is going to be using this? What is their context?
- **Content**—What is it and where is it? What is important about it? How and when do you make it available? How and when must you control access?
- **Metadata**—What metadata is available? What can you create? What taxonomies apply? How do you handle tagging? How do you use metadata to refine search?
- **User Experience (UX)**—What modalities do you offer? What experience do you create?

Fried cautions that while it might seem simpler initially to tackle each of these sub-strategies in isolation, this is inadvisable. Because each of these elements of search affects each other, Fried recommends an iterative, cyclical approach in which one change is made and assessed across these elements before another change is made.

Search Immaturity Cycle

Admittedly, while these increased expectations would be ambitious for a properly implemented search engine, they become considerably harder to achieve when a search implementation takes place in the midst of what Fried describes as the “Search Immaturity Cycle”:

- Upon launching a new search engine, you discover that it does not work as advertised. You assume that the problem is that you have not indexed all your content.
- Once you index all your content, you discover that users are overwhelmed by the amount of content.
- You then solicit user feedback to get a better understanding of their requirements.
- When users complain that they cannot find anything, you try to fix search results by improving metadata. To contain costs, you ask users to tag the content themselves—however, this approach rarely succeeds because it involves additional work for users.
- In the face of growing frustration on the part of the users (and the IT team), you do a root cause analysis. This conveniently indicates that the technology does not work.
- A decision is made to replace the search technology.

White underscores the challenges of the search immaturity cycle:

“The solution to poor search performance has often been to replace the search application. This may result in an initial increase in use and satisfaction but this soon reverts to the original level (if not below it) as the project implementation team is disbanded.”

When Fried surveyed about 500 organizations in 2014, he discovered some disturbing facts:

- 48% of the organizations have been through this search immaturity cycle multiple times with multiple search engines.
- The average length of the cycle is three years.
- Many organizations have been through this cycle three, four, and even five times with different search engines.
- Over 70% of these organizations have had this kind of failure at least once.
- Only 12% of these organizations said it was easy to find things with their current search engine implementation.

These findings led Fried to conclude that fundamentally, this is not a technology problem. Rather, it is a problem with approach, practices, and understanding. The following recommendations from findability and search experts will help your firm reduce search engine disappointment:
**Take a comprehensive approach to search**

Fried notes that an organization’s search strategy should address more than just the search engine. Instead, it should address the end-to-end system that enables effective search:

- **Users**—consider their search goals, behaviors, psychology
- **Interfaces**—consider interaction, affordances, language
- **Search engine**—consider features, technology, algorithms
- **Content**—consider indexing, structure, metadata
- **Content creators**—consider their content creation tools, processes, incentives

In thinking about user experience, Don Norman and Jakob Nielsen make a similar point about the need to address the end-to-end system:

“It is important to distinguish the total user experience (UX) from the user interface (UI), even though the UI is obviously an extremely important part of the design. As an example, consider a website with movie reviews. Even if the UI for finding a film is perfect, the UX will be poor for a user who wants information about a small independent release if the underlying database only contains movies from major studios.”

**Make a long-term commitment to effective search**

Fried posits that a major cause of search disappointment starts with the way the search technology is implemented. It then grows worse as a result of how the technology is maintained. He calls it a trap for the unwary who “stand up from an out-of-the-box search and walk away.” Fried identified several problems with this fix-it-and-forget-it approach:

- Content changes all the time, as does the type of content people seek
- How people ask for content changes, so search vocabulary changes over time
- The relevance of content is determined by context, yet context changes all the time
- Even great implementations degrade with time

In the face of all this change, you must be prepared to review, revise, and even augment your search capabilities as necessary. This means that any organization serious about search must ensure that it is a defined part of someone’s job to tend the search engine. Fried refers to this as a “gardening” function in which the person responsible weeds the content and trims the metadata. For White:

“User satisfaction with search performance is a function of the number of people in the search support team...Without an appropriate level of investment in a search support team, a search application will never provide users with a satisfactory search experience. Not only is that a waste of investment in hardware and software but also in the investment the organization has made in creating information.”

**Ensure your search practices conform to recommended practices**

Even if you achieve a textbook implementation, you still must adopt practices that support effective search after launch. Unfortunately, this is another area in which organizations underperform. To demonstrate this, Fried cites the work of Jane McConnell, an expert on the digital workplace, who has surveyed digital transformations for over 10 years. In the course of her work, she found evidence that organizations struggle to follow recommended practices regarding search:

- 12% of organizations surveyed had a search strategy
- 6% did not include the business owners in their search strategy
- 10% consulted users regarding user requirements
- 13% conducted usability testing
- 70% had fewer than one full-time employee focused on search
- 30% looked at search logs

Similarly, Findwise reports a continuous decline in the use of analytics and user feedback to improve search:

“Surprisingly, fewer than 50% of respondents seem interested in understanding how their search solutions are being used and perceived. In large organizations, with more than 10,000 employees, there are hundreds or thousands of people responsible for creating content, but hardly anyone responsible to ensure that users can find content. This is a clear reflection of the limited resources available to support and improve search.”

Clearly we are abdicating our ongoing responsibilities. But why are these practices neglected? According to Fried, it is due to a lack of appreciation for the value of search, coupled with a lack of understanding of the complexity of search. In addition, as Findwise has shown, some of this results from an unwillingness to commit the required resources.
The Failed Promise of Search

It appears that the failed promise of search is due more to how the organizations implement search technology than the technology itself. These organizations jump into a search implementation without first clearly defining a strategy to achieve effective search. They focus primarily on the search engine alone, without addressing the entire ecosystem that makes effective search possible. Then, they fail to make the long-term commitment of time, people, and money necessary to ensure that their search engine continues to support the work of the organization. Finally, to compound these bad decisions, the organizations fail to adopt recommended practices regarding the proper care and feeding of their search engine.

To be fair, search technology is a specialized and complicated area. It would be unreasonable to expect a businessperson to understand all its nuances. Further, it is possible that members of an organization’s IT team may not actually have experienced a truly successful search implementation.

Finally, all of us have been misled by Google, which seems so simple yet is incredibly complex. Fried states:

“‘The search industry has been ‘shot by Google twice.’ Google is a ubiquitous consumer experience, which created outsized consumer expectations that [consumers] then transferred to the enterprise. Then Google introduced the Google Search Appliance.”

White concurs:

“In most organizations there is frustration that the enterprise search function does not work as well as Google. There are some technical reasons why this should be the case but the main reason is that Google has over 72,000 employees who are dedicated to making search work well. The constant evolution in the Google search interface is not a result of ad hoc decisions but of the analysis of 3.5 billion searches a day and constant collaboration between the technology teams, the search performance teams, and the business development teams to improve the search experience.”

While it is unreasonable to expect a law firm to commit resources to search comparable to those committed by Google, there are some less expensive ways of achieving greater search satisfaction which are completely within the abilities of a law firm. The only remaining question is whether a firm is willing to make this limited commitment to improve productivity and reduce employee frustration.
For many years, CEOs have listed geopolitical uncertainty as one of their top concerns. One can understand their view. Global news organizations and social media bring them real-time updates from every country. Leaders must address volatile situations in countries with complex problems, which are rooted in history that outsiders might find opaque. For the unprepared, minimizing these risks can be treacherous.

Law is a slow-moving profession that adjusts to risks over time. CEOs call upon lawyers for counsel in crisis situations, and lawyers respond with calm, deliberate thought as others fight the urge for hasty action. Add to that the erosion of the rule of law—in practice and in concept—in many countries. This age of geopolitical uncertainty clashes with the lawyer’s desire for rule of law and predictability. No wonder geopolitical concerns keep CEOs awake at night.

These two worlds—geopolitical uncertainty and rule of law erosion—present a challenging maze for law departments and law firms. Lawyers have shifted work once done by junior lawyers to countries with lower labor costs. This mirrors manufacturers shifting work from the United States to lower labor cost markets in the 1980s.

The need for global talent has also driven legal services migration. At one time, corporations got by with home country lawyers. They would reach out to foreign lawyers as necessary. But companies have increased the size of operations in foreign countries. In many cases, they have shifted management to those countries, bringing a local focus to their businesses. Using distant lawyers working through local intermediaries is too cumbersome.

Law firms looking to take the lead in emerging markets want to bring advisors closer to the client. Law departments shift personnel and services to match the moves of their clients. Firm leaders and general counsel have become road warriors as they manage far-flung operations.

The tasks given to these outposts have increased in scope and complexity. The services started with basic document review for due diligence or litigation discovery. They expanded to include contract review, document creation and, in many cases, the processing of complex, though routine, legal services.

In 1984, Stewart Brand, founder of the Whole Earth Catalog, coined the phrase “information wants to be free” at the Hackers Conference. He recognized that the computer and telecommunications era created a world
without borders. For lawyers, this transformation has been slower to take hold, but it has emerged full force in the 21st century.

Legal services outsourcing has moved work from countries viewed as politically stable with strong rule of law structures to areas of the world experiencing greater volatility. This trend has raised familiar and new risks that lawyers should address as part of the work-shifting process. We can put these risks into three categories: people, privacy, and knowledge.

**Risking People**
This category includes risks to employees residing in or visiting a country. Most companies and law firms have addressed this type of risk. In an unsettled situation, departments and firms trigger emergency plans to protect personnel and documents. They are ready to evacuate personnel in extreme cases. Employee protection plans have become a standard part of these organizations.

**Risking Privacy**
Information that wants to be free travels the internet. Each trip creates another opportunity for global hackers to step in and intercept the traveler. With each passing year, the risks increase. By 2020, experts tell us that the amount of digital information will double every 12 hours. This data will travel insecure highways.

The explosion of internet-connected devices is weakening information security. Countries where privacy laws are lax present greater challenges. Law firms and law departments may find ways to transmit data that outstrip the imagination of their IT departments. Many of the hacks and breaches we hear today happen because people circumvent protections their organizations put in place. A law firm or law department with an outpost in a politically-unstable country provides a tempting target.

**Risking Knowledge**
The subtlest of the risks is the transfer of knowledge outside the company or law firm and the erosion of that knowledge back home. In 1958, Hungarian-British polymath Michael Polanyi introduced us to the term “tacit knowledge” in his book *Personal Knowledge*. It covers the information we need to do things, but which is not readily accessible to us. Every amateur chef trying to make their favorite meal from childhood has faced the problem. You got the recipe from your mother, but your version was different from your mother’s version. Your mom left out her tacit knowledge that gave the dish the special flavor you remembered. The information ranged from how long to stir the stew to the amount of seasonings to add.

Tacit knowledge is one of most complex things people do. Scientists have attributed their inability to replicate studies published in prestigious journals to a gap in tacit knowledge between the author and the reader. For lawyers, tacit knowledge includes knowing the preferences and risk tolerances of managers, troublesome contract clauses, and which services to exclude from negotiations.

Law firms and law departments that shift work to distant offices risk losing tacit knowledge. For example: a law department shifts contract work to lawyers residing in a foreign country. Over time, the home office loses track of tacit knowledge tied to the contracts. If problems occur in the foreign country, the outsourcer may lose its staff. The tacit knowledge they built while handling the contract work goes with them. The department is ill-equipped to resume the contract negotiations or train a new outsourcer.

These risks may seem remote. They always do until one firm or department experiences a major problem and everyone wonders why no one focused on the risks before. Companies have planned for the people risk from foreign operations for a long time. But for many law departments, the people risk is new and missing from the radar of those charged with protecting employees.

Privacy risks have taken center stage over the past decade. Law departments and law firms pay close attention to new laws. But again, lawyers tend to be the cobbler’s children. Their clients are protected while the lawyers may be lax. The knowledge risk is new for lawyers and one that should receive greater focus.

Law departments have argued for years that in-house lawyers know the company better than outside lawyers. This in-house knowledge gives them the edge when handling company legal affairs. Law departments moving legal work to law firms trust their outside lawyers to protect institutional knowledge. Now that both law departments and law firms move work to distant locations, capturing tacit knowledge is critical.

The recent shift in many businesses to a national over global business model (General Electric is a prime example) exacerbates the problem. As the focus on local business units grows, law departments seek to align legal services with the local units. The ease of modern information flow can lull us into believing that the information we need is a click or two away. But with advances in the legal supply chain come new risks. Lawyers should consider geopolitical risks as they explore new ways to serve clients leveraging a global supply chain for legal services.
Rainmakers for a long time have known the secret to success—build strong relationships, collaborate with others, win business, service clients at top levels, and recognize all contributors. It seems like a simple formula, yet client retention and growth (sometimes referred to more narrowly as “cross-selling”) has been at the top of every firm’s strategic growth plan for the last 20 years. Why is this strategy so elusive? The latest research suggests that the lack of collaboration among professional firms’ partners is to blame. It’s simple to understand, yet a complicated problem to solve. With collaboration—sometimes mistakenly called teamwork—firms will do much better than going to market with a bunch of individual performers who target their own contacts. However, research shows that (generally speaking) lawyers are not naturally a collaborative group.

Dr. Larry Richard’s years of studying over 5,000 lawyer personalities using the Caliper Profile assessment shows that lawyers test high in autonomy, high in skepticism, high in urgency, and low in sociability. Collaborative efforts to retain and grow clients, and to generate new business, would require scoring the exact opposite in these traits. This simply means that we have to work harder on characteristics that may not come naturally to lawyers.

All this is important to maintain a firm’s revenues and to grow those revenues year over year. Other research, including Dr. Heidi Gardner’s recent work and resulting book and writings, is further proof that collaborating as a team will always yield stronger results. Creating a culture of collaboration is critical to the long-term survival of any law firm.

In her book *Smart Collaboration*, Dr. Gardner states that: “[C]ollaboration across practice groups and geographies is associated with better financial outcomes for firms… Multidiscipline client service is significantly more lucrative than more rifle-shot approaches. As additional practice groups serve a client, each one of them earns more on average. In other words, collaborating creates additional value for both the older and newer service providers—and, of course, for their clients.”

Dr. Edgar Schein, author of many books and writings on culture and collaboration, discusses the importance of building trusting relationships in order to build a strong and collaborative culture. His highly-acclaimed book on this topic, *Humble Inquiry*, provides an excellent road map of
how to build trusting relationships—particularly in light of the task-oriented world in which most professionals live. Effective leadership at the top will help to drive this type of culture.

It is worth mentioning that having effective leadership at the top is still critical for accomplishing a collaborative culture. Developing a high-performing, high-functioning leadership team is the best place to begin building collaboration. For some firms, this is the most challenging, given that not many individuals in leadership positions believe they aren’t already collaborative and high-functioning.

Leadership teams who believe in continuous improvement should study what it means to be a collaborative culture. Ask yourself what is being done to facilitate collaboration across the firm. We are seeing too many firms buying into the concept of a collaborative culture, yet not really doing what needs to be done. Hint: it’s not just agreeing to the idea of collaboration, or reading Gardner’s or Schein’s books.

Building a culture of collaboration means changing some things about the firm that do not support this type of culture. These include but are certainly not limited to:

• **Compensation**—How the firm compensates partners, often rewarding individual performance and not team performance. One firm has a percentage of overall revenue they hold for rewarding and recognizing partners who team up with others, and who introduce them to clients to build new relationships. This route of recognizing those aspirational actions we tout really pays off, and the firm is enjoying new revenue and new relationships.

• **Standardizing client service**—Some firms focus on training staff and not the senior-most equity partners. Client service across the firm is a collaborative effort and, in fact, builds a strong team culture. It’s often helpful to have outside consultants help build a culture of client service that is long-lasting and meaningful.

• **Proactive relationship-building with clients**—Collaboration reaches outside of the firm and touches everyone from the firm’s service providers to the firm’s clients. By proactively approaching clients to ask good questions about their goals, their needs, and their perspectives, a firm will enjoy a new level of collaboration with its clients. This particular tactic for building a culture across the firm to its clients should be one of the easiest to achieve, yet it is significantly under-valued by firm members.

• **Building new relationships across the firm**—Getting out of one’s comfort zone and making it a point to meet one’s peers across the firm takes time and energy. Yet, these efforts are often rewarded with new business opportunities. Adding this one goal to each lawyer’s individual plan (e.g., meet and build strong relationships with four new partners within the firm this year) results in building trust, and building trust results in creating a collaborative culture.

• **Recognizing efforts**—Gardner says, “Compensation matters most when it is a person’s only way of judging his or her worth.” As more firms look for ways to recognize firm members and staff, they are finding these and other areas to be beneficial ways to provide accolades:
  - Excellent client work—showcasing team (including support team) results
  - Landing new business—working with the help of others (collaborating)
  - Client feedback—mentions from the client about how the firm is doing
  - Building relationships—within the firm: where it’s worked and led to success; outside the firm: new relationships at client and at firm
  - Going the extra mile—outstanding service by any member of the firm
  - Helping a client with budgeting, project management, or other financial goals (often with the firm’s finance team)

Edgar Schein suggests: “Not only do we have a culture of do and tell, where we value telling more than asking, but we also value doing more than relating, and thereby reduce our capacity to form relationships.”

To be collaborative means to build strong relationships. In turn, the firm will experience increased engagement with its lawyers and staff (which reduces turnover cost), increased revenue through lawyer collaboration, and increased client service through a culture that is inclusive and mutually supportive.