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Sharing the Right Data

Law Department Management





With the recent implementation of the EU's General Data Protection Regulation, you've been hearing plenty of talk about cross-border risks for your company — the risks of moving the wrong data across the wrong borders in the wrong ways. This column covers a different but related risk: The risk that your law department is not allowing the right data to move across the right borders in the right ways.

If you work for a multinational company, your department should be striving to harness all of the global resources at hand as effectively as possible. It's probably true that "no man is an island," but in my experience, many departments act as though members in other countries are their own islands. They operate entirely independently and without the support of any of the other "islands."

It's easy to appreciate the risks in operating this way. Lawyers acting in good faith and judgment may take inconsistent positions that, in a global environment, could create litigation risks for the company.

Lawyers operating in a vacuum risk reinventing the wheel and not providing the company with the best work product, because they are not in a position to take advantage of subject matter experts in other regions. Lawyers acting independently may engage and pay for outside counsel to do work already conducted by another firm. The list goes on.

To mitigate these risks means the department must take a global approach to things like project and knowledge management, collaboration, and process engineering. This has always been desirable in theory but was hard to achieve in practice until some of the recent advances in technology.

The first thing a global law department needs is an effective intranet platform. Many companies already use something like SharePoint, Jive, or a homegrown system for their employees. Law departments should make sure they can either tap into that resource and modify it appropriately or are able to develop their own. Either way, you want to make sure you can modify it to meet the specific needs of your law department — I can tell you from experience that if the platform you propose doesn't actually make work easier, all the change management tricks in the book won't make it a success.

The next step is to tackle knowledge management. Collect the most valuable digital resources squirrelled away in the crannies of your department and provide appropriate levels of access to your members; obviously, you may want to take into account jurisdictional or privilege issues. But knowledge management shouldn't be limited to digital resources. You should also enable your department members to easily locate subject matter experts within your organization. For this purpose, you can use tools such as skills inventories, personal profile systems, and forums to help your colleagues find whom they need.

There are many good collaboration tools these days, but regrettably few law departments have focused on the training or practices necessary to take proper advantage of them. If you only use Skype for Business or Yammer for chatter, they become background noise to be ignored. MS Word and Google Docs have great real-time collaboration tools, but your users have to learn them before they will actually use them effectively. Develop a list of collaboration tools that your department should use, and then make sure people are trained on their operation and value.

Process engineering activities should at least have global oversight. You don't want to try to implement a new contract management system only to find that they have already paid for a better (or at least different one) somewhere else — unless there is a reason to handle it differently in your region. Smart guides, legal services request portals, non-disclosure agreement portals, and the like should at least be considered for global implementation. It is easier to modify these things to suit local needs than to build them independently from scratch.

All this is not to say that lawyers around the globe should work in lockstep. There are obviously times when a lawyer in India may need to do things differently than a colleague in the United Kingdom. Law departments need to strike the right balance between appropriate levels of independence and needed amounts of integration and collaboration in support of their global clients. This means ensuring that the department develops a cross-border approach to such things as knowledge management, collaboration, process engineering, and project management.

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