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Interview with Blake A. Bell*

- ¶1 *Northwestern Journal of Technology and Intellectual Property (“NJTIP”): What is knowledge management, and how do you distinguish between knowledge management and document management?*
- ¶2 **Blake Bell (“Bell”):** Document management is a subset of knowledge management but quite a minimal subset. It is simply organized and full-text searchable collections of documents—pure document management. But far more important is knowledge management, which is the capture of useful experiences and information, not contained in a firm’s documents, which can help lawyers do what they do better and faster—whether that is getting new business, preparing transactional documents more quickly, or managing electronic discovery in litigation more efficiently.
- ¶3 Simpson, Thacher & Bartlett (“the Firm”) also captures knowledge that would not otherwise be reflected in such documents. For example, the Firm has created and maintains more than 3,500 fill-in-the-blank forms that are constantly being updated, revised, and replaced. Each represents the Firm’s “best” effort at creating a blank form of document to be used as a starting point to create a legal paper—complete with footnotes and, in many instances, instructions for its use. Likewise, for each of the more than 500 transactions for which transactional documents have been collected and organized, the materials have been associated with “Transaction Reports” that summarize the transaction and basic data associated with it and provide notations regarding elements that are deemed of important significance.
- ¶4 Similarly, the Firm is a registered Continuing Legal Education (“CLE”) provider and, as the Firm conducts CLE courses on how to handle practice specific matters, the Firm captures via video and electronic documentation all of the nearly 200 CLE courses that the Firm conducts each year, organizing them by practice area and making the teaching materials available and full-text searchable.
- ¶5 These are examples of the dozens and dozens of “inward-focused” knowledge capture initiatives that the Firm has performed for years. The Firm also has “outward-focused” initiatives that include daily development of client intelligence and subject matter intelligence from external resources using intelligent agents “robots” among many other things.

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¶6 *NJTIP: How common are Knowledge Management Departments in law firms?*

¶7 **Bell:** The prevalence of knowledge management has grown. When I was first named to head the Firm’s Knowledge Management Initiative in late 1998, there was only one other law firm in the United States that had anyone playing the role that I was expected to play. Now I participate in monthly meetings attended by knowledge management counsel from 15 large law firms in *New York City alone!* I have counterparts at dozens and dozens of firms in the U.S., Canada, the U.K., Australia, and elsewhere.

¶8 *NJTIP: What are the benefits and challenges of knowledge management to lawyers and law firms in general?*

¶9 **Bell:** In my view, there are four principal benefits:

- (1) Reducing the “reinvent-the-wheel syndrome” so that attorneys involved in subsequent matters that are similar or analogous to an earlier matter can handle those matters more quickly, more efficiently, and with the confidence that comes from experience—albeit not necessarily their own experience;
- (2) Enabling attorneys to do more in less time so that they can serve more clients, handle more matters, and still have enriching personal lives outside their firm;
- (3) Reducing the time it takes to perform non-billable tasks to enable lawyers to devote more time to client service and billable matters; and
- (4) Reducing costs.

¶10 Likewise there are a number of challenges. Good knowledge management techniques require a meaningful exchange of knowledge and experience between and among lawyers. Yet, one of the principal objectives of knowledge management—in my view—is to reduce the time that lawyers have to spend on administrative matters that are not client-focused. In other words, there is an inherent tension and that creates a challenge for the Knowledge Management Department. It has caused me to encourage members of the Firm’s Department to be very service-oriented—in other words, to do everything possible to prepare material for the lawyers who then can give the final “yay” or “nay” as to its value and where it fits in the Firm’s taxonomic (organizational) structure.

¶11 One “challenge” that you will hear many knowledge management participants refer to is the challenge faced when there is not a “culture of sharing” at a firm. I actually find that so-called “challenge” quite a myth. Lawyers share—it is the nature of their business. Sometimes the sharing is passive (by saving public documents to a document management system). Sometimes it is explicit sharing, for example, by arranging for a team’s paralegal to post important legal research and pleadings for a case to a virtual workspace accessible to all. However, it is the rare exception where the Firm finds lawyers unwilling to “share.”

- ¶12 *NJTIP: What are the benefits and challenges to clients?*
- ¶13 **Bell:** The most readily apparent benefits to clients are:
- (1) Faster response times which, in the billable hours context, means reduced costs to the client;
 - (2) Improved client service which strengthens the client relationship;
 - (3) Improved and faster access to a history of work previously performed for the client which reduces the risk that firm lawyers will prepare materials in the first instance that do not follow the client's preferred practices; and
 - (4) Allowing clients, through extranets, quicker and better access to a more organized work product prepared on their behalf.
- ¶14 The true knowledge management model presents few challenges to clients if implemented in a reasonable fashion. The Firm has found, for example, that it can improve client contact rather than reduce it. When clients know that they can get fairly quick answers to otherwise routine questions, the Firm finds that they ask the otherwise routine questions more frequently. That being said, there are some challenges a client might confront. For example, well-executed knowledge management techniques can allow less experienced lawyers to handle more difficult problems. While there is a cost benefit to the client, some clients may want such issues handled at more senior levels. As long as the lines of communication with the client remain wide open, this should not be a difficult issue to address.
- ¶15 *NJTIP: What are the challenges and rewards for lawyers working in the knowledge management departments of large law firms, and what sort of background is necessary?*
- ¶16 **Bell:** The biggest challenge [to] lawyers who work in knowledge management departments is easy to identify, in my view. To bring value to the firm, such lawyers must understand the firm's practice, its culture and its day-to-day workflow and processes. Lawyers can best understand those issues if they are practicing within the firm. Once again, there is a tension—practicing lawyers typically must be so client- and matter-focused that it is extremely difficult, if not impossible, to practice and to perform full time knowledge management administration. Thus, the biggest challenge in my view involves taking the steps necessary to participate in the practice, assist with matters, communicate effectively with practicing lawyers, and “soak up” the experience necessary to ensure that knowledge management is being performed on a practical level—not from an ivory tower.
- ¶17 The best background for attorneys involved in knowledge management, in my view, is not “technical expertise.” In other words, I do not look for someone who can write code or take a computer apart and reassemble it. Those tasks are best left for the Information Technology Department experts. Rather, in my view, the best background in this environment is an attorney who understands the value of technology as a simple tool—a means to get to an end—and can use simple technologies creatively to solve problems

that otherwise cause frustration for the attorneys trying to do their jobs. It seems to me that the best-suited person for this type of job is one who understands the firm's practice and the technologies that it has chosen to deploy, and can think creatively and outside the box on how to use the technology tools to make life easier and to service the clients better. That requires practice experience, intelligence, and creativity. It does not require the person to be a so-called "techie."

- ¶18 *NJTIP: How have the tools, prevalence, and practice of knowledge management changed over the past decade?*
- ¶19 **Bell:** Law firms have always practiced knowledge management. When the Firm was founded in 1884, knowledge management consisted of organizing the Firm's paper files and facilitating communication between and among the three partners and handful of employees who handled the Firm's matters. Over the years, nearly all firms have created sophisticated paper filing systems as well as collections of research memoranda, precedents and—in some cases—fill-in-the-blank forms. In the past, most material was available at a single physical location—you had to go to the library, the files department or to attorneys who were particularly adept at maintaining their own personal files to get what you want. And you basically had to flip through or read it all to find what you wanted, if you could find anything at all. Now the material is available for simultaneous access by as many people as wish and all of it full text searchable. This is a sea change that has greatly affected the practice of law in the last decade and will continue to do so.
- ¶20 And the tools are changing each year. Knowledge management-oriented software that no one dreamt about ten years ago is available on a fairly cost-effective basis today, including software relating to centralized document management systems, collaborative intranets, extranets and secure virtual workspaces, portals, client relationship management tools, rules-based docketing applications, scanning systems, document databases, and much more. The wealth of tools can be overwhelming and choosing among the many alternatives can be difficult. Still, the use of such tools has quickly become routine in large law firms and the pace with which the tools are being upgraded and improved is mind-boggling.
- ¶21 *NJTIP: How will knowledge management affect the marketing of firms?*
- ¶22 **Bell:** It already has. Many clients who prepare the equivalent of "Requests for Proposal" in which they ask large firms to provide them with a proposal of how the firm would service a specific legal need include requests that the firm describe its knowledge management capabilities, as well as its use of technology, generally, to render its practice more efficient. This brings knowledge management to the forefront in the marketing arena.
- ¶23 I have attended meetings with prospective clients who have asked for presentations regarding the Firm's knowledge management capabilities. In addition, because the Firm includes client intelligence and subject matter intelligence within the purview of

Knowledge Management at the Firm, I spend substantial time interacting with the Firm's Business Development Department—which helps me understand what clients the Firm is working to develop and what industries it is focused on in those efforts.

- ¶24 *NJTIP: Will legal guidance delivered across the Internet come to be a significant source of legal assistance in the future?*
- ¶25 **Bell:** In my view, it will be a significant source for more commoditized areas of the law—and already has, in fact, in some instances. But for the largest and more sophisticated practices involving the largest and most complex transactions and litigations, I don't see this as a significant source of legal assistance to clients involved in such matters in the foreseeable future.
- ¶26 *NJTIP: What is your opinion of online legal guidance systems that attempt to provide information and analysis from legal specialists for fellow attorneys and non-practitioners?*
- ¶27 **Bell:** I treat them with a healthy dose of skepticism—not to say that they don't have value. In the law firm context, there is much to be said for the personnel vetting process that a firm follows to attract and retain those whom it believes to be the best and the brightest. Additionally, the firm's own procedures for bringing any work product to a conclusion as well as the firm's lengthy history in handling complex matters successfully can bring a lot of confidence to the client when the client has a difficult legal issue to be considered. The same such vetting processes simply do not exist, in my view, for online legal guidance systems. They can be an excellent and less expensive way to define legal issues that need careful attention, but very few large companies out there would stake their business—or even a transaction or litigation—on such online guidance.