

## **Wikis and Document Management Systems at Law Firms**

The document management system has long been the factory assembly line for most big law firms. In turn, the document management system becomes the largest searchable repository of knowledge in a law firm. With the rise of enterprise 2.0 technologies and their alignment with knowledge management, the question arises how these new technologies might affect the use of existing technologies, like the document management system. One of the most promising enterprise 2.0 technologies for knowledge management is the wiki.

### **Definition of a Wiki**

At its core, a wiki is a collection of editable pages on the web. Each time a wiki page is edited and saved, a new version is created. Also, when the wiki page is saved, the wiki platform will send out a notification of the changes to subscribers to that wiki page. A typical feature of the wiki platform is that it is easy to compare changes between any two versions of a wiki page.

Wikipedia is the most famous wiki. Wikipedia.org is a web-based, free content encyclopedia project. This site is based on a wiki platform, open for anyone to add content or edit existing content. With over 9 million articles in more than 250 languages, and over 2.2 million articles in English alone, Wikipedia is several times larger than the Encyclopedia Britannica. One key step that Wikipedia took was to eliminate any requirement of registration to add or edit content. Anyone can anonymously edit wiki pages in Wikipedia. Rarely would a firm allow for anonymous editing of wiki used within the firm. Most wiki platforms deployed inside a firm's firewall will allow a single sign-on so the editor is recognized from their initial sign-on to the network.

Wikis are attractive as a knowledge management tool because they make it very easy to contribute content and easy to find the content. Most wikis offer an easy to use "What You See Is What You Get" page editor that resembles a simple word-processing program. Since the wiki content is in the form of a web page most search engines can easily index and search the contents of the wiki.

### **Definition of a Document Management System**

A document management system (DMS) is a computer system used to track and store electronic documents. Those electronic documents can include word-processing documents, presentations, scanned documents, spreadsheets and a variety of document formats.

A typical DMS will automatically tag the document with a specific reference identification. This identification allows for immediate retrieval of the document. The DMS will allow (or require) you to add metadata about the document. For law firms, that metadata will typically include a designation of the client and the particular matter for the client. This allows you to search for a document based on specific criteria about the document in addition to the text of the document.

The DMS will also allow you to add security to the document, so it can be private to the individual, limited to the matter team, limited to the client or to exclude specific people (as may be required for ethical purposes). The DMS allows you to store multiple versions of a particular document so that you can track the edits to the document.

A DMS succeeds because it offers more functionality than the user would have from saving the document to a standard drive. The DMS offers greater searching and categorization of documents. The unique identification marker on the document allows you to quickly identify

the exact document in question. This identification is much shorter than the long file folder designation you would get from a file located on a standard drive. The DMS can also easily be tied into the word-processing software. In the end it easy to contribute to the DMS and easy to find content in the DMS.

### **DMS and Wikis at Goodwin Procter**

Almost a decade ago at the beginning of my firm's knowledge management group, one of the first action items was the selection of iManage (now Interwoven's Worksite product) as the firm's DMS. We now have over 8 million documents in the DMS. Nearly all of the documents produced by the lawyers and staff in the firm are stored in the DMS.

Our existing intranet is built on Microsoft's SharePoint 2003 platform. A great deal of the content on the intranet is merely links to documents in the DMS. Users update content by opening and editing the content in the DMS. That shields them from the clunkier web editing and process on the existing intranet. It also allows them to use the version control features of the DMS to trace the history of the document and its content.

Over the past year, we have been planning and implementing an upgrade of our intranet to Microsoft's SharePoint 2007 platform. Wikis, blogs and some other enterprise 2.0 tools are included as part of SharePoint 2007 platform. At the outset of planning for our upgrade, we decided to actively use some of these tools to see how they worked. In particular, wikis caught our attention as a great tool for knowledge management within the firm. I used the free test version of PBWiki for a variety of projects: managing our knowledge management projects, co-authoring an article on social networking, planning a conference, managing transactions for a client, preparing and gathering the results of a survey of law firm knowledge management leaders, and gathering definitions of knowledge management.

### **Comparison of Functionality**

In comparing the features of a wiki and the features of a DMS, a wiki combines more of the features in the document production process into one package. A wiki has a basic word processing program, with a simple editor for creating content. The wiki has a flat list of wiki pages within the wiki platform. (Although some wiki platforms do allow for greater organization.) The wiki has the ability to compare changes between versions of a wiki page. The wiki has a notification process that alerts subscribers to the wiki page when changes or additions occur.

The wiki combines features of a word-processing program, a DMS, a document comparison program and an email program into one package. Of course, a wiki does not have all of the bells and whistles that these four programs do.

The strength of the DMS lies in it rich metadata collection, version control and security. Within a law firm, it is important to be able to retrieve all of the documents for a particular client or for a particular matter for a client. And perhaps even more important is the ability to apply security limitations to documents for a particular client or matter. For example, a document for public company merger would have security applied to limit viewing to the matter team in an effort to avoid the disclosure of the transaction.

### **Document Behaviors**

A wiki and DMS are both focused on producing, storing and sharing content. A wiki page is just another type of document. When producing content, I have noted five types of behaviors: collaborative, accretive, iterative, competitive and adversarial. In a

collaborative scenario, there are multiple authors each with free reign to add content and edit existing content in a document, and they do so. With accretive behavior, authors add content, but rarely edit or update the existing content. With iterative, there is single author controlling changes to the document. The document may have originated from another source, but stands on its own as a separate instance of content. With competitive content creation, there is a single author who seeks comments and edits to the document as a way to improve the content. However, interim drafts and thoughts are kept from the commenters. Adversarial behavior is where the authors are actually competing for changes to the content for their own benefit. Although there may be a common goal, the parties may be seeking different paths to that goal or even have different definitions of the goal.

Collaborative, accretive and iterative content production are largely internal behaviors. Competitive and adversarial are largely external document behaviors. Of course, a document may end up with any or all of these behaviors during its lifecycle.

### **Typical Behaviors With a DMS**

The principal behavior for use of content in the DMS is iterative. Lawyers will search for and reuse existing content in a DMS. But rarely will they change an existing document. Generally, a document in the DMS was drafted for a particular issue for a particular client. They reuse existing content, but create a new iteration of that content. Lawyers will work collaboratively in drafting documents, but the process is iterative. They draft the document with some collaboration with their assistant in finalizing and editing the draft. The draft is circulated for comments. Then the lawyer creates a new iteration of the document as a new version of the document in the DMS. The lawyer then incorporates the changes they accept, finalize this new draft and circulate again.

The transmission of the content to a client or a more senior person inside the firm will result in a competitive behavior. A junior person will generally want to hide interim drafts and issues from the senior person. The junior person is looking to impress and move up in the firm. The same behavior is typical with a client. The client is expecting vetted, finished work for their review and comment. With a lawyer-client relationship there is the additional and important issue of liability for mistakes resulting in possible malpractice and personal liability for the lawyer.

Accretive behavior is seen more often in email than documents. Each response is added on top of the existing string of information with no one synthesizing the information in a coherent manner.

### **Typical Behaviors with a Wiki**

I have seen two principal behaviors in using wikis. The first is accretive. With this behavior, the person will add content to the wiki, but not update or edit existing content. This is largely the learned behavior from email. The second behavior is collaborative, where the person will add content, but also edit existing content.

The accretive behavior is distinguished from the iterative behavior by the grouping of similar content together. With accretive behavior the content is being added to the same wiki page, effectively editing the document. With iterative behavior, the lawyer creates a new document rather than adding to an existing document.

### **When to Use a Document in the DMS**

The traditional DMS process is best used when the production of content is adversarial, rather than collaborative. Generally all discussions between opposing counsel are adversarial, even in transactional law. With collaborative behavior in a typical wiki, there is no control over the addition or editing of content, other than responding to edits or locking the wiki page from editing. You give up the control of authorship. Most of the bad behavior stories from wikipedia come from an adversarial editing process. A robust infrastructure has grown as part of wikipedia to deal with adversarial editing.

The DMS is the better repository for documents that enter a competitive or adversarial behavior. The lawyer will want a record of what was contained in each version of the document as the content was changed by the author.

### **When to Use a Wiki**

The question is what content in the law firm should you "wiki-fy"?

Of the document behaviors, a wiki is an exceptional platform for collaborative treatment of documents. Ownership of the document is less important than the collection of the content into one synthesized place.

One great use of a wiki is to replace a practices and procedures manual. One of the first questions I hear when a group creates a practices and procedures manual is how will they know when it changes. The typical behavior is to draft the manual in a word processing program, save it into the DMS, then email the group when it is complete. The recipient will then print it out or refer back to the email when using the manual. With the manual in a wiki, the notification of changes happens as soon as the change is made. The manual becomes an active flow of information rather than the republishing of a manual.

I had some success using a wiki to manage the internal closing agendas for a client with several transactions occurring in the office at any one time. Instead of one person needing to control the edits, the entire client team can update any closing agenda at any time. When viewing the wiki page, it will always be the most up-to date location of information. As changes are made to an agenda, the wiki platforms sends out a notification of the change to the entire internal client team. The DMS behavior would be to maintain the closing agenda in a word-processing document. A single person would be responsible for keeping it up to date (usually the most junior person). After an edit or a group of edits, the author would email the updated agenda to the client team, who would then have to discern changes or eschew a version full of the marked changes. The wiki collapses the document process into a shorter series of steps and provides a richer flow of information.

### **Wiki While You Work**

As law firms begin implementing wikis, they will need to identify the best way to use this new tool. Wikis can simplify the production of content by reducing the number of programs and the steps needed to produce the content. Although they are not appropriate for all types of content, they are an excellent tool to add to your knowledge management program.