

EXPERIENCE REPORT - WIKI FOR LAW FIRMS

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ABSTRACT

This paper shows the experiences of a law firm with adopting Wiki Webs for knowledge management and collaboration over the last two years. Wikis created a business advantage for the lawyers through better re-use of their know-how within the firm. In addition, external Wikis for clients created new revenue opportunities and higher client satisfaction. The law firm uses a very simple Wiki implementation that makes it very easy to establish new Wiki instances. For client collaboration the Wiki was secured and extended with a simple user management system.

1. INTRODUCTION

We are a Zurich-based law firm specialising in technology, industrial and construction law. The number of partners varied in the past between 3 and 5. We employ between 2 and 3 lawyers as associates and work with a team of law students in the back office. Two members of our team have a degree in engineering in addition to their law degree. A lot of our work consists of supporting clients in the negotiations of complex contracts. Apart from that we advise in corporate and labour law matters.

At the outset of our experiences with Wiki webs there was a need for a flexible knowledge management system for the administration of the law firms know-how (checklists, contract forms, leading cases etc.) We evaluated several document management systems until Prof. Peter Sommerlad from HSR Hochschule für Technik Rapperswil, brought to us the world of Wikis. As lawyers who are generally not very innovative and not receptive for technology, we haven't seen such a thing before. However, the idea immediately convinced us and we introduced Wiki as our knowledge management system about two years ago. After having used the Wiki for a couple of months internally we started to open it to our clients. Since then, we've set up about 10 Wiki instances for individual clients and various internal uses.

The latest use case is a very strong one: we use a Wiki instance to write a legal commentary finally resulting in a book.

We are now going to describe the individual Wikis in more detail. The remaining text uses "we" and "I" for the law firm and the

primary author Urs Egli, except for the section 5 describing the underlying Wiki technology.

2. KNOW-HOW WIKI - THE START

In our first Wiki we collect all our know-how we need on a daily basis. We started by simply editing pages such as "labour law" and "commercial law" filling in first pieces of know-how. The Wiki structure became more sophisticated from day to day. For example, our labour law page has now about 20 subtitles leading to further pages.

The collected know-how consists of instructions on how to perform a task most efficiently as well as of contract forms, leading cases, legal arguments and so on.

The individual Wiki pages are not structured in a uniform way. It's up to the author to decide how much time he spends on layout and structuring issues. Some clean up parts of the Wiki now and then, others do not.

The users of the Wiki are the members of our law firm. It strongly depends on individual preferences of the members how intensely they use Wiki. Some didn't use it at all. The most enthusiastic users are young students we employ as secretaries and legal trainees. They immediately grasp the power of this system. Amongst the mature partners it's certainly me bringing in most enthusiasm. Another partner is a very reliable user in the sense that he is bringing all his important documents into the Wiki but he is not spending much time on commenting and structuring them. Funny is, that male persons generally are more receptive to using Wiki technology than females. At least amongst our law firm's partners. The young female students also use Wiki intensively but they never become "Wiki nerds".

At the beginning we all tried to re-create the hierarchical structure we were used to from the previous system, a shared network drive. We soon noticed that everybody had another idea of how the hierarchy should be and so information covering the same issues was spread all over the Wiki. It took us some time until we got used to the search function before bringing in new information. It is surprising how often there is already some piece of information available you were looking for or just about to add.

We also learnt that it is useful to write short comments on the know-how pieces that are brought into the Wiki. This enhances the chances to find the information again via searching.

Very helpful is to mention client's names because this is often the information easiest to remember as a lawyer.

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After two years of experience our next step will be to bring in some very basic guidelines on how to structure information such as regularly mentioning the author and the date of change. This information is available in our Wiki but not readily displayed on its pages. It was a good idea not to create the guidelines right at the beginning. We skipped many of the initial approaches for guiding our Wiki users.

We also think about assigning areas to editors who then carry the responsibility to clean up regularly. But it might well be that we never end up doing it this more sophisticated way and still are using our Wiki as a very powerful tool.

3. CLIENT-ORIENTED WIKIS

3.1 Corporate File Wiki

The corporate-file Wiki was one of our first Wikis opened towards a client. This opening brought a new business opportunity to us. In "a corporate file" lawyers collect all the company's legal documents such as statutes of incorporation, annual and tax reports, contracts, documents regarding IP rights etc.

One of our clients bought an IT-firm. Their management was working at different locations. They had a need to have company-related information at hand regardless of where they actually worked. The client was also planning to sell the company in the future and therefore had a need for a well structured corporate file. We proposed to collect this information in a separate Wiki accessible only for selected client employees and us.

The information we stored in this Wiki mainly consisted of formal documents such as the statutes of incorporation, share purchase agreements, share registers, financial statements etc. The Wiki was designed to serve as an electronic data room in case a potential purchaser wanted to perform a due diligence.

This Wiki was very structured. Every page was edited in the same way. Wiki pages and uploaded documents were named according to guidelines that had to be followed strictly.

Only our lawyers edited this Wiki. The client's users accessed the Wiki very seldom. They simply wanted to be assured that their information was stored properly.

This corporate file Wiki is discontinued, because we lost the client due to other reasons. As technical lay people it caused us some problems to provide the client with an electronic version of his documents, as he did not want to operate the Wiki on his own. After the termination of the mandate we brought the information into a hierarchical file structure and handed it over as a hardcopy.

3.2 Contract Management Wiki

A second external Wiki was used for managing a client's contracts, that we as lawyers negotiate and phrase.

For such a client we had to create a system to manage a complex outsourcing agreement consisting of hundreds of documents changing on a weekly basis. Some of these documents depend on others, in general, hierarchically. But there are also cross-links on a horizontal level.

We built a Wiki commenting every document and showing the dependencies between the documents. When a new version of the document was signed, it only had to be added to the Wiki page containing the old version.

We then started to use the Wiki to administrate tasks. When our client now asks for our legal opinion – e.g. regarding the legal consequences of a malfunction of an outsourced IT-system– we open a support case on a separate Wiki page. We also open separate pages for each change order. When a change order develops into a new document we simply set a link between the page of the change order and the old version of the changed document.

Once a month we conduct a support meeting at the client's locations. At this meeting the client's project managers ask questions regarding the outsourcing agreement. Quite often, somebody else already has asked similar questions before. With the search function we are able to retrieve the answer given at that occasion or we find the relevant document and display it on the screen for further discussion in the team.

What turns out to be a big advantage is that the information created when negotiating the contract stays available at later stages when questions of interpretation occur. Again the search function of our Wiki proves to be very useful in that case.

The information in this Wiki is structured in the same way as the corporate file.

Again, our law firm is the main user of this Wiki. The client does not edit the information but frequently searches the Wiki for information. On the client's side it is mainly the IT department using the Wiki, because of their connection with the outsourcing company. Their law department, however, finds it very useful that we document our services in such a transparent way.

We conducted a kick-off meeting introducing the Wiki to the client's employees. Their IT people learnt it very quickly. Their lawyers were a bit lost when trying to use the Wiki. They tend to overestimate the technical complexity. I have the image of a technology guru – which I am definitely. The downside of this image is that people are frightened to use the wiki because they think that they never get at my level.

This Wiki is still in use and it's highly estimated by the client.

Our client pays us a lump sum fee for the administration of the outsourcing agreement and the operation of the Wiki.

3.3 Client-Related Know-How Wiki

One of our important corporate clients has a large set of company rules to be regarded when we draft contracts. We built a Wiki storing these internal rules and related information. Today, only our lawyers use this Wiki, but it is our intention to open the Wiki to the client in the future. I am looking forward to the day we present the Wiki to the law department of our client. We know that they still store their know-how in a 10 years old Filemaker database that lacks the flexibility we obtain by using a Wiki. That's a good business opportunity for us.

3.4 Various Corporate Files

After having started with the first corporate file Wiki we set up several such Wikis for other companies. Some of these Wikis are only used by our law firm to keep all relevant information in a searchable space. One of these Wikis is frequently used by the client. For example, it was used to discuss the name of a new company and to write a business plan. This client is in a rather down-to-earth business (cleaning) and I am amazed how readily they got used to the technology.

4. PERSONAL WIKIS

4.1 Book Project

I am writing a legal commentary on the Swiss code of procedure and we hired one of our former law clerks to support me. We are writing the commentary in a Wiki instance. The Wiki's structure is given by the commented articles. Right from the beginning we started collecting information and putting it into the Wiki, such as copies of other commentaries or leading cases. Then we started phrasing questions and commenting these questions. When the body of information in a single page becomes too large it's getting structured. In this way the commentary is developing almost automatically. Wiki allows us to develop the content from bottom-up instead of from top-down as it is done the old way, i.e. starting with a table of contents and then trying to fit in the information.

A big advantage is that my assistant and I have access to all information at the same time and wherever we are. When I do some work over the weekend the assistant checks under "recent changes" what I have done. On Monday morning we discuss the next steps.

The collected know-how will be the basis for the final draft. I certainly will take parts of the structure from the Wiki. But it might well be that I am going to reduce information and write large parts from scratch. I look at Wiki as a very large desk on which the information is spread and structured and at which I look when I start the writing process. The Wiki facilitates the writing process because all information is ready at hand and the creative sessions are not interrupted by the search for bits of information.

4.2 "My Own Wiki"

Since my days at university I am collecting bits of information. Some pieces of information are newspaper articles. Other bits are only thoughts captured when they occur to me. This information might be related to my legal profession, but in general the ideas are covering other fields of interest with a connection to the law such as sociology, psychology, economy, philosophy or the very practical aspects of the legal profession not yet waterproof enough to be applied on clients.

I always had a problem to find things collected in the past. I knew that I had something but couldn't remember where, or I collected the same thing twice without recognizing.

Two years ago, I was relieved from the burden of re-collecting know-how pieces. I am now putting all my thoughts and newspaper excerpts on a personal Wiki – what a great experience. My bits of information start to stick together and organize almost automatically into larger more valuable knowledge sources.

4.3 Recipes - A Hobby Wiki

Some months ago I started to bring all my cooking recipes into Wiki. A big advantage compared to the hardcopy system used before is that I cross reference recipes and comment on earlier versions of the recipe very easily. And again it's the flexibility in building the structure. The search function is useful too. Assume you have some ham and eggs in the fridge. The search not only displays ham and eggs but also spaghetti alla carbonara.

5. IMPLEMENTATION BACKGROUND

(Peter Sommerlad)

I am a Wiki Wiki Web user from the beginning. As a Pattern enthusiast I became aware of Ward Cunningham's Portland Pattern Repository soon after he started it. In my former company we installed AtisWiki¹ a Wiki implementation based on object-oriented Perl and CVS and used it heavily for our projects. It turned out that this implementation was relatively heavyweight and slow. Changes to the code to get features we wanted turned out to be hard. With the book [1] by Bo Leuf and Ward Cunningham I became aware of QuickiWiki a simpler implementation in Perl. Based on the code accompanying the book I further simplified the implementation while integrating version control of pages with RCS[2] I've got used to with our first installation using CVS.

The main design goals were simple code, simple editing and reliable version control. Using RCS instead of CVS turned out to be much faster than AtisWiki, since the "concurrent" features of CVS are not useful: there is only one RCS workspace for the Wiki's pages. Some of the "advanced" features like tallying semi-structured pages are used only very rarely, e.g., for Egli Partners' library, where each book is represented on a pre-structured Wiki page. A potential disadvantage of my Wiki implementation is its limited scalability towards a large active user base, since there is no protection against concurrent edits, etc. Public Wikis require setting a cookie with the user's name as spam protection, which turned out to be sufficient so far.

When I started my current job at the university, I installed my Wiki implementation on one of the school's web servers. To enable support of Wikis for different uses and with the lack of easy login access to the web server I implemented an automatic installation function that allows creating a new Wiki instance within a minute or so. This paid back also for Egli Partners' Wiki installation, allowing them to create new Wiki instances easily. All such Wiki instances share the same code base, but differ in their data directories for pages and uploaded files. The feature to redirect from one Wiki page to another URL or page allows cross-Wiki links easily. Setting a checkbox extends search across all instances at the same installation. However, scanning all files can be relatively slow, since there is no index.

The Wiki's at our school are used for a variety of purposes, such as providing a lecture's material, exercises, and allows sharing student's solutions and questions. But that is another experience report.

When Urs Egli contacted me to judge their ideas for a knowledge management system that might cost them a six-figure sum in investment, I immediately grasped that a Wiki would serve them better and cheaper. A first demo, of my personal Wiki seems to have convinced them. For a few thousand Swiss francs they've got their version of Wiki installed, a nicer style sheet and some improvements, for example an easier-to-use file upload.

The opening of their Wiki towards clients last year required some minor additions, such as a better user management with three different user roles: *reader*, *editor*, and *administrator*. The attorneys at Egli Partners are now able to set up a new Wiki

¹ AtisWiki is no longer maintained or available today.

instance and register Wiki users within minutes through a browser interface. Each such instance has its own simple user database, so there are separate security domains for each instance. And the cross-instance search is disabled.

With sensitive data to be accessed from the Internet, the Wiki needed to run on an external HTTPS connection instead of on their Intranet. Mainly this meant that their IT supporter needed to set up a virtual server with Linux and Apache. I copied the scripts and we were done. Almost. Pages with umlauts in their name were no longer connected and umlauts also not displayed correctly. The reason turned out to be the differences between utf-8 encoding now standard on Linux and Windows' resp. Samba's Latin1 encoded file names and files. The mapping between can go wrong in several places. By standardizing on utf-8 in the right places we got it working. However, one drawback remains, Perl 5 is still not perfect when handling regular expressions with utf-8 encoded data and I have no idea if that will ever work 100% correctly. Nevertheless, this limitation is not really hindering the use of umlauts or accented characters that are important in Switzerland.

One thing I learned is the benefit of storing wiki pages in simple files. It allowed me to use `recode [3]` to change the encoding of umlauts from Latin1 to utf-8, for example. In addition it allows easy version control using the relatively fast RCS. This way changes don't get lost, even if conflicting edits occur and are always retrievable through a page's history. My small Wiki is not built for a large editor population such as MediaWiki, but it works well with typical work groups.

6. CONCLUSIONS

Our Wikis can be divided into three groups.

- Collaboration Wikis: Know-How Wiki (2), Book Project (4.1) and My Own Wiki (4.2), where the collaboration is with my alter ego.
- Information-display Wikis: Corporate File (3.1 and 3.4), Contract Management (3.2), client related know-how (3.3)
- Personal Wikis: Book Project (4.1), My Own Wiki (4.2), and Recipes Wiki (4.3)

A Wiki can start as an information-display Wiki or personal Wiki and develop into a collaboration Wiki. Hopefully, this will be the case with the client-related know-how Wiki. The recipe Wiki is already now a hybrid Wiki with Information display and collaboration aspects (again collaboration with the author's alter ego).

Whereas collaboration Wikis are used for internal purposes only the information display Wikis can easily be opened to clients and thus directly generate revenue for our firm.

However, other tools, such as Microsoft Sharepoint, could also achieve the display of information. Our Wiki's big advantage compared to such proprietary tools is its easy establishment of new instances. You can just start and have something ready to use after 5 minutes. Second to that are the costs of course.

The disadvantage is that our Wiki is not designed to store and display pre-structured content. All structure has to be created by setting links and building cockpit pages.

In contrast to Sharepoint, our Wiki lacks a task management tool and schedule. Something that is crucial if you think about using the system as a workflow management tool i.e. a system administrating a legal file's documents as well as the related tasks and deadlines. On the long run we guess that we might bring some small information display Wikis rather to the platform we use to manage our law firms productive files. This most likely will be Microsoft Sharepoint. We then can open a file for client's access as a standard procedure. Something we now do for selected clients by storing the files in a Wiki.

However we are not yet sure that we reach the same level of speed and flexibility with Sharepoint. Therefore, Wikis might be in use as information display Wikis for a long time especially the rather complex use cases such as the Contract management Wiki (3.2).

The real power of Wiki is fully revealed as a collaboration tool. By sharing your thoughts with others you enable them to develop their own ideas starting not from scratch but from a certain level. Their thoughts then again help you to have new ideas. The result of this mutual feedback process is more than the sum of all single ideas. It's something new that couldn't have been created without Wiki. As already mentioned this does not only work within a team but also when you use it for our very own purposes. An idea you had as a 35 year old person might be looked at from a very different angle at the age of 45.

One might ask why don't we extend the Wiki collaboration to other law firms. The first problem here is confidentiality. It's neither desirable nor possible to make all information anonymous. And sharing a client's information with outsiders would infringe the client's privilege. The second problem is that the legal profession relies on expert knowledge. Drafts, memos, contract forms and the like do constitute a competitive advantage and law firms will not easily be willing to share that for free.

The crucial question when setting up collaboration through a Wiki is whether the team is willing to use the Wiki in its true sense as a collaboration tool. This requires a certain mindset, a willingness to work together with others and an open mind for technical tools. This mindset can be developed to some extent. But there are limits. Some people will not be able to make this step also when supported by teaming activities and education.

We did notice that everybody developed an individual Wiki style. Some use it very matter-of-factly, while others write long sentences and spend hours on the nice look of their pages. It is important to let everybody develop his or her own style to get the team member's buy-in. Otherwise the members simply don't use the Wiki.

We also did notice that those members who use the Wiki regularly are the only editors. Therefore, clients usually do not edit Wiki pages. They simply consult the site to search for information.

Some Wiki instances grow others don't. It's difficult to make a prediction right at the beginning. The best thing to do is simply to try. And if it doesn't work let it go.

Using a Wiki in a team does coordinate the way of thinking of the team members. This creates a common understanding of problems and solutions unknown before. I am sure that this helps creating a team identity with effects far beyond the use of Wiki.

Wiki did change the way we perform our profession. It's a kind of an external brain. Sometimes this thought scares. Is our

information still available to us in 20 years time? Peter answers: The plain-text nature of the Wiki pages has the chance to survive the test of time. However, if all uploaded documents are still readable and the underlying infrastructure is still available, must be doubted.

7. REFERENCES

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- [3] The Recode package, see <http://recode.progiciels-bpi.ca/>