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# Putting Legal IT to work

## The case for an integrated Document and Process Management system

By Ian Thomson, Minter Ellison

Minter Ellison SA/NT (Minter Ellison) is currently working through an extensive integration of its Practice Management System (PMS) with its document and email management platform (DMS). A major outcome of the project will be the roll out of its award-winning Case Management system (CMS) as a key part of the overall package. This article looks at why Minter Ellison is going to all the trouble.

After 12 months of preparation and planning, Minter Ellison SA/NT is now only a couple of months away from the rollout of its new document management platform as an integrated part of its Practice and Case Management platform

“When we replaced the ‘traditional’ Practice Management software about two years ago (used for time recording, billing, and accounting), we deliberately acquired one with a Case Management workflow system as part of the package. Whilst the CMS has been delivering results without any comprehensive integration with our DMS, the plan has always been to join the two together” said Nigel McBride, Chief Executive Partner of Minter Ellison SA/NT.

The deliverables sought as part of the integration project fall into four main categories:

- a cohesive, coherent client-centric system of record keeping. The firm wanted to maximise the benefit of IT automation systems to its practice without requiring all of its legal and support staff to be IT geniuses.
- increased automation. A CMS can provide very significant efficiency savings when targeted at specific types of work by ‘process managing’ that work in great detail (see below).
- flexibility. The integrated system needed to be able to recognise both different clients and different types of work, to incorporate client-specific requirements (for instance particular operational procedures to be followed, data to be captured for reporting or billing, and value-based charging and costing models to be used). Most importantly, it had to be flexible enough to allow for ongoing development and redevelopment over time.
- a platform for the future. The existing CMS was already providing a way of connecting the firm’s systems and records and those of its clients. A number of its large corporate clients already have secure access in real time to all documents, records of completed work, and scheduled future tasks on matters - all based around the CMS.

### THE CASE FOR CASE MANAGEMENT

A key part of Minter Ellison SA/NT’s integration project was the incorporation of workflow automation into the firm’s standard setup for all of its client and matter systems via its existing Case Management platform.

Although fairly heavily used in the UK, CMS are to date less prevalent in Australian law firms. So why did Minter Ellison SA/NT elect to build such a system so comprehensively into its standard operational model?

In essence, what the CMS provides is a ‘smart’ electronic file for each client and matter created on the practice management system. That electronic file is ‘smart’ in that it automatically recognises and uses a large range of variable information in relation to a transaction. Those variables can relate to anything from basic information that affects the transaction as a whole (such as which jurisdiction the matter relates to, what sort of work, for what client, etc) through to detailed transaction-specific information relating to individual tasks on each file, which it captures as work is done on that matter. It then uses that information to achieve three things simultaneously:

- for worktypes where processes have been heavily predefined (conveyancing in both NT and SA, defendant insurance work, front end banking, workers’ compensation and insolvency being practice areas already set up) it provides a way to run complex legal processes in a predefined, consistent way. This allows the firm to minimise its costs by having the more routine elements of transactions dealt with by staff at the most appropriate, cost-effective level, but with ‘best practice’ procedures and protocols built in. Compliance with those procedures and protocols monitored automatically. The system generates both documents and future diary dates as it is worked on - endeavouring to ensure that the right work gets done, at the right time, with the minimum of effort.
- as it incorporates a work allocation and management tool, it allows partners and senior lawyers to manage their teams of staff more effectively.

For example, steps on matters which are not dealt with promptly are automatically reported to senior staff by built-in system escalations.

- it creates a well-structured, organised, and enormously detailed record of what has been done and what remains to be done for both past and present transactions of a variety of different types. This feature enables the data records to be used in a number of ways, including secure online access, tailored reporting and 'business to business' information feeds between the firm and its larger clients. Importantly, the system allows the firm to offer and deliver more 'value focused' charging models which are based not on the time taken but on the work done and outcomes achieved (see below).

Of course, not all work undertaken by the firm lends itself to detailed process management. A key part of the overall project is to maximise the usefulness of the CMS across all the firm's matters, by aiming it only at the parts of those matters where it would provide the most benefit. This benefit might be different for particular work and/or clients.

Some types of legal work are appropriate to 'compartmentalised' processes, even where this amounts to little more than automation and delegation of administrative tasks ancillary to the main legal work on the matter. Alternatively, some clients will benefit from automated and consistent IT communications' system. In these circumstances CMS applies to all of the work done for the client by the firm - irrespective of whether that work is suitable for wholesale process management or not.

In addition, integrated fully with a good quality

DMS and PMS, it provides well ordered records not only of fee earner time taken, but also of what was done, by whom, and when. This is particularly important as Minter Ellison's objective is to have as much flexibility as possible about the way that it undertakes and costs its service for clients.

### FOCUS ON VALUE

Whilst time based billing will always have its place, there is increasing pressure on the legal profession to be more flexible about charging. The trend is to focus more frequently on the 'value' of the work to the client, rather than on the time taken to complete the task. This is particularly true for corporate clients with large volumes of legal work. This category of client routinely requests fixed fees, event based charges, or a combination of both from their panel firms, based on their assessment of what the work is 'worth'. So how to measure and record 'value'?

Minter Ellison SA/NT's view is that the only sensible way to define 'value' is client by client and matter by matter, i.e. 'what will this specific client value in relation to this specific work?' An inevitable consequence of this is that the firm's IT systems have to provide a platform for administering, recording and measuring different work done for different clients in different ways.

The plus side for Minter Ellison SA/NT is that, having adopted this approach, from now on the more efficient it is and the better it performs, the greater the profitability of the work. This is obviously great news for value focused clients.

The CMS allows administrative tasks, such as entering client data on multiple documents, to

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disclosure and disposal of certain email records. See, for example, *Re Langer and Telstra Corporation Limited* (2002) 68 ALD 762 which dealt with an attempt to compel Telstra to locate and produce emails under section 24A of the Freedom of Information Act. As with the Archives Act, the Freedom of Information Act primarily affects government and organisations doing government work.

11. The Corporations Act governs retention and destruction of 'financial records' by companies, registered schemes and disclosing entities (eg Section 286).
12. For example, various laws regarding the retention of tax records and laws requiring the preservation of material relevant to litigation for the purposes of discovery (See: D Geiger, 'Failure to preserve email and discovery', (1999), 2 INTLB 6 and J Krause, 'Discovery Channels', ABA Journal, July 2002; 49-53).
13. See Information Privacy Principle ('IPP') 1 and National Privacy Principles ('NPPs') 1, 10. See also: K Levi, 'Guidelines for monitoring workplace emails', Internet Law Bulletin 3(4)

July 2000 and M Paterson, 'Monitoring of employee emails and other electronic communications', University of Tasmania Law Review 21(1) 2002: 1-19.

14. The term "e-marketing activity" is defined in subsection 109A(2) of the TA to cover the sending of commercial electronic messages (under a contract or other arrangement) promoting third party suppliers or their goods or services. However, subsection 109A(3) extends the term to cover the practise of sending commercial electronic messages promoting one's own particular goods or services where the activity represents the "sole or principal" means of marketing those goods or services.

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# Vendor Disclosure discussion paper

Attorney-General and Justice Minister Dr Peter Toyne has released the Vendor Disclosure Legislation Discussion Paper and called for submissions on the issue.

“The government is examining the pros and cons of Vendor Disclosure Legislation which would be basically aimed at improving the efficiency and fairness of the conveyancing system in the NT,” Dr Toyne said.

Among the issues the discussion paper examines are:

- whether vendor disclosure statements should be mandatory and if so, what they should include;
- whether vendor disclosure statements should only apply to residential property sales, or whether they should apply to all property sales;
- whether there should be a mandatory cooling off period for buyers;
- whether a draft contract of sale be available at the time of listing the property for sale;
- whether a prescribed contract of sale should be used in the NT.

“I strongly encourage individuals as well as industry groups and other interested parties to make submissions on the discussion paper,” the Minister said.

The closing date for submissions is 28 April 2006. The discussion paper can be found at [www.nt.gov.au/justice](http://www.nt.gov.au/justice) or contact the Legal Policy Division of the Department of Justice on 89357665.

## Online CPD: Useful tool or false grail? cont...

evidence that greater learning will occur by viewing the video. In fact there is some research which suggests that reading the article would be the better choice at least 60 percent of the time (and that's research on 'live' lectures).

Multi-faceted websites and interactive virtual lectures are exciting (and fun) tools which do promise new learning opportunities in CPD for lawyers, including those in small and remote jurisdictions. What online learning is not, however, is a cheap 'cop-out' solution or a 'quick fix' for cash and time poor CPD providers. Using ICT tools to deliver CPD offers many exciting possibilities but it requires more time and probably more money than conventional seminar style delivery. The pay-off is that material once developed is re-useable and quality is likely to be enhanced. Those developing

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be automated, saving time for both fee earners and support staff. This enables documents to be produced significantly more quickly and cheaply.

Minter Ellison SA/NT's experience with its CMS also suggests that when attempting to win new work, it can make a big difference to already have process management system records for that type of work which can be analysed. This provides a better guide of what handling the work involves, where the assessed client 'value' can be enhanced or improved, how operational efficiencies can be obtained, etc. So it provides a useful management tool.

Does it work? Within the last year, a major corporate client's legal costs have very substantially reduced, average timescales for dispute resolution are significantly down, and early indicators are that results obtained compare favourably with those expected. The average costs per file are also in line with those predicted from existing CMS records - a satisfying result.

Minter Ellison SA/NT is at the forefront of Case, Practice, and Document management systems. Its local centre of excellence in these areas, combined with its national standards, enable it to deliver systems which provide significant benefits for both the firm and its client. Minter Ellison SA/NT looks forward to its integrated systems extending the range of types of work where such 'value focused' service delivery models are appropriate.

CPD need to give serious consideration to proper use of online options as one method of collecting those soon to be important points. More important however is serious consideration to what we do and do not define as CPD.

### LINKS:

Law Institute Victoria: <http://www.liv.asn.au/>  
Jurist: "Teaching with the Web": <http://jurist.law.pitt.edu/lessons/lesjul98.htm>

Lander: "Online Learning": <http://ultibase.rmit.edu.au/Articles/may99/lander2.htm>

Australasian Society for Computers in Learning in Tertiary Education: <http://www.ascilite.org.au>

WebCT: <http://www.webct.com/>

Blackboard: <http://www.blackboard.com/us/index.aspx>

Moodle: <http://moodle.org/>