INSIGHTS
FROM THE
THINK TANK

How do information silos impact your organization?

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Searching for "information silo" on Google today leads to a plethora of articles and blogs from a wide walk of industries (application technology, marketing, business intelligence, to even education, and your personal life) all bemoaning the trouble that silos cause and how to break them down. The concept of Information silos is not new—especially to those of us in the legal field. Information silos have existed in law firms for generations—like the client data silos that hinder a law firm's new business intake process—an inefficiency that is currently addressed by detailed conflict checking and client/matter workflows.

Furthermore, consider that the failure to produce all potentially relevant information in the "original" eDiscovery cases like *Zubulake* were caused in part by silos of corporate data and lack of communication. Looked at in this light, the ESI modification to the FRCP in 2006 and the entire industry of people, process, and technology that has grown up around it is a huge effort to bridge data and communication silos in litigation matters—and we still aren't doing it that well.

What happens then, when you engage a group of executive thought leaders from the legal technology space, put them in a virtual room together on a regular basis for some "thinking time," and help them form a peer group that delves into current challenges and innovative solutions? You find an underlying theme running through many of your discussions—information silos are a root cause for many of the inefficiencies and expenses we face in the legal industry today—particularly in the areas of eDiscovery and litigation technology. Duplication of effort takes time; "going back and doing it again," whether you missed a key element, or failed to involve a key stakeholder will affect your bottom line. Lost time translates to huge costs—both in terms of money and reputation.

You also get an open dialogue and discussion from this Think Tank advisory group that is eager to rise up to address the executive challenges and opportunities head on. These critical thinkers shared how they remedy silos within their own organizations through a lens of people, process, and technology in creative ways that are out of the box, but eminently applicable across firms and companies.

WHAT IS THE PROBLEM?

Identifying and understanding the components of information silos is the first step in addressing those silos that have the biggest impact on delivering effective and efficient results in our jobs.

SCENARIO 1

Consider an example that came up during our Think Tank discussions of a legal department of a Midwestern retailer that suffered from a poor relationship with both business units and the information technology project management office. In this organization, the general counsel's office was seen as impeding customer-facing technology projects in the "eleventh hour" for legal and compliance concerns. While these concerns were significant and legitimate, the fact that they were raised after significant capital outlay and passage of time damaged the group's reputation within the organization. The underlying cause of this problem lay in the division of workflow, and "siloing" of information and authority between the IT PMO and Legal groups. Technology projects would get approved, budgets defined, resources allocated on one end, and several months of work would be completed before Legal would get wind of the effort. Legal review of initiatives came after the majority of money and time had already been spent.

As demonstrated in this scenario, information silos can be a fairly complex problem, both because they continue to be an evolving target, and because you have to understand the many stakeholders involved and their motivations. Through our discussions with the Think Tank Advisory Board we broke down information silos into four dependent categories:

People This category can also be thought of as functional silos within an organization. As a firm or company grows, departments tend to subdivide; tasks tend to be broken down more discreetly. Within the organization people are deep, not broad, and this supports the old idiom that the left hand doesn't know what the right is doing. In the example above, responsibilities were clearly delineated between the Legal and IT PMO groups (and rightly so). Corporate counsel may not know what IT project managers are working on, and may not even sit in the same building as their colleagues in large organizations. The existence of people silos are especially common in and between departments that rely heavily on "button pushers"or "order takers."

Politics This category has two dimensions: (1) internal political silos where two departments have considerable value/weight but different motivations and need to cooperate and work together, or (2) external political silos where the parties have differing value/weight, or there are different agendas, but need to cooperate and work together. We see the example of the former in Scenario I, where the legal department was garnering a bad reputation for halting another department's pet project at the last minute, even if it was for justifiable compliance concerns.

Data Technology empowers more of us to solve our own problems, makes it easier for us to do our jobs, and gives us the ability to choose where and how we access and store data. However, it also tends to divorce many of us from the upstream or downstream parts of the process. We wind up with pockets of data, only accessible by certain individuals where the value is not available to all parties. Examples of this are easy to cite and numerous: from the multiple DMS platforms that exist within corporations, to the discovery databases that exist across multiple law firms and vendors containing copies of the *exact same documents* for a corporation's various litigation, to the hard copy witness binders, trial preparation databases, and notes on case strategy that are removed from the discovery platforms, to [*guiltily raises hand*] the local copy of this article that is saved to my work laptop, rather than my company's shared drive. Despite our best efforts, data silos are ubiquitous and growing ever more prevalent.
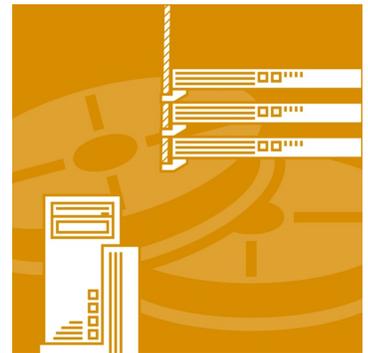
Communication The challenge can sometimes be as simple as not speaking the same "language." Even if you free up data and open it up to everyone, there will still be a communication hurdle to overcome, for example, between the lawyers and IT staff in an organization. Consider a village where three different languages are spoken, every person only speaks one language, and the divide is broken down by profession. How would this economy function? Clearly this barrier appeared deeply rooted for the retailer's project managers, who wanted to bring an innovative solution to customers and the legal department who wanted to protect the company from harm. The outcome of this language barrier was absolute, nothing was getting done!

These difficulties seem to be exacerbated both by the explosion of data volumes and the types of technology we use to manage that data. The more places we have to keep data on an individual level, the more opportunities for data isolation exist. Obviously, these are not stand alone delineations. Most real world situations involve some aspects of each type of silo. Let's take a look at another common scenario that affects us in the litigation and eDiscovery world and identify the components of the information silos in the workplace:

SCENARIO II

A large and litigious technology company, with a less than stellar track record for collecting and producing all relevant discovery data found itself in the unfortunate position of carrying (and paying for) multiple instances of files and documents across various vendors and law firms for a variety of different matters. In some instances, the same files from the same custodians over similar time frames had been collected, processed, and hosted on more than one ongoing matter due to lack of communication and coordination between case teams (including both inside and outside counsel). Not only was money being wasted, but valuable information affecting case strategy and even the company's litigation policies (in the form of annotation notes and decisions on privilege) were not being shared or lost.

WHY IS THIS A PROBLEM?

While all of these anecdotes and examples seem separate on their surface, they all involve common underlying symptoms of process breakdown, including: poor delivery of service, operational inefficiencies, increased costs, diminished business decisions, dissatisfaction with end results, loss of reputation, lack of trust and further breakdown of the cycle—all to the detriment of organizational value. In Scenario I, how much money could be saved by allotting hours for legal evaluation of the project at the beginning, rather than halting the effort months into development because of compliance or data privacy concerns? In the same regard for Scenario I, how much money was ultimately saved by consolidating the collection, processing and storage of data in such a way that capitalizes on prior matters and lets case teams learn from each other's experiences?

The strategic questions we need to ask ourselves are:

1. How can increasing the availability of information and improving data flows help create more value for our organization, department, or litigation matter?

2. What technology and process innovations are available that can improve this collaboration and make information easier to share, access, and use?

HOW DO WE ADDRESS THE PROBLEM?

Through sharing of real world examples, our Think Tank Advisory Board identified four ways we can start addressing information silos—through leadership, better communication, executable processes, and technology. The beauty is these four are just components of a solution—it really doesn't matter where you start improving information sharing, the other pieces can be brought into play as the situation evolves.

Leadership	Process	Communication	Technology
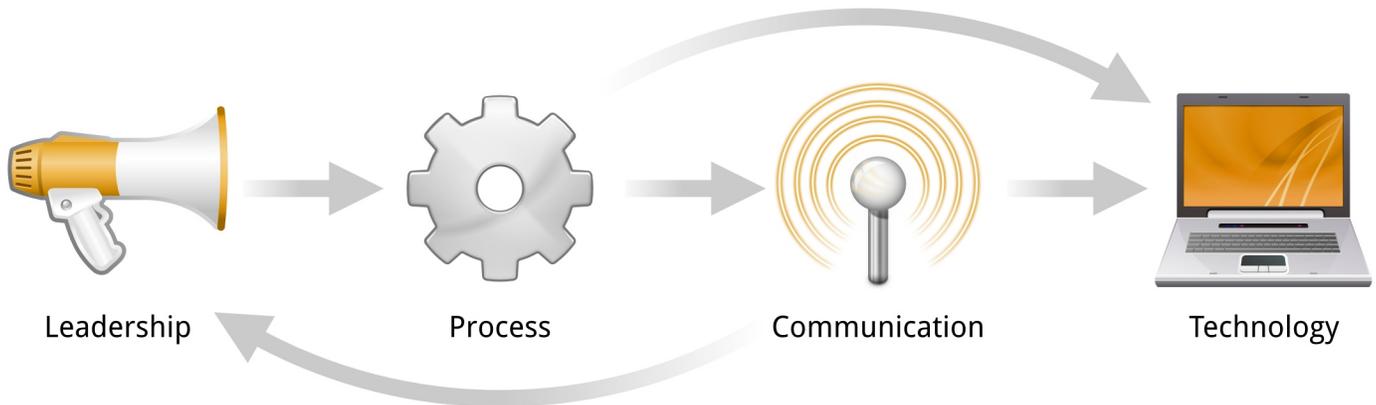
LEADERSHIP

Making true, enterprise-wide inroads into information silos within any organization requires buy-in and direction from senior leadership. Creating, implementing, and enforcing strategic policies and programs that embrace the free flow of information and communication across an organization is a critical step in creating an organization where information is an asset and not a liability. Making it a functional requirement for the leaders of different groups and departments to communicate regularly about breaking down information silos, as well as how to ensure compliance and cooperation is time well spent, especially when it pays off as increased efficiency and effectiveness of workers sharing data.

To understand the true payoff, an additional component to consider is documenting more precise intelligence gathering and reporting. For example, in Scenario II the corporation didn't really understand the true cost and risk of having multiple instances of files across multiple vendors, law firms, and cases until leaders in the law department dictated the tracking and analysis of the metrics. Spending the time and money to clean up redundant data, invest in an "all-purpose" services model, and demonstrate cost savings and deferment going forward is a lot easier once you understand the true cost per unit of having several vendors collect, recollect and store multiple copies of the same document or of having attorneys at different (or the same) outside counsel review documents separately three times in one year for different cases. As with instances where buy-in from upper management is required, making a strong business case is half the battle!

EXECUTABLE PROCESSES

Creation of strategic policies is worse than worthless if they are not implemented or enforced. Documented, repeatable, defensible processes with clearly defined tasks, roles, and responsibilities can make any task more straightforward and eliminate the "hoarding of information" while still saving on time and effort invested. You don't even have to take my word on it, check out the bestselling book titled The Checklist Manifesto for dozens of additional real-life examples. Along with defining tasks, clearly defining roles of who will assume those tasks (a responsibility matrix), public auditing to ensure compliance and a focus on change management can make or break success.

When it comes to executing processes to break down information silos, in many cases, simpler tends to be better. For example, in Scenario I above, the legal department came up with an eight-question checklist that project managers in the IT group can answer at the start of any project to determine if Legal needed to play a role in evaluating the effort. If one of the questions was answered in the affirmative, a number of dollars were allocated at the start of the project for an attorney's involvement, before significant money was spent. It is interesting to note that thanks to leadership's intervention (see above section) this checklist was incorporated as just another document in the paperwork PMs had to complete, and it has become routine to do so. Another example of solving a silo problem with an executable process in the law firm world is the new matter intake sheet that any attorney in a law firm will fill out and submit to their conflicts department before taking on a new client.

COMMUNICATION

It will come as no surprise to a group of "renaissance professionals" who work in an industry where a primary responsibility is interfacing between different parties with competing interests and understandings (legal, and IT, records/compliance, and business units, plaintiffs and defendants) that communication is key to the success of all of the above. In truly successful organizations, where things are *getting done*, key individuals stand as a bridge between efficient processes and effective technology. These roles or communication responsibilities are often non-revenue generating, but drive more business in the long run. We should always encourage individuals to reach across the aisle to one of their colleagues—in fact that is the whole point of a group like the Think Tank Advisory Board.

Just as technology and organizational growth has empowered individual employees to be creators of data silos, so too should a communication solution empower both leaders and "button pushers" to communicate with their peers and share disparate information across and between groups. For example, regularly scheduled meetings between department leaders and managers or shared reporting across groups can be supported by internal networking programs where random employees from different departments get together for lunch once a quarter or a shared internal message board where employees can live-tweet about the work they are doing.

TECHNOLOGY

The final method for addressing data silos, technology, is more effective in a supporting role than a stand-alone solution. To take us back to a real world example of silos from the first paragraph, conflicts checking tools would not get a firm very far without the accompanying new business intake process, assigned roles, and communication efforts. But once those steps are in place, technology allows the process to happen that much more quickly (consider a firm that can cross reference electronic new client forms against an existing client/matter billing system, versus a firm where attorneys circulate a "have you done business with this entity or its affiliates?" email before taking on a new matter).

Attorneys and business people are already embracing the use of known technology to start addressing data silos—utilizing Microsoft SharePoint to post answers to FAQs, documents, and forms to shared sites. Could we take this one step further and envision a social network/collaboration site that allows communication to occur between employees, getting questions answered regardless of function or geography? Of course some talk about the latest *Game of Thrones* episode will occur but at least one organization finds it invaluable to have employees tweet a question about products and get them answered by colleagues almost immediately. Furthermore, tools like Salesforce.com are already allowing this type of collaboration to a certain extent in the business world.

To relate this more closely to the eDiscovery world, what is the value of a case collaboration tool, where a vendor at a processing company could post a question on a secure site about a file extension type that could be answered in real time by either the corporate client or outside counsel? What about the value of a reviewer being able to share a "hot doc" with the review/case team that pops up on a senior associate's screen immediately prior to a case strategy session?

Finally, at least one commenter sees technology and rapid accumulation or big data, two of the very factors contributing to data silos, as the endgame solution. In his article written in May 2012, Jim Harris speculates whether a company-wide equivalent of an unlimited data plan (think Pandora or Netflix) that provides employees access to unlimited data and streaming services, without allowing them to create local copies of enterprise data, could actually limit the proliferation and retention of information silos. (http://www.dataroundtable.com/?p=10650)

CONCLUSION

The Think Tank Advisory Board has provided a sounding board over the past year for executives and thought-leaders in the space to voice their challenges in a collaborative and confidential setting. One underlying theme we identified with this diverse group of individuals is that information silos are a root cause of many unnecessary costs in the legal industry. In an economic time when both law firms and corporations are forced to keep a closer eye on the bottom line, breaking down silos of information is one way to eliminate inefficiencies that cost your organization time and money.

As outlined in this paper, information silos are often a complex phenomenon because they are a moving target and involve many stakeholders that come to the table with their own personal motivations. The first step in the process involves classifying the silo as belonging to one or multiple of the following categories: people, politics, data or communication. Once you understand how and why the information silo is rooted you are in a better position to address the problem appropriately through leadership, better communication, executable processes and technology. These four components work together as an interchangeable solution, and the malleable nature of the options is ideal when working with evolving targets.

While two of these four components involve process and technology, at the core, breaking down these information black holes will require the work of "people". Through leadership and communication, as well as the establishment of executable process and the proper deployment of technology, individuals are given the opportunity to gain a greater seat at the table. By doing so, you step into the driver's seat and have the opportunity to elevate and accelerate your career as we speed ahead into the future.

ABOUT THE THINK TANK ADVISORY BOARD

The Think Tank Advisory Board is an invitation-only, thought-leadership peer group focusing on innovations in technology and workflow that shape the eDiscovery, litigation technology, and legal information management industries. This affinity group is comprised of visionaries from law firms, corporations, and advisory stakeholders, who collaborate via a monthly virtual discussion, through in-person workshops, and through social media and other online collaboration tools.

The group tackles current state executive challenges and creates new possibilities to address such challenges through process or technology. Some examples include business process management, review performance trends, information silos, and collection from social media. Inspiration is drawn not only from innovators in a wide range of fields but also from the members of the group—learning what works within each peer's organization, and how to modify and apply that to the other participating organizations.

What members learn from one another and create within this group helps to better serve the professional development needs of members, the needs of their organizations, and the needs of the legal and business communities.

ABOUT THE COWEN GROUP

The Cowen Group is the premier provider of staffing and recruiting for eDiscovery, legal technology, litigation support, and information governance professionals. The Cowen Group's clients nation-wide and throughout Europe include 85 of the AmLaw 200 as well as 125 Fortune 500 companies and some of the most prominent vendors and providers in the legal services industry.

To support clients in their personal and professional growth, The Cowen Group hosts over fifty executive peer micro-events nationally. These thought-leadership workshops are designed to bring together legalists, technologists, consultants, and executives in a round table environment to accelerate their advancement in this rapidly evolving space. Networking and collaborating with the right peers and professionals elevates the careers of the talent represented and offers The Cowen Group unparalleled insight into the trends and market forces that are shaping our industry.

ABOUT KCURA

kCura are the developers of the eDiscovery software Relativity, a web-based platform for the review, analysis, and production of electronic data. Relativity has more than 65,000 active users worldwide from organizations including the US Department of Justice and 95 of the top 100 law firms in the United States. kCura helps corporations, law firms, and government agencies meet eDiscovery challenges by installing Relativity on-premises and providing hosted, on-demand solutions through a global network of partners. For additional information, please visit www.kcura.com.