Moving Beyond Technology:
Assessing Your Firm's Focus on a KM Culture

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Numerous studies and commonsense tell us that organizational "culture" plays an essential role in the development and maintenance of an organization's knowledge management (KM) program. If a company has low levels of sharing or trust, KM initiatives – by definition – are less likely to succeed. Studies and past experience also tell us that technology alone cannot be imposed on an organization as a "band-aid" solution to successfully implement KM strategies, especially where the organization already has low levels of sharing or trust. As such, culture matters in knowledge management. For law firms, which operate in a relatively unique industry and environment compared to other organizations, culture is especially important; and since much of the literature on KM and culture focuses more generally on large corporations, factors unique to the practice of law must be kept in mind when considering the impact of a sharing culture on a law firm's KM initiatives.

In this paper I will deal with three aspects of "moving beyond technology" in developing and assessing a law firm's focus on a KM culture. First, I will briefly identify eight settled "truths" about KM in law firms and how these truths influence and are influenced by the role of culture. Following this I will identify ways in which to assess KM-positive cultural aspects in a law firm setting. Assessing the state of a firm's "sharing culture" is an important and necessary step in developing a KM strategy that builds on the KM-positive cultural aspects and that seeks to reduce the effect of cultural barriers that negatively impact knowledge-sharing. After this discussion, I will end by identifying a number of practical solutions for encouraging a knowledge-sharing culture in a law firm to better support KM initiatives.

1) Eight Settled Truths About KM and Culture in Law Firms

The KM literature is rife with articles and studies on the impact of the importance and role of organizational culture on KM initiatives.[1] Much of this work is theoretical and based on disciplines ranging from institutional theory, organizational politics, and management theory. Other material is more practical and is based on case studies or the actual experiences of practitioners of knowledge management. Despite the range of materials from theoretical to practical, there are a number of common themes that resonate throughout the literature on culture and KM, so much so that many of these themes can be represented as fairly non-controversial "truths" that are set out below. However, despite the essential role that KM plays in most modern law firms, the bulk of the literature is not law firm specific. And even though much of the literature on organizational culture is general enough to apply to any type of organization, law firms have traditionally operated in a relatively unique

[1] The relatively lengthy bibliography in this paper represents only a small portion of the available articles on the role of culture in KM initiatives. The *Proquest Dissertations and Theses – Full Text* database had 12 dissertations alone where the words "culture" and "knowledge management" appeared in the title. In setting out to research for this paper, I naively had the goal of reading every relevant article on the topic of KM and culture. I soon abandoned that goal.

manner. As a result, the analysis of how best to nurture a KM-positive in a law firm setting raises unique considerations and issues. As such, my focus below, where possible, is on how law firms are impacted by these "truths" about KM and culture.

Truth #1 – Culture arises from normal, values, attitudes and beliefs:

Although there may not be a universal definition of organizational culture, most descriptions focus on the notion that culture represents the norms, values, attitudes and beliefs shared by its members.[2] Al-Alawi et al. define organizational culture in terms of organizational learning and how members of the organization react and adapt to problems:

> Organizational culture can be defined as the shared, basic assumptions that an organization learnt while coping with the environment and solving problems of external adaptation and internal integration that are taught to new members as the correct way to solve those problems.[3]

De Long notes that, although it may sometimes be difficult to articulate what an organization's culture might be, the values, norms and practices of an organization definitely do play an important role in knowledge-sharing:

> Culture is not only intangible and illusive, but it can also be observed at multiple levels in an organization. Culture is reflected in values, norms, and practices. At the deepest level, culture consists of values, which are embedded, tacit preferences about what the organization should strive to attain and how it should do so. Values are often difficult to articulate and even more difficult to change. Their impact on knowledge creation and use, however, which is manifested in behaviors, should never be underestimated.[4]

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[2] David Gurteen, "Creating a Knowledge Sharing Culture" (Feb. 1999) 2(5) Inside Knowledge (cited to online version that did not contain page numbering).
[3] Adel Ismail Al-Alawi et al., "Organizational Culture and Knowledge Sharing: Critical Success Factors" (2007) 11(2) Journal of Knowledge Management 22 at 24, citing Heejun Park et al., "Critical Attributes of Organizational Culture that Promote Knowledge Management Technology Implementation Success" (2004) 8(3) Journal of Knowledge Management 106.
[4] D.W. De Long and L. Fahey, "Diagnosing Cultural Barriers to Knowledge Management" (2000) 14(4) The Academy of Management Executive 113 at 115.

One way to define culture is to look at the way in which people in the firm carry out their daily activities:

> Practices are the most visible symbols and manifestations of a culture. They are a way of understanding any widely understood set of repetitive behaviors, such as how people in an organization answer the telephone, fill out time reports, or review a weekly status report. They also include repeated types of interactions that have identifiable roles and social rules, such as performance reviews, weekly staff meetings, and Friday afternoon beer blasts.[5]

Social scientists have not always agreed on the specifics of what comprises organizational culture and which attributes most positively impact knowledge-sharing. For example, Park identifies the major positive attributes of culture that support KM as including an environment that supports team-oriented work and working closely with others, and one where information is shared freely with their being trust and support of employees.[6] On the other hand, Oliver and Kandadi go further to identify ten major factors affecting knowledge culture in organizations based on their review of six large corporations. The ten factors they identify include leadership, organizational structure, evangelization, communities of practice, reward systems, time allocation, business processes, recruitment, infrastructure and physical attributes.[7]

As can be seen, the factors that comprise an organization's culture relate to people and how they work with each other. Assessing an organization's culture can sometimes be difficult but doing so is an important element at designing successful KM initiatives; as such, assessing a firm's culture is a topic discussed in detail in section 2 below, especially as it applies to assessing law firm culture.

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[5] *Ibid*.
[6] Park, *supra* note 3 at 113.
[7] Stan Oliver and Kondal Reddy Kandadi, "How to Develop Knowledge Culture in Organizations? A Multiple Case Study of Large Distributed Organizations" (2006) 10(4) Journal of Knowledge Management 6.

Truth #2 – Having the right law firm "culture" is critical for KM success: If culture comprises an organization's values, norms, and practices, then what those values, norms and practices are will greatly impact KM success. Does the firm have a sharing culture? Or do lawyers instead tend to hoard information? Rusanow states that in a law firm environment "[b]uilding a culture that is conducive to knowledge-sharing is key to successful knowledge management, yet this typically proves the greatest challenge to a law department" since "[l]awyers are not generally viewed as great information sharers."[8] Studies repeatedly confirm that culture is a critical element in leveraging knowledge assets.[9] For example, in a study of 431 U.S. and European organizations, 56% of respondents noted that "changing people's behaviour" was the biggest difficulty in managing knowledge in their organizations, with 54% identifying culture as the biggest impediment to knowledge transfer.[10] Lopez identifies a number of values that support organizational learning an a collaborative culture, including a long-term vision and advance management of the change; communication and dialogue; trust and respect for all individuals; teamwork; empowerment; ambiguity tolerance; risk assumption; and respect and diversity encouragement.[11]

Even where an organization has a well-designed KM program, if there is no culture of sharing, the KM initiatives are less likely to succeed since a sharing culture is a necessary and essential element of making knowledge management work:

> Culture does play an important role in the success of a knowledge management effort. We found many examples where well-designed knowledge management tools and processes failed because people believed they were already sharing well enough, that senior managers did not really support it, or that, like other programs, it too would

[8] Gretta Rusanow, "Culturing Lawyers in Knowledge Management (1999) 1(1) Knowledge Management Asia-Pacific 1 at 6-7.
[9] *Supra* note 4 at 113.
[10] Rudy Ruggles, "The State of the Notion: Knowledge Management in Practice" (1998) 40(3) California Management Review 80 at 86.
[11] Susana Perez Lopez et al., "Managing Knowledge: The Link Between Culture and Organizational Learning" (2004) 8(6) Journal of Knowledge Management 93 at 96.

> blow over. *In fact, our central finding is that, however strong your commitment and approach to knowledge management, your culture is stronger. Companies that successfully implement knowledge management do not try to change their culture to fit their knowledge management approach. They build their knowledge management approach to fit their culture*.[12]

Despite the link between culture and knowledge-sharing, a study of eight companies by Szulanski suggests that culture may play less of a role in the successful transfer of knowledge. Instead, he identifies four sets of factors that are most likely to influence difficulties in knowledge transfer: characteristics of the knowledge transferred, of the source, of the recipient, and of the context in which the transfer takes.[13] He calls the factors that negatively impact information flow "stickiness factors" and identifies the three most important origins of stickiness as being "the lack of absorptive capacity of the recipient [the inability of the receipt to identify, value and apply new knowledge], causal ambiguity [where the recipient is not sure how to apply the knowledge], and an arduous relationship between the source and the recipient [where relationships are distant or difficult]" with motivational factors or barriers such as interdivisional jealousy, lack of incentives, lack of confidence, low priority, lack of buy-in and resistance to change – among other factors – as being less influential.[14] However, one could argue that culture does underpin many of these stickiness factors, especially as to the relationship between the sender and recipient of information: a culture that supports knowledge-sharing is likely one where distant or difficult relationships are less common. As will be seen next, a major factor in a KM-supportive organization's culture is a trusting environment.

[12] R. McDermott and C. O'Dell, "Overcoming Cultural Barriers to Sharing Knowledge" (2001) 5(1) Journal of Knowledge Management 76 at 77 [emphasis added].
[13] G. Szulanski, "Exploring Internal Stickiness: Impediments to the Transfer of Best Practice within the Firm" (1996) 17 Strategic Management Journal 27 at 36.
[14] *Ibid*. 36-37

Truth #3 – The "heart" of a good KM culture is trust: Studies suggest that a key element of a KM-positive environment is the notion of trust – organizations that have high levels of trust among their employees are more likely to be able to nurture knowledge-sharing. De Long notes that the "level of trust that exists between the organization, its subunits, and its employees greatly influences the amount of knowledge that flows both between individuals and from individuals into the firm's databases, best practices archives, and other records.[15] Since fear of inadequacy or criticism can be a barrier to having employees contribute knowledge, a trusting environment can go a long way to reducing this barrier by creating a sense of "shared purpose."[16] Zand notes that in low-trust groups "interpersonal relationships interfere with and distort perceptions of the problem" and that "[e]nergy and creativity are diverted from finding comprehensive, realistic solutions, and members use the problem as an instrument to minimize their vulnerability." [17]

Andrews and Delahaye note the importance of "perceived trustworthiness" as an element in encouraging a sharing culture since trust "determined with whom scientists were willing to share their own knowledge" and "was more important than formal collaborative processes, because in the absence of trust, knowledge-sharing would not have occurred."[18] Likewise, Buckman emphasizes the importance of culture in implementing successful KM programs:

> We have found that trust is the essential pre-requisite to any successful knowledge sharing effort. Building that trust is vital. Trusting each associate is vital. Associates' trust in management is vital. Giving everyone equal access to the comprehensive knowledge base of the company is vital. Sharing all knowledge with every associate

[15] *Supra* note 4 at 119.
[16] Christina Evangelou and Nikos Karacapilidis, "On the Interaction Between Humans and Knowledge Management Systems: A Framework of Knowledge Sharing Catalysts" (2005) 3 Knowledge Management Research & Practice 253 at 256.
[17] D. Zand, "Trust and Managerial Problem Solving" (1972) 17 Administrative Science Quarterly 229 at 238.
[18] K.M. Andrews and B.L. Delahaye, "Influences on Knowledge Processes in Organizational Learning: The Psychosocial Filter" (2000) 37(6) The Journal of Management Studies 797 at 805.

> at every level – from bookkeepers to the C.E.O. – is vital. Trust has to go both ways in equal measure: the associates must trust management and management must trust the associates. All the above ingredients are required in order for confidence to grow amongst all individuals in the organisation. Obviously, this goal is not easily achieved.[19]

Al-Alawi et al. similarly note the importance of a sharing culture in that 66 percent of those surveyed in Bahraini public and private sector companies stated that collaboration and teamwork were the top factor in enhancing knowledge-sharing, followed by training and formal and informal discussion.[20] The researchers describe the importance of trust in these terms:

> Interpersonal trust or trust between co-workers is an extremely essential attribute in organizational culture, which is believed to have a strong influence over knowledge sharing. Interpersonal trust is known as an individual or a group's expectancy in the reliability of the promise or actions of other individuals or groups . . . . Team members require the existence of trust in order to respond openly and share their knowledge . . . .[21]

Likewise, Ellis also see trust as an essential element of a successful KM program, especially an environment where employees are comfortable asking for help when they need it:

> The number-one feature of a KM-friendly organisation has to be trust. If I don't trust you I won't share my knowledge with you, and I certainly won't act on the knowledge you share with me. In a culture where fear pervades and scapegoats are found for each and every failure, the chances of putting together logs of lessons learnt or encouraging sharing of good practice is slim.
>
> Hand in hand with trust is a willingness to ask for help. We found a good supply of people who were willing to help answer questions, but a lack of willingness to ask the questions that would actually save a hard-pressed executive real time and effort. Again, the culture has to support people that are willing to admit failure and ask for help when they need it.[22]

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[19] Bob Buckman, "The Fourth Wave" (May 2004) 7(8) (cited to online version that did not contain page numbering).
[20] Al-Alawi, *supra* note 3 at 28.
[21] *Ibid*. 25.
[22] Steve Ellis, "Cultivating a Knowledge Culture" (Dec 2003) 7(4) Inside Knowledge (cited to online version that did not contain page numbering).

As such, trust is an important cultural factor in supporting knowledge-sharing. But as will be seen next, knowledge-sharing may be harder to nurture in larger organizations, especially those organizations that contain many subcultures.

Truth #4 – Organizations have subcultures that can vary within the firm: When considering the impact that culture has on KM, one must realize that most organizations will likely have subcultures:

> Organization culture is not homogeneous. There are always subcultures, sometimes simply different from the organization as a whole, sometimes in opposition to it. Even in organizations that strongly support sharing knowledge, we found pockets that were more and less supportive. Organizations vary a great deal on how widely held core values are. Sometimes the core values we identified seemed to be shared throughout the organization. Sometimes they seemed to be particular to the business unit we researched. But in either case, they seemed to be deeply held.[23]

De Long also notes the different views or perspectives that different departments within an organization may possess when it comes to viewing knowledge projects. The R & D department, for example, will likely define important knowledge quite different than those in the finance or sales department:

> To understand how conflicts arise about what knowledge is important it is critical to understand the impact of subcultures. Subcultures consist of distinct sets of values, norms, and practices exhibited by specific groups or units in an organization, such as R&D, sales, engineering, MIS, different levels of management, and different geographic regions. Subcultures have characteristics that distinguish them from the firm's overall culture, as well as from other subcultures. For example, R&D's values may seem focused on elegant product features to the detriment of product marketability and profits, while finance appears to value only controlling costs. MIS, on the other hand, may seem concerned only with maintaining strict adherence to its technology standards. Organizations usually have both an overall culture and multiple subcultures. However, the influence of the overall culture and the amount of conflict among subcultures will vary across organizations.[24]

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[23] R. McDermott and C. O'Dell. "Overcoming Cultural Barriers to Sharing Knowledge" (2001) 5(1) Journal of Knowledge Management 76 at 77.
[24] *Supra* note 4 at 117.

In a law firm setting, Saunders describes the challenges to KM caused by different departments or practice groups where their areas of practice are so different as to make knowledge-sharing difficult:

> The differentiation perspective suggests that even though a homogenous culture may exist within a group, there may be significant differences between groups, even within the same organization or area of specialization. Subcultures shape assumptions about what knowledge is worth managing, expectations of who must share and who can hoard or control specific knowledge, and contributes to the context for social interaction which influences how knowledge will be shared . . . . *Using this perspective it is clear that even within the same firm, lawyers may not be able to share their knowledge because their areas of practice are so different*.[25]

Likewise, Heaton and Taylor point out that different subcultures raise the prospect of different understandings, different communication styles and even different languages, raising challenges for sharing across subcultures:

> We need to recognize . . . that knowledge developed in one community of discourse may be irrelevant when it is seen from the perspective of another. Because different discourse communities are distinct from each other, in both their practices and the knowledge they generate, the knowledge developed in the one community may appear to the other to be irrational. An organization, in other words, is not a single unity, composed of complementary parts, but is a multiverse of more or less distinct communities of practice and language use. The manager of an organization that is dependent on its communities of knowledge for its success needs to work to develop bridges that provide productive collaboration between communities of knowledge.[26]

Despite the challenges caused by subcultures, Saunders notes that the differences between practice groups can present opportunities for “constructive dialogue”:

> Sub-cultural differences are not always a threat, as such differences can also serve as the impetus for a more constructive dialogue, highlighting the complexities that arise in sharing across and even within subcultures.

The issue of subcultures arises not only within a single organization but across different regional or international offices of the organization, a factor that particularly can

[25] Chad Saunders, “Knowledge Sharing in Legal Practice” in David Schwartz, ed., *Encyclopedia of Knowledge Management* (Hershey, PA: Idea Group Reference, 2006) at 515 at 518 [emphasis added].
[26] L. Heaton and J.R. Taylor, J.R. “Knowledge Management and Professional Work” (2002) 16(2) Management Communication Quarterly 210 at 230.

affect law firms due to the increase in the globalization of the practice of law and the number of mergers between law firms:

> The cultures in some countries are more open with regard to worker communication and teamwork, while others are more guarded and reserved. It is important to recognise and acknowledge when a barrier is cultural in nature because it can usually be easily resolved with respect and understanding on the part of both parties. Trying to force a Western culture on Eastern people, for instance, will likely make the barriers stronger. Respecting and learning as much as possible about those differences will lead to increased empathy, understanding, and enhanced communication.
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> Language differences are powerful barriers as well. Even with the best translations from one language to another, substance as well as nuance can be lost. Even when the majority of the message is well understood by both parties, certain subtleties in meaning will almost certainly be lost. In any serious attempt at knowledge sharing in an international company, constantly evolving efforts to make information available in each person's native language is vitally important.[27]

Although some studies suggest that the potential varying cultures within multinational organizations do not negatively impact the sharing of knowledge (due to the idea that KM principles involve universal concepts),[28] other studies do suggest that regional and national cultures affect knowledge flow, depending, for example, on whether a particular culture values individual or collective action:

> [It has been] stressed that Japanese are better at transferring tacit knowledge while westerners are better at explicit knowledge. This probably has something to do with the way different cultures work and learn. For example, individualistic cultures (the west) are more likely to read something (codified), while collectivist cultures (east) will probably talk to someone (tacit). [Another study] found that cross-cultural knowledge transfer is more effective when the knowledge being transferred is simple, explicit and independent, and when transfers involve similar cultural contexts. They felt that this was again due to the cultural dimensions of individualism versus collectivism.[29]

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[27] Al-Alawi, *supra* note 3 at 28.
[28] Zhiyi Ang and Peter Massingham, "National Culture and the Standardization Versus Adaptation of Knowledge Management" (2007) 11(2) Journal of Knowledge Management 5 at 8.
[29] *Ibid*. at 10, citing I. Nonaka and H. Takeuchi, *The Knowledge Creating Company: How Japanese Companies Create the Dynamics of Innovation* (New York: Oxford University Press, 1995) and R.S. Bhagat et al., "Cultural Variations in the Cross-Border Transfer of Organizational Knowledge: An Integrative Framework'' (2002) 27(2) The Academy of Management Review 204.

Whether a single culture dominates a law firm or whether there is instead varying subcultures within the firm, what is relatively clear is that changing a law firm's culture to promote knowledge-sharing is not an overnight task.

Truth #5 – Can you change a law firm culture? No, at best you nurture it: The role of culture in KM is relatively clear. Despite the importance of culture, equally clear is the notion that one cannot easily change a firm's culture; instead, at best, one can either adapt the KM strategies to match the existing culture or take steps to draw out aspects of the existing culture that support knowledge-sharing. Although both Parsons and Rusanow are fairly optimistic in the steps that can be taken to develop a knowledge-sharing culture in law firms,[30] most commentators are more conservative in the ability of knowledge managers to effect cultural change. As such, "[k]nowledge management objectives must be aligned with these norms and practices if they are to be achieved." [31] McDermott and O'Dell also note that it is easier and more effective to match your KM initiatives to the existing culture:

> Rather than prescribing whether knowledge management efforts should be led from the top, measured, or built into rewards, our findings suggest that it is most important for the style of your effort to match how things get done in your organization.[32]

Park describes the difficulty in trying to change an organization's culture and the fact that most employees will resist such change since "[c]ultural change is an extremely difficult, time-consuming and frustrating process for organizations" and the "[c]hances of success are low especially when the purpose of the culture change is not understood or accepted by employees."[33] Ellis also notes the difficulties in trying to change an organization's culture:

[30] See the discussion in section 2 below on the ways in which each of Rusanow and Parsons would assess a law firm's culture for the purpose of effective cultural change.
[31] *Supra* note 4 at 118.
[32] *Supra* note 23 at 81.
[33] Park, *supra* note 3 at 107.

> If the culture is KM-unfriendly life is inevitably going to be tough. You will not be able to change the culture of a large organisation quickly enough to save you, so work with what you have.[34]

Even Parsons acknowledges the difficulty in change management when he states that "[l]ike a living organism with an immune system, a law firm *always* has some reaction to a foreign body that is trying to change it."[35] Even though it may be difficult for an individual to effect a change in culture, it may be instead that market conditions and competition for clients will force law firms into a sharing culture, particularly when it is clients calling for these changes.

Truth #6 – The move toward a client focus is forcing cultural change: Although it is often difficult for KM directors to create cultural change, one driver of change is client demand for improved (and faster) services. Since law firms are in the client service business, most law firms will readily change or adapt to meet client needs. Saunders notes that client demand is forcing law firms to be more flexible in their approach to knowledge-sharing:

> [C]lients are driving many of the knowledge management initiatives within law firms as they demand increased accountability, and are not willing to pay for 'reinventing the wheel' and are therefore demanding that firms ensure that their lawyers are sharing knowledge. From management's point of view, having the client receive mixed advice because internally the lawyers are not sharing is viewed very negatively. At the same time these clients are realizing that the firm has considerable additional knowledge that is relevant to their business so they are further demanding that the firm share that information with them. Management is eager to satisfy such requests since they wish the client to treat the firm as a 'trusted advisor' on a host of matters in a long-term relationship with the firm.[36]

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[34] *Supra* note 22 at 14. See also Gurteen, *supra* note 2.
[35] Matthew Parsons, *Effective Knowledge Management for Law Firms* (Oxford, UK: Oxford University Press, 2004) at 97.
[36] *Supra* note 25 at 516.

As such, the expectation by clients for cost-effective legal services is also a "change-agent" for law firms to look for ways to meet client needs through KM systems and other forms of technology:

> The push from clients for increased cost accounting has shifted the legal practice of lawyers towards more attention being paid to financial cost considerations for the client and not exclusively on their legal requirements. Information technology in the form of extranets that permit secure access by clients to their ongoing legal files has tended to solidify this practice and shifted the power from the lawyers to the client, as they demand increased transparency and real-time updates on the progress of their file.[37]

However, a change to a knowledge-sharing culture through technology alone is likely insufficient to meet this client demand.

Truth #7 – Throwing technology on a firm does not solve sharing problems:

Technology plays an integral role in law firm knowledge management. The advent of better "smart search engines" and new Web 2.0 technologies such as RSS and wikis present better ways in which lawyers will be able to share information. However, although technology has drastically improved the way in which lawyers get work done, the literature is clear that technology alone is not a solution to sharing knowledge if the organization lacks a sharing culture. Cabrera and Cabrera, for example, note that while technology is "one of the ingredients for successful knowledge exchange" that the "other, even more important, requisite is that of a social environment which encourages or even enforces knowledge-sharing."[38] Ellis shares these concerns when he says that "[e]ffective and intelligent working in the new 'knowledge enabled' environment is as much about the mindset of employees and their managers as it is about software tools that offer state-of-the-art collaborative

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[37] *Ibid*. at 517-18.
[38] A. Cabrera and E.F. Cabrera, "Knowledge-Sharing Dilemmas" (2002) 23(5) Organization Studies 687 at 704.

working."[39] Gurteen also notes the importance of technology in sharing knowledge but also points out its drawbacks:

> But to my mind there is absolutely no way that you can share knowledge effectively within an organisation – even a small one, never mind a large geographically dispersed one without using technology.
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> Technology plays a crucial transformational role and is a key part of changing the corporate culture to a knowledge sharing one. In many ways it is technology that has made knowledge sharing a reality. In the past it was impossible to share knowledge or work collaboratively with co-workers around the globe. Today it is a reality.
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> Technology is not all good however. There are many pitfalls to its effective use. Information overload is one that comes readily to mind. Flaming wars (destructive heated electronic arguments) is another. Time wasting – browsing irrelevant stuff is yet another.[40]

Rusanow emphasizes that often the true value of knowledge exchange, especially when dealing with tacit knowledge, will be in the human interaction between lawyers:

> Lawyers should also think beyond technology to human processes, particularly in the sharing of tacit knowledge. A law department should not aim to document every nuance of a lawyer's experience, but rather facilitate the human interaction between the expert and others. For example, technology can be used to provide a directory of expertise in an organisation (typically known as a "know-who" database). The real sharing of tacit knowledge will come through the human interaction between the expert and the person who has found that expert through the know-how system.[41]

Technology is just a "tool" to help organize and find the knowledge that otherwise exists within or through employees and that unless the technology is helping to "deliver" that knowledge to produce a business benefit, technology-focused KM solutions will be less effective:

> The potential benefits of intranet implementation are well known and discussed widely in the literature of business and computing, as well as in associated domains such as information science . . . . *It needs to be emphasised, however, that an intranet is merely a technical infrastructure and, as such, its business value is contingent on the content that it holds in terms of information resources and applications* . . . . Resources and facilities mounted on an intranet, such as web documents and discussion-group archives, need to be capable of driving business benefit, e.g. in acting as surrogates for expertise. While some of these, such as conferencing

[39] *Supra* note 22.
[40] *Supra* note 2.
[41] *Supra* note 8 at 5.

> software or access to commercial online services, can be bought off the shelf, the unique internally produced resources must be sought from individual employees and teams within the firm. *The success of knowledge initiatives based on the development of shared intranet resources is therefore dependent on the willingness of employees to participate in the creation of the common knowledge base*.[42]

Barth describes a software company that installed cutting edge software solutions for sharing information but that was losing money and not using the system effectively. An outside consultant was brought in who noticed the company's CEO "was expecting new technology and reengineering of processes to produce a collaborative, sharing culture." What was needed was "not new technology but a culture modification program to prepare for a KM initiative."[43]

However, research by Al-Alawi et al. would suggest that technology *is* an important element of knowledge-sharing since there is a positive relationship between the existence of knowledge-sharing information systems/technology and knowledge-sharing in organizations, and that "as knowledge-sharing increases, the existence of information systems also increases."[44] But, even Al-Alawi et al. note that technology alone is insufficient for a successful knowledge-sharing strategy:

> [I]ntroducing knowledge sharing information systems merely is not enough to insure effective knowledge transfer. It is indeed vital that such initiative be properly supported and continuously reinforced by top management in order to convey the importance of such tools to the success of knowledge transfer.[45]

Truth #8 – Contributions to KM can be a challenge for a variety of reasons:

The final truth for now on KM and culture is that there are a number of common barriers that organizations face when implementing KM strategies. Evangelou and Karacapilidis, for

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[42] Hazel Hall, "Input-Friendliness: Motivating Knowledge Sharing Across Intranets" (2001) 27(3) Journal of Information Science 139 at 139-40 [emphasis added].
[43] Steve Barth, "KM Horror Stories" (October 2000) Knowledge Management 36 at 39.
[44] *Supra* note 3 at 32.
[45] *Ibid*. at 36.

example, identify a number of negative reinforcements that detract from knowledge-sharing, including the "knowledge is power" dilemma, hierarchical structures that make new employees scared to contribute because of a fear of their low status, an underestimation of the knowledge to be shared, fear of negative criticism or loss of respect, manipulation or "pollution" of shared property, a lack of absorbing capacity (where the information in not being re-used) and a fear over confidentiality or a lack of security.[46] Ribiere and Sitar echo these concerns and identify additional barriers such as people not thinking their knowledge is valuable, people not trusting each other or not wanting to take on extra responsibilities, a failure by people to see the final "business purpose" of the knowledge being accumulated, and a fear of the technology involved.[47] Hendriks identifies the lack of motivation as a major barrier to knowledge flows:

> Various factors have been identified as impediments for knowledge sharing, including inadequate organizational structures, sharing unfriendly organizational cultures, and denominational segregation . . . . Of critical concern is the issue whether or not knowledge workers are motivated to share their knowledge with others. Related problems may occur when information systems, such as intranets, distributed libraries, document management systems, or groupware applications, are introduced to support knowledge sharing. The common motivation to introduce these technologies is that they may empower the individual knowledge worker by providing the tools to support and boost his or her knowledge-sharing skills . . . . Reports, however, show that all too often the introduction of these systems does not result in significant improvements in knowledge sharing, as many instances occur in which these systems are not used to their full potential . . . . Again, if individuals are not motivated to share knowledge, it is not likely that they are motivated to use tools facilitating knowledge sharing.[48]

Law firms face these same challenge in addition to also facing challenges unique to law firms, including the fact that the traditional law firm environment was not always a KM-supportive environment. There are a number of typical barriers facing traditional law firms

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[46] *Supra* note 16 at 257.
[47] Vincent M. Ribiere. and Alesa Sasa Sitar, "Critical Role of Leadering in Nurturing a Knowledge-Supporting Culture" (2003) 1 Knowledge Management Research & Practice 39 at 41.
[48] P. Hendriks, "Why Share Knowledge? The Influence of ICT on the Motivation for Knowledge Sharing" (1999) 6(2) Knowledge and Process Management 91.

trying to develop knowledge-sharing projects:

Lack of time (the "billable hour" problem): Cabrera and Cabrera note in their study that lack of time was a barrier for employees to contribute to knowledge-sharing and that the lack of time negatively impacted knowledge-sharing since many employees confirmed that people did not seem to have enough time to participate and "it only takes but a few group members to feel this way, for the group to get trapped in a non-cooperating deficient equilibrium."[49] In the law firm setting, the traditional emphasis on the billable hour, for example, creates a perverse situation where lawyers – in theory – have fewer incentives to be time-effective; in fact, the billable hour model creates disincentives for lawyers to spend time on non-billable activities that might include adding to the firm's based of knowledge or reusable work product:

> Lawyers are not generally viewed as great information sharers, owing to a career progression based upon acquiring a unique knowledge base and thus facilitating a culture of knowledge hoarding rather than sharing . . . . Time-based billing further encouraged a reluctance to share since sharing required additional time for which the lawyers could not justify billing to clients, and lawyers were reluctant to dedicate 'non-billable' hours to sharing when they could be working for clients.[50]

Rusanow takes a similar view that time-based billing presents a major challenge for lawyers to invest the time to contribute to KM initiatives:

> Lawyers are not generally viewed as great information sharers. Indeed, within law firms, building a culture of knowledge sharing is a fundamental issue. This is because career progression has traditionally been based on acquiring a unique knowledge base, acting as a disincentive to sharing knowledge with others. Another disincentive to knowledge management is the time-based billing system. Knowledge management requires a large amount of lawyer time to develop and contribute to initiatives, taking time away from client work.[51]

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[49] *Supra* note 38 at 694.
[50] *Supra* note 25 at 518.
[51] *Supra* note 8 at 6-7.

Power struggles (the "herding cats" problem): Lawyers and law firms carry on business in relatively unique ways. Many lawyers work quite autonomously (or like to think that they do). Depending on the law firm, some lawyers may regard particular clients more as their own client than the firm's client. Both the independence of lawyers and their possessive attitude towards clients can act as potential barriers or challenges to promoting knowledge-sharing.

Practices are specialized (the "information silos" problem): Increasingly, lawyers and law firms are developing specialized practices in part to meet and anticipate market demand and to differentiate themselves from their competitors. As was previously noted above,[52] law firms with specialized departments may have a harder time communicating with or sharing information or knowledge with other departments. The challenge here can be the risk of information silos arising in different parts of the firm.

Management does not understand (the "dinosaur" problem): For some firms, if management is not supporting KM in tangible ways, this may be due in part to a lack of understanding by management as to what KM is and what it can do for firm revenues or risk management. Ellis notes the need to explain these goals to management in order to get management buy-in, a key element in successful KM initiatives:

> The first problem often surrounds high degrees of suspicion and even a lack of understanding on the part of non-KM-literate senior managers. Any new knowledge-management function will have to spend most of its energy in the early stages explaining what it is and does before it can get on and do it.[53]

[52] Above at page 9 *et seq*.
[53] *Supra* note 22.

Technological barriers (the "IT" problem): A major barrier in getting lawyers and staff to use KM tools such as document management systems can be technological interfaces that are too difficult or unintuitive to use. If working with documents is cumbersome or if searching for information in the repository requires complex search queries, users will grow frustrated and "uptake" on knowledge-sharing will be slowed. Intranet design and ease-of-performance matters when it comes to making your KM projects succeed.[54]

KM results are not always concrete or immediate (the "metrics" problem): Parsons notes the cultural trait of most lawyers to "be able to understand the rules and the source of authority for a proposition."[55] As such, it is important for the KM department to clearly communicate the KM goals to the firm so that lawyers (and other staff) can understand or appreciate the interim steps they will be asked to take to contribute documents, information and knowledge to the firm's various KM repositories, especially since it is often difficult to immediately measure certain KM benefits or outcomes.

Knowledge is complex (the "content" problem): Specialized legal knowledge by its very nature will often be complex, detailed and specific. This fact alone can act as a barrier in the sharing of legal knowledge within and across the firm:

> The knowledge produced by such communities of practice is an artifact of their practices of textualization and both reflects characteristics of the community's practices and renders interpretation of its texts problematical in other contexts. Given the reality of the knowledge society, with its proliferation of technical and professional expertise, the modern corporation should be visualized as a mosaic of distinct communities of practice, whose bases of knowledge are relatively opaque to other communities within the organization.[56]

[54] *Supra* note 16 at 259.
[55] *Supra* note 35 at 107.
[56] *Supra* note 26 at 232.

Ways to minimize the negative impact of these barriers are discussed in section 3 of this paper below. For now, it is sufficient to realize the important role that organizational culture plays for those organizations wishing to develop and expand knowledge-sharing projects. While culture and a trusting environment are some of the key factors that support or compliment KM initiatives, the impact to law firms of subcultures within the firm or across the various offices of a multinational firm can restrict the flow of knowledge-sharing. And since changing culture in an organization is not a simple task, the literature suggests that KM projects are more likely to succeed when they are adapted to the organization's culture. In law firms, the move towards a client focus is one factor that is encouraging firms to be more flexible in sharing knowledge to better serve clients. However, even though it is relatively clear that technology plays an important role in law firm KM, technology alone is not a panacea to create a sharing culture. In fact, the way in which law firms have traditionally carried on business sometimes creates challenges to knowledge-sharing. Some of these barriers include the billable hour problem, the herding cats problem, the information silos problem, the dinosaur problem, the IT problem, the "metrics" problem, and the content problem. Understanding a law firm's culture, however, can go a long way to help in the design of KM initiatives that can maximize knowledge-sharing by building on those aspects of a firm's culture that support knowledge-sharing. Ways in which to assess a law firm's culture are considered in the next section.

2) How to Assess a Firm's Knowledge-Sharing Culture

There are both formal and informal methods to evaluate or assess the level of or the potential for knowledge-sharing in a law firm. Whether this evaluation or assessment is at the beginning of a KM strategy as part of an information audit, or whether it is done periodically to gauge acceptance for new KM initiatives, assessing culture is an important and necessary step in developing a KM strategy so that any KM initiatives are designed to take advantage of KM-positive cultural traits. Balthazard and Cooke describe a formal method of assessing an organization's culture through the Organizational Culture Inventory ("OCI") developed by Human Synergistics International.[57] This inventory is a survey given to the organization's employees to gather data for 12 behavioral norms grouped by three clusters. The survey "breaks the factors underlying performance down into 12 ways or 'styles' of thinking, behaving, and interacting. Some styles are effective and productive; some are not. Whether effective or not, they all describe what's happening inside the organization and provide a direction for change and development."[58] The survey assesses the main aspects of culture divided into three clusters or groups as follows:

> **1. A Constructive Culture** "in which members are encouraged to interact with others and approach tasks in ways that will help them meet their higher order satisfaction needs." This sort of culture is characterized by the following styles: Achievement, Self-actualizing, Humanistic-Encouraging, and Affiliative.
>
> **2. An Aggressive/Defensive Culture** in which "members believe they must interact with people in ways that will not threaten their own security." This sort of culture is

[57] Pierre A. Balthazard and Robert A. Cooke, "Organizations Culture and Knowledge Management Success: Assessing the Behaviour-Performance Continuum" (2004) in Proceedings of the 37th Hawaii International Conference on System Sciences at 2. Note: Cooke, one of the co-authors, appears to have been employed by Human Synergistics International at the time the article was written.
[58] The Management Practice, "Performance Improvement: Change Management" Available online: <*http://www.managementpractice.co.uk/performance.htm*> (Site last viewed: 24 April 2007).

> characterized by the following styles: Oppositional, Power, Competitive, and Perfectionistic
>
> **3. A Passive/Defensive Culture** in which members are "expected to approach tasks in forceful ways to protect their status and security." This sort of culture is characterized by the following styles: Approval, Conventional, Dependent, and Avoidance[59]

Balthazard and Cooke examined data from over 60,000 respondents who took the OCI. Based on this review, they were able to conclude that the OCI was effective "to gauge efficiency, effectiveness, and potential for KM success" and that "[n]ormative beliefs and shared behavioral expectations are quantifiable and are consistent with the focal organization's management style."[60] The authors noted that the OCI survey had the added advantage of involving participants in discussions on organizational culture, making the process both "public and participative, thereby promoting perceived legitimacy and commitment to change."[61]

A slightly different approach to assessing organization culture was taken by Oliver and Kandadi in their review of the major factors affecting knowledge culture in six large corporations (Oracle, the National Health Service, Hewlett Packard, Wipro Technologies, Alcatel and Daimler Chrylser). As discussed above,[62] Oliver and Kandadi identified the following ten major factors affecting knowledge culture: leadership, organizational structure, evangelization, communities of practice, reward systems, time allocation, business processes, recruitment, infrastructure and physical attributes. In coming to these conclusions, the

[59] This description of the OCI survey factors comes from an online article entitled "Using the Organizational Culture Inventory (OCI) to Measure Kotter and Heskett's Adaptive and Unadaptive Cultures" Available online: <*http://www.trainersdirect.com/resources/articles/ChangeManagement/OrgCultureInventory.htm*> (Site last viewed: 24 April 2007).
[60] *Supra* note 57 at 7.
[61] *Ibid*.
[62] *Supra* note 7.

authors used the following broad cultural factors to guide their research,[63] factors that can be considered by anyone designing an assessment of their own firm's culture:

Agility in organizations	Innovation	Organizational functions
Business process management	Intranet	Organizational structure
Change management	KM evangelization	Performance appraisal
Collaboration	KM events	Physical work environment
Communities of practice (CoPs)	KM infrastructure	Pilot projects
Competitiveness	KM jobs and roles	Problem solving
Customer orientation	KM organizational structure	Professional development
Decision making	KM projects	Recognition
Empowerment	Knowledge maps	Recruitment
Enterprise information portal	Knowledge work	Resource allocation
Expert systems	Knowledge worker	Reward systems
Extranet	Lay-offs	Risk taking
Flexibility	Leadership	Search engines
Front-end managers	Learning	Senior management
Group motivations	Long-term vision	Short-term focus
Groupware	Loyalty	Sponsorship
Human resource management	Market orientation	Team behavior
Incentives	Middle level managers	Team leaders
Individual behavior	Neural networks	Tolerance to failures
Individual motivations	Openness to change	Training and development
Informal employee relationships	Openness to experimentation	Trust building

These approaches to assessing cultural organization can also be applied to the law firm setting, keeping in mind that most law firms will generally be smaller in size than many of the larger organizations studied in the literature and realizing that each law firm will have a unique history that affects its culture:

> The starting point for managing the cultural aspects of KM implementation lies in understanding the existing culture of the firm, which defines what people in the organization believe to be acceptable behaviours in the workplace. Each organization has its unique culture arising out of many diverse influences: its history as an organization; the influence of its founders and leaders; the reward and recognition systems in place for individuals; its working practices and processes, to name but a few.[64]

[63] *Ibid*. at 9.
[64] Karen Battersby, *Know How in the Legal Profession*, ed. Caroline Poynton (London: Ark Group, 2006) at 5.

Battersby identifies of a number of criteria by which to assess a law firm's culture including:

- An assessment of the firm's mission statements;
- Reviewing the firm's business plan and aims;
- Analyzing which activities are important to the firm;
- Reviewing the firm's commitments to professional development;
- Seeing whether the firm uses work teams or whether lawyers work more by themselves;
- Examining how lawyers and staff engage with each other, whether in formal or informal meetings;
- Considering how people rewarded and what they are rewarded for;
- Listening to the firm's stories and legends; and,
- Analyzing the structure of firm.[65]

Rusanow's approach is to identify barriers (such as "Knowledge management is perceived as the work of an isolated group"), decide what message you want to send in response to the barrier ("Knowledge management is the responsibility of everyone"), and identify the actions that need to be taken ("Build knowledge management into the compensation system, career progression model, budgeting system, business plans and reporting system").[66] She would focus on the following six business processes within the firm as targets for assessing (and changing) the firm's culture: the compensation system (by trying to have KM contributions be part of how lawyers get compensated), the budgeting system (by properly budgeting for KM), the billing system (providing credit for in-office referrals to other practice departments to promote a sharing attitude), the career progression model (by having KM contributions be considered as part of a lawyer's career progression),

[65] *Ibid*. at 6.
[66] Gretta Rusanow, *Knowledge Management and the Smarter Lawyer* (New York: ALM Publishing, 2003) at 208-18.

the firm's business plans (by tying KM goals to the firm's business objectives), and management reporting (by keeping firm members accountable for their KM contributions).[67]

Parsons describes his approach[68] to assessing a law firm's culture as a "cultural stock-taking strategy" by using the three levels of culture identified by Ed Schein[69] being the *artifacts* of the firm, the *espoused values* of the firm, and the firm's *basic assumptions*. The *artifacts* of the firm are the "physical manifestations of the firm's culture – that is, what can be seen, heard, or felt."[70] The assessment of this part of the firm's culture is done by walking around the firm to see its physical layout, both in the reception area and on practice floors and ask such questions as whether it is drab or colorful or ordered or messy, among other things.[71] This stage also involves looking at the lawyers and staff to see how they interact – are people stress or energized? Look at the staff common room – are staff engaged in conversation or do they make coffee in silence?[72] In assessing the *values* that the firm espouses, Parsons identifies a number manifestations of how a firm's values may be expressed, such as through recruiting brochures, websites, mission statements, policies and procedures and criteria for admission into partnership.[73] The final element is to consider the firm's *basic assumptions* which involves an assessment of the "degree of disconnect between an organization's basic assumptions and espoused values."[74] This often involves looking at what the firm says it does and then examining what it actually does by going beyond the espoused values to see what firm truly sees as important.

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[67] *Ibid*. at 211-12.
[68] *Supra* note 8 at 98-104.
[69] E.H. Schein, *Organizational Culture and Leadership*, 3rd ed. (San Francisco: Jossey-Bass, 2004).
[70] *Supra* note 8 at 98.
[71] *Ibid.* at 99.
[72] *Ibid.*
[73] *Ibid.*
[74] *Ibid.* at 100.

Although the foregoing commentators each have slightly different approaches to assessing organizational cultural – especially in the relatively unique environment of a law firm – there are a number of common features to their assessments that focus on how the firm presents itself and carries on day-to-day business, how the firm communicates with others and its own members, and the things on which the firm places value.

3) Solutions for Encouraging a KM-Sharing Culture in a Law Firm:

Despite the difficulty in "changing" a firm's culture, there are a number of steps that knowledge managers can take to nurture a knowledge-sharing environment. A theme running through all of these strategies is the goal of removing barriers to knowledge-sharing. Cabrera and Cabrera, for example, advocate a focus on removing barriers by restructuring the pay-offs for contributing, creating incentives that try to increase efficacy perceptions, and making employees' sense of group identity and personal responsibility more salient.[75] Lopez also reminds us that any KM solutions must address cultural issues to ensure meaningful knowledge-sharing:

> [K]nowledge management initiatives to be truly effective must take into account the social contexts in which learning takes place. Culture needs to be re-examined in light of its role in managing the overall organizational learning infrastructure. Thus, using the results obtained from this study as a basis, the following basic lines of performance have been identified:
>
> - analyze how knowledge-management strategy proactively attempts to change attitudes towards ownership to knowledge;
> - identify what new behaviors leaders must exhibit to communicate a shift from valuing individual to collective knowledge, and
> - evaluate what investments would be needed to get a more collaborative knowledge use.[76]

[75] *Supra* note 38 at 687.
[76] *Supra* note 11 at 101.

Set out below, then, are ten strategies to nurture your firm's knowledge-sharing culture to develop your KM initiatives.

Strategy #1 – Communication: A critical goal to ensure understanding and acceptance of the KM strategy is to communicate the purpose or goals of what you are trying to achieve:

> Communication is crucial to a KM culture, as leveraging individual and collective knowledge resources depends first and foremost on people knowing where and how to find information and expertise quickly when they need it . . . .
>
> . . . [C]ommunicating overall business strategy to employees, so that they can see how their day-to-day work fits into the bigger picture, contributes significantly to a KM culture by fostering a feeling that everybody is pulling together to achieve a shared objective.[77]

Buckman advocates "helping people see for themselves that knowledge-sharing is in their personal interest" and that "it needs to be explicitly understood that 'sharing knowledge is power.'"[78] Part of the KM communication strategy must be to ensure that firm members understand – in concrete terms – what the KM goals are. Marty acknowledged that one early KM project at Baker and McKenzie initially focused too much on new technology and dealt with KM on too theoretical a level without addressing cultural issues, and hence was not successful.[79] The firm went on to fix these problems by more closely defining the role of KM and what results were expected and then having this clarified role agreed to buy the firm's management and communicated to the firm.

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[77] Joanna Goodman, *KM Culture* (London: Ark Group, 2006) at 21.
[78] *Supra* note 19.
[79] Jason Marty, "Baker & McKenzie: A Question of Culture" (April 2005) 8(7) (cited to online version that did not contain page numbering).

Another important aspect of communication is creating a physical and technological environment where it is easy for employees to talk to each other and exchange information:

> Traditional organization structures are usually characterized by complicated layers and lines of responsibility with certain details of information reporting procedures. Nowadays, most managers realize the disadvantages of bureaucratic structures in slowing the processes and raising constraints on information flow. In addition, such procedures often consume great amount of time in order for knowledge to filter through every level . . . . [K]nowledge sharing prospers with structures that support ease of information flow with fewer boundaries between divisions.[80]

Strategy #2 – Leadership: A number of commentators have noted the importance of a firm's management team publicly and openly expressing support for knowledge-sharing, not only by word but by deed:

> Knowledge sharers must know that they will get credit and that others will reciprocate. Trust must be visible, it must be ubiquitous, and it must start at the top . . . . Top management in particular must emulate trustworthiness because their actions define the values of the organization.[81]

Ribiere and Sitar also point out that leaders must not only acknowledge and reward KM initiatives but must also be seen to be actively engaged in the process:

> Leadership in a knowledge organization is of great importance because we are dealing with knowledge workers, with specialized expertise. Leading them can be done only through intellectual power, conviction, persuasion, and interactive dialog. It requires skills that build confidence and engagement. Therefore, it is most important that knowledge workers perceive their leaders as being actively engaged and committed to supporting knowledge and learning activities and that they recognize and reward such attempts in their co-workers.[82]

Parsons advocates the use of stories as part of a cultural change management program since the stories allow for lawyers "to see what is possible, to imagine how life would be better

[80] *Supra* note 3 at 25.
[81] Carolyn McKinnell Jacobsen, "Knowledge Sharing Between Individuals" in David Schwartz, ed., *Encyclopedia of Knowledge Management* (Hershey, PA: Idea Group Reference, 2006) 507 at 511.
[82] *Supra* note 47 at 44.

once all of the component are in place."[83] Parsons himself gives the example of a story that reflects the importance of leadership in promoting KM-sharing values when he describes a young associate, in his first week of work, being scheduled to meet with the managing partner who personally took him through the firm's six volume "Knowledge Bookcase," a collection containing, among other things, the firm's *Book of Wisdom*, a style guide and an explanation of the firm's taxonomies.[84]

Goodman points out that leadership in a law firm means not just the managing partners but managers and practice group leaders:

> In a KM culture, leaders need to take ownership of KM and communicate its relevance to their teams. This includes leaders at every level throughout an organization, particularly line managers or practice-group leaders who have the most influence on day-to-day operations. . . .
>
> Senior leaders who walk the talk are particularly important in respect of creating trust. As trust involves an element of risk, and is not entered into lightly, leaders who demonstrate trust in their peers and colleagues and visibly share information and knowledge, inspire similar behaviours throughout the organization.[85]

Strategy #3 – Knowledge Champions: In addition to having a dedicated KM department, there is much to be said for leveraging KM champions within the firm to build a culture-sharing environment:

> Appointing local knowledge champions – generally by virtue of their genuine enthusiasm for knowledge sharing – has proved invaluable in embedding a KM culture, particularly when they also fulfil other roles in the organization.[86]

These knowledge champions, who should be rewarded for their efforts, play an important role in evangelizing the use of the firm's knowledge tools and ensuring knowledge-sharing:

> KM experts and knowledge champions help organizations address other human factors such as resistance to knowledge sharing and lack of confidence using technology, simply by talking to people on the ground – promoting knowledge

[83] *Supra* note 35 at 123.
[84] *Ibid*. at 125-126.
[85] *Supra* note 77 at 7.
[86] *Ibid*. at 18.

> sharing among their peers and providing informal training and support. They also play an important role in inducting new joiners into KM culture.[87]

In addition to using knowledge champions to promote knowledge-sharing, Ellis advocates being strategic in choosing who some of your initial partners will be on KM projects:

> Another technique for addressing a KM-unfriendly culture is to identify a piece that is close enough to be helpful and work with the people in that part of the business. In most large organisations the culture will be varied and some departments or functions will be better prepared for knowledge management, you just have to find them. Although I have said that technology is a fraction of the knowledge-management whole, one tip could be to start looking in the IT department, if these guys are not up for it then you really have got problems. An additional benefit is that they probably have access to some resources you can also utilise.[88]

Strategy #4 – Quick Wins: Related to the use of knowledge champions is the strategy of initially choosing smaller but high-value or high-impact KM projects that are more likely to succeed and that have fairly immediate, tangible benefits:

> Starting small and achieving quick wins helps to communicate the benefits of a KM culture to both individuals and the organization. It also serves to harness existing networks and reinforce them as teams that work together build natural trusting relationships.[89]

“Quick win projects” can also be chosen on the basis of individual practice groups that are particularly amenable to particular KM initiatives relevant to their group since the lawyers within a practice group who have been the subject of a successful KM initiative are likely to “spread the word” to others in the firm through positive story telling on how the project has (one hopes) improved their life.

[87] *Ibid*. at 18-19.
[88] *Supra* note 22.
[89] *Supra* note 77 at 21.

Strategy #5 – Flexibility / Experimentation: There are numerous examples in the literature that suggest that building in flexibility on your KM projects is a major key to allow a sharing culture to develop and thrive. Forcing the sharing of information rarely works:

> Permission to experiment at the local level is therefore important. Autonomy must be provided for and people should be able to step out of their designated roles as they wish in the pursuit of new knowledge . . . . Success stories related to business results of knowledge sharing will embolden people . . . . It is suggested, then, that to encourage intranet input, it should be emphasised that employees are allowed to experiment.[90]

PricewaterhouseCoopers has a flexible approach by allowing its employees to form human networks that are organically created by employees themselves depending on their information needs:

> Human networks play a large role in PriceswaterhouseCoopers's (PwC) strategy to leverage knowledge. PwC believes that knowledge sharing occurs in the interaction of people (with or without technology) and that networks are essential to it. PwC states that there are too many networks in the firm to count. While some networks in PwC are formally chartered, most are not. Membership is driven wholly by consultants' need to know about topics related to current projects and clients.[91]

Many of these networks do not actually require funding and can use whatever form of communication or sharing tools the group thinks is most appropriate to their objectives.[92] In addition, in an environment that may have different subcultures, due for example to offices in different regions, Ang and Massingham advocate analyzing of which part of the knowledge-sharing process is subject to cultural differences and then *standardizing* the processes where there is less cultural difference but *adapting* the processes as needed where cultural differences call for different approaches.[93]

[90] *Supra* note 42 at 142.
[91] *Supra* note 23 at 83.
[92] *Ibid*.
[93] *Supra* note 28 at 18.

Strategy #6 – Embed in process, assign specific roles: Where KM projects can be embedded into daily workflow, so much the better. If lawyers and staff see knowledge-sharing as part of their daily work, they are more likely to naturally adopt knowledge-sharing and not see it as an additional task that takes away from other parts of their daily work:

> In line with fitting KM into current practices, it will also pay dividends to embed, wherever possible, KM resources and activities into lawyers' existing work processes. With time a scarce commodity in legal practice, with its emphasis on hourly charging and individual time targets, individuals must not feel that participation is additional to their daily work.[94]

In some situations, if KM processes are built into daily workflow, lawyers and staff will not even necessarily know they are "sharing knowledge" if such processes are seen as part of their normal work:

> Share knowledge routinely as the "way we work." Some companies approach sharing knowledge in an even more low-key manner. In this approach sharing knowledge is simply part of how the company solves specific business problems, such as reducing time to market or developing innovative software solutions. Several of the organizations that took this approach do not even speak internally of sharing or managing knowledge. They simply build sharing knowledge into the overall business solution.[95]

By embedding KM processes, you also increase the likelihood of building a critical mass of information and knowledge within your KM repositories, a critical factor in creating a "tipping point" towards a knowledge-sharing culture:

> In addition to information self-efficacy and connective efficacy, employees need to be assured that there will be a minimum *critical mass* of contributions to the knowledge repository (Markus 1990; Marwell and Oliver 1993; Oliver et al. 1985). If the number of contributors is too small, the value of the collective good may not be high enough to offset the individual cost of participation. An employee may have both information self-efficacy and connective efficacy, yet will choose not to participate in knowledge-sharing because he or she does not feel there is a big enough group to create a useful database of information.[96]

[94] *Supra* note 64 at 7.
[95] *Supra* note 23 at 79.
[96] *Supra* note 38 at 699.

Hall echoes these points since "[p]articipants understand that the viability of their community depends on their commitment to it" and that if "no contributions are made, the results are drastic: the community will not live" and that the increase in contributions will also increase the levels of trust which in turn supports additional increases in contributions.[97] Milton suggests treating KM projects in the same way that the firm would approach its financial management. Organizations take for granted that *financial management* and its associated planning are integral to the operation of a successful business. If *knowledge management* were treated in the same way, KM projects would be integrated into the firm's workflow in the same way that financial management is:

> Imagine if a similar framework were applied to knowledge management. Imagine if the staff in your organisation knew that they had to do a 'knowledge budget' at the start of any significant piece of work. Imagine they knew that they would have to do 'knowledge tracking' as the work continues and 'balance the knowledge books' by capturing their learning at the end of the job. Imagine that they had the tools to do these activities, and the training to use the tools, and also that management will be checking that they've done what they are supposed to do.[98]

In addition to embedding KM processes, assigning specific KM contribution roles to lawyers and staff is more likely to ensure contributions to your KM projects than the situation where there are only general expectations for people to contribute:

> Citibank demonstrated that assigning *specific* responsibilities to particular individuals is more likely to encourage knowledge sharing than simply expecting people to make contributions as part of a general team effort. It was not until the company assigned employees the responsibility of entering content on a particular database that the knowledge base began to grow . . . .[99]

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[97] *Supra* note 42 at 142.
[98] Nick Milton, "Sustaining the KM Culture Change" (Mar. 2007) 10(6) Inside Knowledge (online version).
[99] *Supra* note 42 at 142.

Strategy #7 Firm's CLE/mentoring/Training: It is extremely important to create a culture of information literacy where lawyers and staff value the importance of information and learn how to evaluate it: "Cultures that explicitly favor knowledge-sharing over knowledge acquisition will create a context for interaction that is more favorable to leveraging knowledge . . . More and more firms have discovered the benefits of having their employees teach others about core aspects of the business.[100] Training can also build a sense of teamwork among firm members:

> A final potential solution to increasing employees' perceived efficacy is via *training.* As previously mentioned, employees may not feel that their contributions are helpful — a lack information efficacy, or they are not convinced that other employees will receive the information that they contribute — a lack of connective efficacy. A training programme that teaches individuals how to make knowledge contributions and how to use the company's knowledge-sharing tools effectively could increase both types of efficacy.

The content of such a training program might include "tips as to what type of information is most valuable [and] how information could best be presented" since "employees may not recognize what types of experiences are worth sharing, or may not know exactly how to put their experiences into words."[101] Training that makes them aware of the type of information that is most useful, and how to present that information so that it is most helpful to others, will likely increase levels of information efficacy.[102] Training on searching is also important: "If employees see that others are being trained in effective ways of using the knowledge-sharing system, they are more likely to believe that others will receive the information that they post on the system" and "it increases the likelihood that employees

[100] *Supra* note 4 at 121-22.
[101] *Supra* note 38 at 700.
[102] *Ibid*.

will use an information database to look for ideas or information that may help them in their work."[103]

Strategy #8 – Develop meaningful incentives, reduce disincentives: To encourage a knowledge-sharing culture, you need to think about creating incentives for your lawyers and staff to share their knowledge and make contributions to your KM repositories. There clearly is "a positive relationship between the existence of a reward system aligned with sharing and knowledge-sharing in organizations:"[104]

> [E]mployees need a strong motivator in order to share knowledge. It is unrealistic to assume that all employees are willing to easily offer knowledge without considering what may be gained or lost as a result of this action.
>
> Managers must consider the importance of collaboration and sharing best practices when designing reward systems. The idea is to introduce processes in which sharing information and horizontal communication are encouraged and indeed rewarded. Such rewards must be based on group rather than individual performance . . . .[105]

These incentives can be economic rewards or incentives can also be "softer" including having access to information and knowledge as a reward of itself along with providing enhanced reputations and personal satisfaction.[106] Although providing rewards to individuals can motivate them, a better strategy might be to try to increase the perceived value of the collective benefits of having a shared knowledge repository:

> Value-expectancy theory then predicts that the more an employee values the collective gain, the more likely that he or she will contribute. In order to increase individual incentives to exchange knowledge, organizations can explore either of these two options. The first solution would be to selectively reward individual contributions by means of some kind of participation-contingent compensation. The reward does not have to be monetary. Non-monetary rewards, such as social recognition, can be extremely powerful incentives so long as they are public, infrequent, credible, and culturally meaningful . . . . Perhaps a better strategy would be to increase the perceived value of the collective gain. Although probably more difficult to achieve, this approach has the advantage that employees will be more

[103] *Ibid.*
[104] *Supra* note 3 at 32.
[105] *Ibid*. at 25.
[106] *Supra* note 42 at 143.

> likely use their best judgement concerning their contributions in order to maximize collective gains.[107]

Gurteen notes – correctly I think – that rewards based purely on contribution to a KM depository risk trivializing the importance and true value of knowledge-sharing and that removing disincentives from sharing is just if not more important:

> We are told by many of the gurus that rewards must be put in place to encourage knowledge sharing. I've even heard it suggested that to encourage knowledge sharing, an ideas database should be created and that people should be paid for their contributions – presumably regardless of quality or whether the ideas are brought to fruition! I think this is plain crazy. I don't believe you can make people share by overtly rewarding them. We are not laboratory pigeons. Stimulus-response does not work in complex systems. Human beings are motivated by more than just money. Yes, ensure appropriate rewards are in place if you must but I feel its better to ensure that disincentives to sharing are removed.[108]

Barth comments on this same problem from an IBM case study where that company had created a best-practices repository on their intranet. Since the contributions to the intranet were low, IBM introduced financial incentives for contributions, to be awarded at the time of calendar year-end performance evaluations. But a manager from IBM reported that "90 percent of our submissions came in between December 15th and 31st." To make matters worse, there was "no process to monitor the quality of the written contributions" so "not only did they all come in at one time, but they were incredibly long and unintelligible"[109] (IBM since rectified the problem by establishing a community review procedure to comment on and request contributions).

The oft-cited research of Herzberg on motivating employees[110] confirms this notion that simple or trivial rewards do not truly motivate employees over the long term but instead

[107] *Supra* note 42 at 696.
[108] *Supra* note 2.
[109] *Supra* note 43 at 38.
[110] F. Herzberg, "One More Time: How do you Motivate Employees?" (1968) 46(1) Harvard Business Review 53.

only provide short term "movement."[111] Instead, he suggests that the solution is "job enrichment" which "provides the opportunity for the employee's psychological growth."[112] Herzberg states that the main factors that truly motivate employees are achievement, recognition for achievement, the work itself, responsibility, and growth or advancement.[113] Contrasted to these motivational factors are a series of factors (called *hygiene* factors) which are separate from motivational factors and which do not motivate but instead can cause job dissatisfaction if they are absent or are otherwise negative forces on staff attitudes. These include such things as company policy and administration, supervision, interpersonal relationships, working conditions, salary, status and security.[114] A good KM manager will therefore try to identify opportunities to increase satisfaction using true motivating factors that provide psychological growth and to decrease the risk of hygiene factors causing dissatisfaction.

Strategy #9 – Consider a "worst practices databases": One idea not widely expressed in the literature is for the KM department or firm to maintain and use a "worst practices database" to parallel their "best practices database." The theory here is to learn from your mistakes:

> How an organization reacts to mistakes is another norm that shapes the context for social interaction. Mistakes may be covered up, explained away, punished severely, or ignored. Or norms and practices may dictate that mistakes be uncovered and used as a source of learning, as many fast-moving Internet businesses are now doing. In either case, the approach used will influence how people interact, and thus will shape the quality of the knowledge created and applied.[115]

[111] *Ibid*. at 54-56.
[112] *Ibid*. at 59.
[113] *Ibid*. at 57.
[114] *Ibid*.
[115] *Supra* note 4 at 122.

As such, post-deal reviews should be applied to not only practice groups that handle large transactions but also to the KM department itself to document ideas and initiatives that work (and don't work). The flexibility to look at and learn from your past mistakes is an important trait for organizations that learn.

Strategy #10 – Ensure your technology supports your KM goals: One easy way to create cynicism in your firm is to invest a lot of money in technology that is too difficult to use or that does perform in the way that users think it should. Designing user-friendly technology interfaces goes a long way to supporting a knowledge-sharing culture: "One immediate way to reduce perceived costs is simply to make it easier for people to share information."[116] Hall notes that "output friendliness" is just as important as making your KM systems easy to use; if employees cannot easily access your information or knowledge and easily re-deploy it for new matters, you are wasting time and money:

> Unless intranets are input-friendly, their value cannot be realised, particularly when company ambitions identify the intranet as something more than a repository of corporate data. Input-friendliness is not limited to 'obvious' issues of interface design. 'Output' friendliness is also important, especially to create critical mass.[117]

In addition to good IT design, you must also provide good IT training to ensure that your lawyers and staff will feel confident in using your KM system:

> To sustain a KM culture, knowledge workers need to feel confident accessing and contributing to online resources. So IT and other KM resources and initiatives need to be user-friendly and underpinned by ongoing training and support.[118]

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[116] *Supra* note 38 at 695.
[117] *Supra* note 42 at 145.
[118] *Supra* note 77 at 7.

Culture, culture, culture.[119] It clearly is important – as is trust – in building a KM-positive culture. Even though it is difficult to change a firm's culture, especially if there are a lot of subcultures, it is possible to nurture a sharing environment. Client demand for faster, more cost-effective services will also be a force in change management. Although there are a number of barriers to knowledge-sharing in law firms, such as the billable hour problem or the information silos problem, these barriers can be overcome by assessing your firm's culture and designing your KM projects to build on the positive knowledge-sharing cultural factors and nurturing cultural change where needed. To nurture such change, your focus should be on good KM communications strategies, strong leadership on KM initiatives at all levels of the firm, the use of knowledge champions and "quick wins" in the early stages to gain support for your projects. Embedding knowledge-sharing into daily workflow and providing training and support are also critical elements, as are learning from your mistakes and ensuring your technology interfaces are well designed to support a sharing culture. The message is therefore clear – "culture, culture, culture" combined with a solid understanding of your firm's KM-positive attributes and a plan to develop KM initiatives that are based on and nurture those KM-positive attributes.

[119] A phrase credited to Bob Buckman and cited numerous times, including by Simon Lelic, "Your Say: Creating a Knowledge Sharing Culture" (Feb. 2001) 4(5) Inside Knowledge (online version).

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