

Knowledge Sharing in Legal Practice

Chad Saunders

University of Calgary, Canada

INTRODUCTION

Given the reliance on knowledge-based resources over traditional assets, the professional context serves as a heightened environment in which to investigate knowledge sharing. Within legal practice, the success of a law firm is connected to the firm's ability to leverage knowledge (Sherer, 1995), and this has led to a call for knowledge management to be a business imperative within legal practice (Parsons, 2004; Rusanow, 2003).

An underlying assumption within much of the knowledge management literature is that knowledge sharing is universally beneficial and to be encouraged both within and across organizations. However, in legal practice, sharing is often difficult to achieve or counter to current professional practice. This issue is most salient when considered in the context of the often-contradictory results observed by larger law firms implementing information technologies to increase knowledge sharing throughout their organization. In the remainder of this article, four perspectives that employ a *logic of opposition* (Robey & Boudreau, 1999) are used to explore the often contradictory outcomes observed when using information technology to increase knowledge sharing by considering factors both impeding and enhancing sharing within legal practice.

BACKGROUND

Despite the recognition of the importance of knowledge in the various professions, a deliberate effort to manage knowledge within the legal profession is a more recent development (Parsons, 2004; Rusanow, 2003).

Knowledge management initiatives are often implemented with the intent of improving aspects of the knowledge management problematic, and this is invariably associated with the implementation of information technology to assist or enable such initiatives (Grover & Davenport, 2001). Knowledge sharing has been identified as a key process in leveraging knowledge assets (Jarvenpaa & Staples, 2000; Nahapiet & Ghoshal, 1998), and within professional practice knowledge management, initiatives are often directed towards improving knowledge sharing throughout the organization (Weiss, 1999). Knowledge sharing in a legal context is typically motivated by a desire

to share legal knowledge, but there is a growing interest in extending such efforts to knowledge of the client, industry, staff skills, key stakeholders, and the firm's market and financial position.

Within legal practice, inconsistent findings have been observed with respect to technology-based initiatives aimed at increasing knowledge sharing throughout the firm (Cabrera & Cabrera, 2002; Gottschalk, 1999; Hunter, Beaumont, & Lee, 2002; Terrett, 1998). For many firms the implementation of information technology represents the arrival of 'knowledge management' within the organization. This view positions information technology as a determinant or enabler of radical organizational change that once implemented transforms the organization to one where key processes such as knowledge sharing are not only possible but also inevitable. This deterministic logic of the organizational impacts of information technology has been critiqued and an alternate, more complex relationship purported between information technology and organizations that is emergent and reciprocal in nature (DeSanctis & Poole, 1994; Hirschheim, 1985; Kling, 1980; Markus & Robey, 1988; Orlikowski, 2000; Orlikowski & Robey, 1991; Schultze & Leidner, 2002; Walsham, 1993). These authors point to the possibility for different conceptualizations to the logic of determination for the relationship between organizations and technology. The logic of determination explains change as the result of variation in a set of predictor variables that account for the orderly relationships among the variables in a theoretical model; in contrast the logic of opposition is more suitable for accounting for contradictory outcomes by considering forces both promoting and impeding change (Robey & Boudreau, 1999).

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Institutional theory, organizational politics, organizational culture, and organizational learning draw upon a logic of opposition and are employed in the remainder of this article to account for the contradictory outcomes of information technology by considering the forces both enhancing and impeding knowledge sharing within legal practice. For the following discussion, these theoretical lenses are directed towards medium (300-750 lawyers) and large (greater than 750 lawyers)

law firms in order to highlight the competing forces both enhancing and impeding knowledge sharing. These forces are anticipated to manifest in smaller firms, but to a lesser degree since many of these competing forces are influenced by the size of the practice, the level of geographic dispersion, the nature of the growth strategy (internal expansion or acquisition), and the nature of the competitive environment. Within the legal profession, larger firms are quickly becoming the norm as firms expand through rapid growth fueled by acquisition. Accompanying this growth is an increasing reliance on professional management beyond the traditional collegial shared management from which many of these firms originated. This tension has provided a heightened environment in which to consider the contradictory consequences of efforts to use information technology to improve knowledge sharing and a unique opportunity to highlight how alternate conceptualizations can be used to embrace these contradictions in practice.

Institutional Theory

Institutional theory points to the importance of historical and professional traditions and enduring values that are supported by the organization (Robey & Boudreau, 1999). Institutional theories have historically explained why organizational structures and values endure, despite strong reasons and efforts aimed at changing them (Robey & Boudreau, 1999).

Institutions consist of cognitive, normative, regulative structures and activities that provide stability and meaning to social behavior. Institutions are transposed by various carriers—cultures, structures, and routines—and they operate at multiple levels of jurisdiction. (Scott, 1995, p. 33)

Contemporary institutional theory exhibits a logic of opposition, recognizing that while the institutional environment presents normative forces that pressure conformity to maintain legitimacy, a wide variety of organizational responses may be manifest, and change in this context must be considered in terms of the structural factors both enhancing and impeding change (Robey & Boudreau, 1999).

Shifts in the discourses surrounding the wider institutional context of the legal profession have given rise to new conceptualizations of professionalism and partnerships. A new archetype has been proposed that characterizes professional practice through an amalgamation of components of professionalism and partnership—referred to as the P2 form to highlight the differences between the familiar M-form (Greenwood, Hinings, & Brown, 1990) and the recently proposed

managerial professional business (Cooper, Hinings, Greenwood, & Brown, 1996). The P2 form emphasizes a fusion of ownership and control, where managerial tasks revolve among the owners with minimal hierarchy and strong links with clients and the local office. Managerial professional business (MPB) in contrast emphasizes effectiveness and efficiency, with client service and competition serving as the guiding force for a formalized central management team. Within the MPB form, there is increased specialization among lawyers, and integration is accomplished using hierarchy, cross-functional teams, and rules and procedures.

The increased focus on client needs while reducing forces within the firm for sharing increases the outside pressure to share. That is, clients 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 (Hunter et al., 2002). This produces competing demands on individual lawyers to hoard their knowledge on the one hand since they see this as guaranteeing their position within the firm by providing their specialized service to the client, while on the other hand knowing that their position also depends on how well they perform with others who also work for the same client.

The need for increased sharing usually begins with the development of a knowledge repository that is centrally administered. This is consistent with the MPB form since it assists in the goal increasing managerial influence throughout the firm. This is particularly important as firms typically consist of multiple offices of national and international affiliates. Centralized technologies based upon knowledge repositories might offer the ability to share knowledge, while at the same time affect institutional norms and cross-organizational boundaries that impede the very sharing that these technologies are intended to support. The very arrival of a specialized knowledge management group or a chief knowledge officer while demonstrating management support for such initiatives as increased knowledge sharing may also effectively separate the practicing lawyers from involvement with knowledge management initiatives within the organization.

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