



10 November 2010

**Reconciling the taxonomy
needs of different users**



The potential problem

- Legal KM divides into
 - research
 - drafting aids
 - process maps
- For example:
 - topics / subjects (eg export controls between countries A & B)
 - document precedents / models / last examples (eg a share sale agreement)
 - matter types (eg acquisition of private company)
- Can one taxonomy segment do these three jobs?

Research approach – based on subjects

ecommerce

business to business

business to consumer

electronic contracts

electronic payments

mcommerce

peer to peer

information technology

computer contracts

computer industry

computer law

computer security

firewalls

cybercrime

data security

biometrics

data storage

hardware

computers

visual display units

software

open source

software escrow

software licensing

internet

domain names

public interest registry

internet service providers

linking

peering

webhosting

websites

networks

email

spamming

extranets

intranets

social networking services

Drafting approach – based on work product

ecommerce and IT

affiliate agreement

click-wrap licence

computer maintenance agreement

demonstration licence

domain name sale agreement

ecommerce documents

mutual linking agreement

noticeboard terms of use

privacy statement

shrink-wrap licence

single linking agreement

software licence

software development agreement

software support agreement

terms and conditions (ecommerce)

web design agreement

web hosting agreement

web sales agreement

web services agreement

website terms of use

The legal research component

- A long and distinguished history
 - strong background from many skilled professionals
- Steady development of CEM – LIR schemes have proved useful to firms and organisations for almost 40 years
- Essentially concept-based
- Attempts to create tailored, in-house versions have
 - rarely delivered benefits proportional to the costs
 - often suffered from the twin evils of ambiguity and over-elaboration
- Suggesting that there might indeed be "an" answer – imperfect perhaps, but the best available at any one time

The legal research component

- the most effective and frequently used approach to research
- publishers naturally gravitate to a subject-based taxonomy – just as the main index tends to be subject-based
- although every publisher uses their own taxonomy, this can be fixed simply enough just by work
 - legal subject vocabulary is tiny – maybe a little over 5,000 terms at the most detailed level?
 - so mapping between various taxonomies is a practical, if laborious, way to deal with the tiresome, but firm, refusal of publishers (and others) to agree on a single standard

But what about working lawyers?

- Lawyers look for, and argue about, small differences – that is their job; while classifiers lump – that is theirs
 - So there is an immediate cultural difference, which can lead to schoolmen-type arguments about subjects and concepts
- But this is not the big issue, which is:
 - researchers do research, not (usually) high-flying lawyers
 - concept-based classifications don't help them much, most of the time, to do the work for which they are paid
 - they need matter (process maps)
 - they need document (drafting aids) classifications
- Increasingly, I see KM departments providing laborious, hand-crafted index pages to do this – what an indictment!

But what about working lawyers?

- The dreaded "search" has to be handled
 - whether we like it or not, search = Google-box for all but information professionals
 - today, that means guaranteed information overload
 - the "garage" problem – thing wanted always buried
- So it's back to context-sensitivity – using metadata about the person at the keyboard, to help present the relevant material straight away
- Done properly, this means "search" is the secondary method to get work-related materials up on screen
- And the "right" metadata is key

What is the right metadata?

- What is it for? (not necessarily what is it called)
- Do I trust the author? / is it authorised by my firm? (this is not the same as "who wrote it")
- When was it last updated (I couldn't care less when it was first written)
- Does it have ancillary material?
 - clause banks
 - precedent guides
 - who should review which piece – eg VAT traps, etc

What is the starting point?

The talk concluded with a demonstration of a potential simple application to solve the issue of finding precedents, clause banks, “last examples”, and relevant online drafting aids for a given piece of legal work.

to discuss this concept, or anything else, the choices are:

join us for a drink now
or
derek.sturdy@tikit.com

Thank you.

