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How to quickly find information filed in email

The ROI on managing email content chaos

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This white paper explores email overload in the Legal industry and the business problems it creates across the enterprise. It also looks at a new approach for effective email filing that results in time and cost-saving content matter management and governance.

Summary

Law firms and corporate legal departments are drowning in data and documents. The push to enable an environment where lawyers can work anytime and anywhere has created a surge in "email content chaos." For example, matter related documents are started on a lawyer's hard drive, then expands to internal team members, clients or firms using email as the primary communication form, along with relevant attachments. Content or work product is then pushed into a space where colleagues are invited to collaborate. The project is continued by email, instant messaging and chat. When the project or matter is complete, the important email communications, attachments and related work product are scattered across multiple platforms and locked in dozens of silos. Not only is it difficult to find information, it is a challenge to holistically evaluate the facts of a matter or case because information is too dispersed. For law firms, this translates into fewer billable hours and profitability, and can affect service delivery quality. For corporate legal departments, content chaos means less productivity and more time replying to internal and client demands.

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Organizations have an email problem

Despite the rise of collaboration platforms, instant messaging and text messages, Legal professionals still primarily communicate and collaborate via email. When collaborating with clients and internal stakeholders on contracts for example email contains a trove of essential, time-sensitive, confidential and high-value information about clients, projects and matters. This content, along with accompanying attachments, can contain information about the organization's or client's finances, including details about potential sales, acquisitions or mergers. It can also include the organization's intellectual property, trade secrets or proprietary information, information about pending or likely litigation, legal claims and regulatory inquiries and personal information.

Most Legal professionals organize their email by client or matter, using Microsoft® Outlook folders. These challenges, the limited structure of Outlook, the overwhelming volume of email often tens of thousands or even millions per client or matter, and in many organizations an automatic archival to PST files by IT after 120 days, makes finding information difficult and time-consuming.

The failure to organize, file, and manage email alongside other documents involved in a matter causes a number of business process problems, including:

- Inefficiency and decreased productivity
- Lost value from business content that cannot be maximized
- Difficulty in transparent and visible collaboration with colleagues, clients and other third parties

- Potential loss of proprietary information
- Increased compliance risk
- Overburdened IT systems and staff

Each problem has a potential consequence.

Inefficiency and decreased productivity

Finding information in email is a drain on productivity. According to McKinsey, knowledge workers, such as lawyers, spend the majority of their time on administrative and communicative tasks, with fully half of that time, 28 percent, spent reading and sending email and another 19 percent spent searching for and gathering information. They devote only 39 percent of their time to "role-specific tasks"—the work that they are specifically trained to do. Put another way, with employees spending 1.8 hours every day searching for and gathering information, businesses that hire five employees only have four effectively showing up for work each week, as the fifth is finding information, rather than contributing value.[1]

Even with automated filters, email filing administration is time-consuming and overwhelming, because it never stops pouring in. Each message is accompanied by the expectation of a timely response, usually involving critical research and the identification of relevant information. Lawyers need to organize their email by client name or number and matter to easily refer to casework that is in progress or archived. But, with thousands of emails grouped by client and matter numbers—or millions in the case of a merger or acquisition—email filing tends to fall to the bottom of the list.

Legal professionals trying to quickly locate information in email may find themselves searching through their Outlook inbox and folders and any email archives they may have, saving emails to designated Outlook folders or exporting emails to Outlook PST files or Microsoft® Windows® folders. Rather than bringing the critical information found in emails into a unified whole with other case materials, these approaches disperse information further, adding external folders and flash drives into the picture.

And, none of these search paradigms are particularly robust, resulting in a lack of confidence in the results and an inability to say that information that was not found does not exist.

In today's "work anywhere, anytime" environment, lawyers and other Legal professionals must rely on a number of tools to communicate and store their work, from in-office computers, servers and hard drives to laptops, tablets, phones and other mobile devices. However, disparate devices and access points only make it more challenging to find, respond to and manage email across devices. The attachment of documents at different stages of completion may end up stored on any device, introducing privacy and security concerns and ramping up the degree of content chaos exponentially.

The inability to find information in a timely manner, or at all, means more than just decreased lawyer productivity and billing inefficiency as attorneys search fruitlessly for information or waste time manually filing emails. It also delays responses, which can compromise a client relationship or, worse, the outcome of a case. To be clear, much of the time that lawyers spend on email is time well spent as client management and communication are critical aspects of legal representation. However, time spent frantically looking for information is an entirely different matter, especially when it produces lackluster results.

Yet, in the face of pressure to respond quickly and meet billable hour requirements, lawyers are also loath to invest considerable time learning how to use new technology for digital email filing or content management, creating a disincentive to adopt more efficient approaches.

Lost value from business content stored in emails where it cannot be maximized

As if finding information quickly in email was not challenging enough, the teams assigned to any given client or case often struggle to collaborate and track information sent through email trails. Teams may include not only internal lawyers and support staff, but also experts, external clients and others who should be able to communicate and exchange information smoothly and without interruption.

According to McKinsey, a huge amount of valuable company knowledge is locked up in business email.[2] This often includes knowledge about a case, expert opinions on various topics, product development activities, sales and marketing plans, information about operations and distribution channels and strategic company initiatives, such as a restructuring, merger or acquisition.

However, most of the value in business email, at least the way email is typically managed and organized, falls into an inbox "black box." When lawyers cannot find information in email correspondence, they are not just losing individual facts and circumstances that would be helpful as the project, matter or representation proceeds. They are also losing the context of what the client needs and wants, what has been said in the past and any lessons learned over the course of the current project or past projects.

Difficulty in transparent and visible collaboration with colleagues, clients and other third parties

Interactions with colleagues and clients lie at the heart of how professional services firms create value. Productivity gains from effective use of collaboration platforms could be significant, but that increase can be limited by management resistance, budget restrictions and fears surrounding new technology, including concerns about data security and breaches of confidential client information.

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In fact, McKinsey estimates that the potential for collaboration technology to create value is greatest for professional services, and that a whopping two-thirds of value creation opportunity lies in improving communication and collaboration within and across enterprises.[3] And, resistance comes at a cost. Law firms and corporate legal departments risk failing to satisfy the demands of clients.

Email search is typically entirely separate from typical work product search within a document management system, so the same search must be performed at least twice to find matter-related content and reconstruct a complete picture of the situation. Ideally, Legal teams could manage their overlapping email threads while simultaneously collecting, organizing and accessing all the information those messages contain, creating a holistic view of the overall case or project. But, that is not often the case.

Potential loss of proprietary information

With recent high-profile data breaches that have resulted in reputational damage for firms and their customers, loss of intellectual property, exposure of sensitive data and more, law firms are in the cybersecurity hot seat. In fact, more than 90 percent of corporate legal departments have data security concerns around distributing electronically stored information.[4] Despite near-universal concern, a full 10 percent of legal department professionals are still using non-encrypted email as one of their data transfer methods, in addition to encrypted hard drives (37 percent) and SFTP (60 percent), citing management and IT change management as obstacles to improvement.

A data breach is one of the fastest ways to lose client trust, and is more likely in the face of unmanaged and unmonitored email. Imagine this all-too-familiar scenario: An in-house litigation attorney sends an email with sensitive data about a pending legal matter to colleagues and numerous outside counsel. The recipients open various attachments and store them on their hard drives, mobile devices and various Enterprise Content Management (ECM) systems, including Microsoft® SharePoint®. Numerous law firms now have copies of that email and sensitive content, with varying levels of information security processes in place.

That is part of the reason why clients are no longer leaving data security to chance. According to one recent survey, 31 percent of law firms were subject to a data security audit at the behest of a corporate client in 2018.

Increased compliance risk

Given the high-value content commonly found in email, lawyers need to ensure that their email management satisfies regulatory compliance and data privacy obligations. Four main categories that are important for email communications include compliance with:

- National and/or industry-specific regulations, such as the Health Insurance Portability and Accountability Act (HIPAA), Financial Industry Regulatory Authority (FINRA) and Sarbanes-Oxley Act (SOX) for companies listed in the United States.

- International provisions, e.g., the General Data Protection Regulation (GDPR).

- Internal company policies, including email retention policies, mailbox quotas and usage policies, e.g., a policy stating that private usage of corporate email accounts is not permitted.

- Broad-reaching data privacy laws, such as the GDPR and the California Consumer Privacy Act (CCPA).

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Below are examples that illustrate how these mandates could inform email compliance. It is best practice to analyze compliance separately under every applicable law or rule.

- **GDPR:** A European Union citizen and customer of an online retail company requests that the company delete all of their personal data. The retailer must locate not only database information, but also the customer's emails containing personal data and then determine whether to delete the data in question.

- **HIPAA:** A doctor wants to send a patient the results of a test, including collected patient data, by email. HIPAA requires that security measures be implemented to ensure that personal information about the patient and their health is protected. The aim is twofold: to prevent unauthorized access to the patient's electronic health record and stop that information from being deleted.

- **CCPA:** While visiting a global retailer's website and placing an online order, a California customer leaves a trail of personal data behind. The customer asks the company to disclose what data it collected; the company must identify and provide this information via hard copy or email.

The above requirements can be difficult to meet by end users simply filing email and IT backing it up. Violations can result in costly penalties and even imprisonment for individuals.

Overburdened IT systems and staff

The higher the email volume, the greater the burden on IT staff, who are already suffering from the overload many organizations face from limited technology personnel and resources. More email means more servers to buy and maintain, as well as more data to organize and secure from internal and external threats.

Legal team members often turn to IT for assistance in searching through email repositories, preserving email, recovering deleted messages or collecting email from data archives, personal accounts or mobile devices. IT may also assist in helping Legal teams normalize timestamps when messages span time zones or deduplicate data collections, for example. When these requests build up and spread IT resources too thin, it can result in delayed response times to clients and missed judicial or regulatory deadlines, as well as lost opportunities to resolve matters and diminished credibility with opposing counsel and the court.

A more efficient approach for email governance

The approach to eradicating email content chaos is simple in concept but rare in execution. Lawyers need a way to efficiently file email content alongside other case documents in an existing, searchable document repository. By following the best practices outlined in this section, Legal professionals can maximize the value of the information in their email while minimizing both the time required to find it and the risk of security breaches and noncompliance.

Maximize productivity by finding email and related content quickly

Manually organizing related emails that often govern business content can be overwhelming and a drain on productivity for skilled subject-matter experts, including attorneys, case experts and Legal support professionals. Therefore, it is often difficult to quickly find information needed for an urgent communication in a timely manner. Thankfully, bulk and individual email filing and storage are possible through the power of smart automation for email filing and administrative processes, giving Legal staff time for more valuable strategic activities.

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Potential cost savings calculator

Using 100 employees, at 14 minutes a day filing emails equals 1400 minutes a day (or 23 hours a day) spent filing emails. For ease of calculation, let's assume an hourly billable rate of $100. This translates into $2300 a day, over $10K a week and $500,000 a year in lost, unbillable hours and productivity loss to repetitive, administrative filing tasks.

$2,300 lost each day just filing emails into folders

Source: Harvard Business Review - How To Spend Way Less Time On Email Everyday, January 22, 2019

Leverage business information stored in emails through effective management and collaboration. Store the valuable client and matter information found in email and attachments alongside supporting work product so that Legal professionals never miss details or overlook critical facts.

Minimize the burden on IT with intuitive, integrated email content management. Users eliminate their reliance on IT or spending non-billable time learning to use a separate technology to search or access their stored emails. When email content is consolidated in a searchable document management system, it is found easily using the existing search interface.

Ensure that email and attachments are protected from insider threats. By integrating email and attachments with the organization's ECM, additional security controls, such as activity monitoring, alerts and document-level encryption, can be deployed for email attachments, preventing unauthorized document access even if an external device is stolen or hacked.

Improve compliance by maintaining email records and defensible information governance practices. When dealing with internal information governance policies, external regulatory demands for client record management and/or maintenance of privacy or protection of sensitive information, searchable email archives in an integrated content management system help meet compliance demands.

OpenText Email Filing, eDOCS Edition

OpenText™ Email Filing, eDOCS Edition, a user-friendly add-on within the OpenText™ eDOCS platform, can help Legal professionals and their IT teams gain control over email and solve the content chaos problem, maximizing productivity and the value of the business content contained in email. With the full content of email and other matter-related documents in one central location, Legal professionals can make better and faster decisions, responding in realtime with advice that is informed by the entire matter history, improving matter representation and strengthening client relationships.

Key features and benefits

Automate administrative tasks. Integrate emails alongside all relevant client matter in eDOCS and free valuable time for more strategic productivity and greater effectiveness. With user-friendly tools, such as single-click filing, which builds a list of metadata for previously filed emails for future use, Legal professionals can file email by client and matter within existing eDOCS libraries. Automation reduces time spent searching for information and offers a holistic view of an entire matter in one accessible location.

Leverage quick filing. Predictive filing suggestions based on the content and characteristics of an email enables rapid single-click filing. It is as easy as a right mouse click or press of a button on the Outlook ribbon.

Save time. The Email Filing Assistant analyzes message history and inbound email addresses to automatically suggest the best place to store those emails in the eDOCS library.

Easily manage large-volume filing. With bulk filing, sort large quantities of email quickly and easily in just one step—without stopping or bogging down Outlook.

Thread and subject filing. Ensure that any email associated with an existing thread that has already been filed is automatically filed to the same location.

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Increase efficiency with at-a-glance marking. A visual cue differentiates email that has already been stored within the eDOCS library directly from the Outlook interface.

Enable quick filing, thread and subject filing processes to operate in realtime on remote devices or web-based interfaces without input from the client machine. Exchange Connector retrieves email directly from the Microsoft® Exchange server instead of the Outlook client-based machine.

Work in a familiar Microsoft environment—on any device. Knowledge workers can focus on their skilled work, while Email Filing, eDOCS Edition acts as a virtual administrative assistant that automatically captures, organizes and classifies emails alongside related content in the eDOCS library with minimal input.

Store emails in eDOCS centralized document management system while simultaneously retaining the Outlook folder structure without duplicating filing efforts. Lawyers and Legal professionals can emphasize client service without worrying that content will be lost, misplaced or hard to find when needed.

Decrease compliance risk. Users comply with privacy and corporate governance requirements by automatically integrating email alongside all relevant client matter in the legal content management system.

Secure content at the document level. With OpenText™ eDOCS Defense, a document security module, organizations can encrypt sensitive documents and email at the document library level, ensuring that only users authorized to access specific documents can view that content, protecting valuable information on-premises, stored on backup media and in the cloud.

Meet records management requirements. OpenText™ Records Management for eDOCS provides a completely secure, feature-rich, records management solution from within the eDOCS library. With the combination of Records Management for eDOCS, eDOCS Defense and Email Filing, eDOCS Edition, lawyers have the tools needed to protect content assets against risk, such as litigation, security breaches and disaster recovery, while meeting increasingly complex regulatory requirements.

With Email Filing, eDOCS Edition, law firms and corporate legal departments can begin to leverage the possibilities of enhanced value in email and the resulting gains that spring from eliminating content chaos.

About OpenText

OpenText, The Information Company, enables organizations to gain insight through market leading information management solutions, on-premises or in the cloud. For more information about OpenText (NASDAQ: OTEX, TSX: OTEX) visit: opentext.com.

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[1]McKinsey Global Institute, *The social economy: Unlocking value and productivity through social technologies,* July 2012.

[2]McKinsey, *Capturing business value with social technologies,* November 2012.

[3]Ibid.

[4]OpenText, *The legal operations tipping point: How shifts in law department management continue to transform the industry,* 2018.

[5]Ibid.

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