

Five Reasons Why Corporate Counsel Should Rethink Their Business Processes

**FIVE REASONS WHY CORPORATE COUNSEL SHOULD RETHINK
THEIR BUSINESS PROCESSES**

A WHITE PAPER

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“The Business of Identity Management”**

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EXECUTIVE SUMMARY

The paper outlines for Corporate Counsel how to:

1. Reduce legal business process costs
2. Shorten times to complete legal processes
3. Strengthen security over legal documents
4. Improve customer satisfaction
5. Reduce litigation risk

This can be done by using globally accepted protocols, supported by most vendors using:

- XML (Extensible Markup Language)
- Web Services
- DRM (Digital Rights Management)
- IAM (Identity and Access Management)
- BPEL (Business Process Execution Language)

The paper quickly reviews the protocols and tools. It then proceeds to demonstrate how to achieve the benefits by applying the tools to legal business processes. A separate paper [“Rethinking Corporate Counsel Business Processes – An Example”](#) fully illustrates the points raised in this paper.

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INTRODUCTION

As the Corporate Counsel you and your staff face daily pressures to produce and review contracts, handle litigation, demonstrate regulatory compliance and mitigate litigation risk. There's the pressure of containing costs and getting the work done quickly. What you need to know is that there is a sea change going on that can begin to revolutionize many of your legal business processes.

The sea change allows corporate counsel teams to achieve the following:

1. Reduce legal business process costs
2. Shorten times to complete legal processes
3. Strengthen security over legal documents
4. Improve customer satisfaction
5. Reduce litigation risk

What makes this sea change possible? It is the rethinking of legal business processes by integrating five technologies, built on globally accepted protocols which most vendors today support:

- XML (Extensible Markup Language)
- Web Services
- Digital Rights Management
- IAM (Identity and Access Management)
- BPEL (Business Process Execution Language)

Let's quickly review the technologies in order to understand what they do. Then, we'll review the benefits listed above and describe how to achieve them by rethinking your legal business processes using the technologies.

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THE TOOLS

There are several tools you need to understand in order to deploy them:

- XML (Extensible Markup Language)
- Digital Rights Management (DRM) represented by Adobe LiveCycle
- Web Services
- Identity and Access Management (IAM)
- Business Process Execution Language (BPEL)

XML

One of the biggest challenges in the past has been the unique application programming interfaces (API's) required to get one application talking to another. Today, the great news is that a [standard protocol \(XML\)](#) has been widely adopted by almost all major software vendors to alleviate this.

For example, contract data can be extracted out of one application or data store and passed to a business partner who can then easily input it into their own application.. Many courts now accept litigation documents being files using XML.

There are a number of globally accepted legal XML protocols either completely developed or currently being worked on at OASIS (Organization for the Advancement of Structured Information Standards). It is a “not-for-profit, international consortium that drives the development, convergence, and adoption of e-business standards. The consortium produces more Web services standards than any other organization along with standards for security, e-business, and standardization efforts in the public sector and for application-specific markets. Founded in 1993, OASIS has more than 5,000 participants representing over 600 organizations and individual members in 100 countries.”

Their legal XML work includes:

- [eContracts](#)
 - Enabling the efficient creation, maintenance, management, exchange, and publication of contract documents and terms
- [Electronic Court Filing](#)
 - Using XML to create and transmit legal documents among attorneys, courts, litigants, and others
- [eNotarization](#)
 - Developing technical requirements to govern self-proving electronic legal information
- [Integration Justice](#)
 - Facilitating the exchange of data among justice system branches and agencies for criminal and civil cases

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XML offers:

- Global protocol
- Wide support by software vendors
- Ease of use in transferring data between applications
- No requirement for customized special coding development and maintenance

Digital Rights Management (DRM)

Enterprise information is often still paper based. When it does become electronic, there is often little or no control information around the electronic document indicating who can view the information, who can edit it, document version control, digital signatures, etc.

Digital Rights Management (DRM) is the activity of producing, managing and archiving electronic documents. [Adobe's LiveCycle](#) product is used as a DRM example in this paper.

LiveCycle offers:

- Ability to create online forms exactly matching existing paper based forms
- Use of XML such that online form document information can be easily extracted and used with other applications
- Ability to control who can produce the document
- Ability to control who can view the document
- Ability to control who can edit the document
- Document version control
- Workflow approval processes
- Document encryption
- Document auditing
- Wide acceptance of user browser plugin to view the documents (Adobe Acrobat PDF)

While LiveCycle can be deployed on its own, this paper recommends integrating it with IAM, web services and BPEL to provide:

- Seamless interaction between applications and business processes
- Enterprise wide security policy enforcement

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Web Services

Taking XML documents and doing something with them, across disparate networks, applications and with different users requires the use of “Web services”. Web services are a [globally accepted set of protocols](#) that almost all software vendors support. The protocols offer enterprises the ability to:

- Transfer information between networks using TCP/IP (internet protocols)
- Transfer documents between applications using XML
- Secure the type of connection being used
- Define the security around the XML document

Therefore, by converting existing applications and processes to web services, the enterprise can:

- Avoid the pain of inter-application exchange of information
- Avoid the pain of inter-network exchange of information
- Provide enterprise security standards for web services

Identity and Access Management (IAM)

Most mid to large enterprise currently have some form of identity and access management infrastructure deployed. Your IAM infrastructure should offer:

- Unique identifiers for each individual using your systems and applications
- Unique identifiers for each application within the enterprise
- Enterprise directory services for quick reference to an identity’s tombstone level identity information
- Enterprise provisioning services for applications, assets and systems access
- Enterprise authentication services (Single sign on/reduced sign on)
- Enterprise role definitions (roles, title, positions, groups, macro-roles)
- Enterprise audit services
- Web service policy enforcement
- Federated identities

IAM thus is critical to providing the identities and quickly provisioning them. It also provides the security policies governing what an identity and/or an application can do.

There is a OASIS globally accepted protocol for the [access control](#) portion of IAM supported by almost all IAM vendors. IAM also operates under global protocols for federating the identities. These include [SAML](#), [WS Security](#), [Liberty Alliance](#) and [Shibboleth](#).

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Business Process Execution Language (BPEL)

BPEL is a set of globally recognized OASIS [protocols](#) (supported by most software vendors) to standardize the coordination or “orchestration” of web services. It therefore creates the sequence of activities for executing web services.

BPEL allows the enterprise to:

- Automate portions or all of traditional business processes
- Query data stores, extract the data using XML and transfer to other applications, identities or business partners
- Orchestrate interactions of lengthy business processes

Now let’s look at how assembling the pieces enable the business results listed at the beginning of this paper.

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ACHIEVING THE BENEFITS

Practical legal business process examples of the benefits listed below are outlined in the paper “[Rethinking Corporate Counsel Business Processes – An Example](#)”. Additional non legal examples can be found in the paper “[Saving Operating Dollars Using BPEL, IAM and DRM](#)” and “[Rethinking HR Business Processes](#)”.

Reduce Costs

You can cut your operating costs by examining and rethinking your business processes in:

1. Creating legal contracts
 - a. One place many financial and other institutions have done this is to:
 - i. Use Adobe LiveCycle to create online contracts customers fill in that look exactly like the paper based forms they have previously used:
 1. This reduces paper costs and potential user confusion resulting in more processing costs associated with wrong information inserted by the customer.
 - ii. Extract form information using XML out of the documents and insert it into enterprise data stores using LiveCycle
 1. Reduces human handling costs
 - iii. Use LiveCycle and/or BPEL integrated with IAM to automate approval processes and/or reduce handling costs associated with contracts
 1. Reduces handling costs
 2. Automatically provides an audit trail
 - b. For business partners:
 - i. Use Adobe LiveCycle to create electronic contracts
 1. Establishes version control over the contracts
 2. Establishes who can create the contract
 3. Establishes who can edit the document
 4. Establishes who can view the document
 5. Digitally sign the contract
 - ii. Use a web service with your business partner
 1. Relatively easy for your business partner to set up
 2. Allows them to extract information from the contract you’re sending them and easily insert it into their own applications internally
 3. They would use LiveCycle to edit the documents (if they’re approved by you to do so)
 4. You would use BPEL and IAM to help process approval of the contract. For example:
 - a. Jane Doe creates the contract in your enterprise

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- b. BPEL processes the document and securely sends it to your business partner
 - c. They either approve the document or make edits
 - d. BPEL routes it back to Jane for her approval and digitally signs it
 - e. When it is approved, if it requires even higher approval it is automatically routed to the senior approver
 - f. When the document is approved, BPEL then routes the digitally signed copy back to the business partner
 2. Automate regulatory compliance reporting
 - a. IAM systems can automatically show the following:
 - i. SarBox compliance
 1. Who was provisioned access to financial applications as well as when they were removed or deprovisioned from the applications
 2. When the user actually accessed the applications
 - ii. Gramm-Leach-Bliley compliance
 1. Show when the customer approved or denied their customer data to be distributed
 2. Show who accessed their financial data
 - iii. European Safe Harbor compliance
 1. Show approval process for transferring European data to other data systems outside of Europe
 - iv. Canadian PIPEDA compliance
 1. Show when users approved or denied use of their personal data
 2. Show when the data was accessed by other applications and/or personnel

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Shorten Time to Complete Legal Processes

Identify legal processes where processing times can be improved. Then:

1. Use XML as the information exchange between the applications if required
2. Use LiveCycle to create document standards
3. Create web services within your enterprise and with your business partners or vendors
4. Construct BPEL processes to manage the web services
 - a. Within your enterprise or legal department
 - i. Automatically route documents to certain roles, individuals or groups for approval
 1. This uses IAM directory web services to select the roles, positions or groups
 2. Use a timing clause such that if BPEL sees that an approval request hasn't been processed it will either send the approver a reminder or redirect to another person for approval

Strengthen Security

1. Identify your legal processes and determine what the security standards should be relative to risk for:
 - a. Document creation – who can create electronic legal documents?
 - b. Document approvals
 - i. Who needs to approve electronic legal documents?
 - ii. What are the legal standards you're going to adhere to for signing an electronic legal document?
 - c. Document integrity – what are the integrity electronic document standards?
 - d. Document viewing standards – who can view electronic legal documents?
 - e. Document transmission standards – what are the security standards for transmitting electronic legal documents?
 - f. Document version control – what are the version control standards you're going to apply to legal documents?
2. Then identify the creators, approvers, viewers, editors and document receivers in your IAM system
3. Create IAM web service security policies for the web service documents
4. Create LiveCycle security policies for the documents
5. Have BPEL coordinate the business process

Doing so provides your enterprise with:

- Strong document protection
- Audit trails on who created, viewed, approved and modified the documents
- Enforce who can create, approve, modify and view legal documents
- Provide change control over the legal documents

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Improve Customer Service

You can improve overall customer service by:

1. Using LiveCycle to create electronic forms that exactly resemble paper based documents already in use
 - a. Minimizes user frustration
 - b. Minimizes data input errors from having different electronic forms than paper based ones the user is already familiar with
2. Reduce time to get approvals
 - a. Use LiveCycle's XML ability coupled with IAM and BPEL to decrease the time it takes to obtain edits and approvals

Reduce Litigation Risk

You can reduce risk of litigation by:

1. Helping set risk standards for web service based business processes
2. Ensuring that these risks are translated into security policies enforced by your IAM system
 - a. Avoid the risk of IT and other business units creating web services but not doing adequate risk assessment and security policy creation and enforcement. This can result in litigation.
 - b. Make sure your web service deployments have adequate service and operating level agreements
 - i. This can avoid potential legal dispute over a web service not being available when it should have been
3. Use IAM provisioning systems to ensure that users are quickly deprovisioned. This can reduce the chance of non-approved users coming into your systems and applications, causing damage to the enterprise resulting in litigation.
4. Use IAM to ensure that identity theft risk is low by:
 - a. Ensuring that the critical identity attributes are properly protected
 - b. Ensuring that the identity's authorization is given before distributing their information.

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CONCLUSION

What has been described in this paper is a sea change in how enterprises view legal business processes. By using the tools of XML, web services, DRM, IAM and BPEL, enterprises can:

1. Reduce legal business process costs
2. Shorten times to complete legal processes
3. Strengthen security over legal documents
4. Improve customer satisfaction
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Many enterprises currently have the infrastructure to relatively quickly deploy the benefits listed above. They have an IAM infrastructure, many of their applications already support XML and they are currently using Adobe Acrobat pdf for many documents. What is required in this case to deploy would be:

- Adobe LiveCycle
- Web services
- BPEL server

The price points for the above are all very reasonable. Further, the deployment times can be done quite quickly on the order of 30-120 days depending on the enterprise.

Taken together, legal processes can be re-examined and re-thought. Security over legal documents can be improved and overall litigation risk reduced.

The solutions are not a silver bullet for every legal business process. There will be cases where the overall costs won't cost justify. For instance you may have a legacy application where the cost to deploy XML and/or convert them to web services is too high relative to the benefits.

However, there are many business processes where the costs will be justified. Further, the infrastructure required is usable throughout the enterprise for many, many other business processes. Therefore, the deployment costs can be pro-rated over the entire enterprise and not just borne by corporate counsel.

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As mentioned earlier, please refer to “[Rethinking Corporate Counsel Business Processes – An Example](#)” for illustration of the points raised in this paper. Other papers you may wish to review covering business benefits to other parts of the enterprise include:

- “[Six Reasons the COO Should Be Interested in BPEL, IAM and DRM](#)”
- “[Saving Operating Dollars Using BPEL, IAM and DRM](#)”
- “[Rethinking HR Business Processes](#)”
- “[The Challenges With Using BPEL](#)”

ABOUT THE AUTHOR:

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