

## CHAPTER NINE

### CONCLUSION AND RECOMMENDATIONS

#### 9.1 Introduction

The aim of this study was to establish guidelines for knowledge management in law firms in Botswana in the light of the changing legal environment. This chapter presents the conclusions through comparing the actual research outcome with the objectives and research questions set at the beginning of the research. It makes some recommendations for effective implementation of knowledge management in law firms, identifies certain limitations and indicates possible areas for further research. It also shows how the following five sub problems set out at the onset of this study have been addressed:

- ▶ How is the legal environment changing and what challenges do these changes have for law firms?
- ▶ How can knowledge management assist law firms in addressing these challenges?
- ▶ What is the current status and scope of knowledge management in law firms in general?
- ▶ What is the current status of knowledge management in law firms in Botswana?
- ▶ How can knowledge management be implemented successfully in law firms in Botswana?

#### 9.2 Conclusions

It was shown that the operation of law firms in Botswana have been significantly affected by the changes in the legal environment brought about by amongst other things the globalisation of legal practice, advances in information communication technology, electronic publishing, competition amongst firms, pressure from clients and increase in lawyers' mobility. Consequently, law firms in the country like law firms elsewhere were beginning to recognise the potential benefits of knowledge management as a strategic means to weather changes in the legal environment and sharpen their competitiveness as well as broaden their influence within the legal industry and the global economy.

There is, however, evidence that lawyers in Botswana like lawyers elsewhere in Africa, are still grappling with the whole concept and meaning of knowledge management. Although law firms do not have formal knowledge management systems in place, it was clear that knowledge management initiatives have existed in the law firms in Botswana for quite some time on an *ad hoc* basis and not under the banner of knowledge management. Typical

knowledge management initiatives that have existed in law offices such as precedents, legal research and development, hiring and training of young lawyers and brainstorming are no longer enough. It was at least a positive step that lawyers defined knowledge management as document management, information management and file management because information management is a sub set of knowledge management and may be considered as the first step to the adoption of formal knowledge management.

The conditions in the law firms at present are not very favourable for knowledge management to thrive. For example, there are no rewards or incentives for sharing knowledge. Also, promotions in these firms are not based on the ability to share knowledge and very few lawyers acknowledge that there is special recognition for staff on the time spent in knowledge creation, sharing and distribution. Furthermore, although lawyers were positive about the mutual trust, care and concern amongst individuals, it was seen that the trust and care is limited only to issues that have to do with the general interest of the firm rather than issues that involve sharing individual expertise with colleagues. There are many limitations to knowledge management such as inadequate technological infrastructure, limited financial resources, the firm size and the lack of initiative and perception of the value of knowledge management on the part of the sole proprietor, partnership or managing partners. The information and communication technologies for knowledge management in the law firms are still elementary. Most law firms do not provide opportunities for further education, while most lawyers do not think it is even necessary to acquire any further education because of the feeling that time taken to make money for the firm is being wasted on studies.

From the analysis of the questionnaire and the interviews that were conducted, the different ways in which knowledge is presently generated, created and shared in the law firms were identified. It was found that lawyers were positive about the prospects of knowledge generation, creation, and sharing. Although lawyers were excited about the prospects of a knowledge sharing culture, they are generally individualistic. The study is the first of its kind in Botswana to test the applicability of the knowledge management concepts of tacit and explicit knowledge within the context of law firms. It identified and classified the different knowledge in law firms into tacit knowledge, explicit knowledge and knowledge of the business of law.

The study also identified several stakeholders across multiple streams and institutions with different expertise who may work together with the lawyers for effective implementation

of knowledge management in law firms. The major stakeholders that emerged from the study include the Law Society, the University of Botswana legal academics, the courts, the legal secretaries, the law librarians and professional associations. There are also others such as the legal consultants, information technology consultants, professional assistants, professional book shops, International firms affiliated with local firms and publishers like Juta and Butterworth.

The last part of the study presents guidelines that are developed to explain the applicability of existing models and concepts of knowledge management within the context of knowledge management in law firms in Botswana. The guidelines identifies several key points that need to be considered before implementing knowledge management in small law firms in Botswana ensuring that information communication technology solutions are balanced with techniques that involve human, social and cultural interaction.

This study is the first exploratory empirical study that determines the guidelines for knowledge management in law firms in Botswana. The proposed guidelines elaborates on Leavitt's (1965) model while also taking into account aspects of Nonaka's (1995) SECI model and Edvinsson's (1997) intellectual capital model to provide a framework for knowledge management within the context of small law firms (law firms in Botswana are essentially small) in a different location (Botswana is a sparsely populated underdeveloped African country). In order to realise its objectives, this study took a snapshot on knowledge management in the law firms in Botswana through the triangulation of approaches. That is, the use of open and closed ended questionnaires, semi-structured interviews and qualitative and quantitative methods of data analysis. Based on the findings, a number of recommendations are considered necessary to enhance the implementation of knowledge management in law firms in Botswana.

### **9.3 Have the research questions of this thesis been answered?**

The purpose of this section is to establish whether the different research questions identified at the beginning (section 1.4) pertaining to the five sub problems of the thesis have been addressed.

#### **9.3.1 Research questions for sub problem 1 (the changing legal environment and the consequences to law firms)**

The following two questions below pertaining to sub problem 1 of the study have been answered:

- ▶ How is the legal information environment changing?
- ▶ What are the consequences of the changing legal environment to the law firm?

It was established in section 2.4 of the literature and confirmed in the empirical findings (table 6.3) that rapid advances in information technology and several changes in the business environment such as the internet, globalisation of legal practice, the drive to specialisation and labour mobility amongst other factors have accelerated changes in the legal environment. In section 2.5, several consequences of the changing legal environment to the law firm were identified amongst which are coping with information overload, dealing with technological concerns, the need to provide proactive services, increased competition, the challenge to acquire new skills and competency, revolution of lawyers' mobility and meeting the information and knowledge needs of the lawyer. It was also established that all these pressures faced by the legal industry in recent years have compelled law firms to acquire and leverage knowledge effectively within the firms in order to become more adaptive, innovative and competitive (section 2.6, table 6.3, section 6.6 and section 7.5).

### **9.3.2 Research questions for sub problem 2 (the role of knowledge management towards addressing the challenges in the changing legal environment)**

The following research questions relating to sub problem 2 of the study have been answered:

- ▶ What is knowledge?
- ▶ What are the different approaches to knowledge?
- ▶ What are the different types of knowledge?
- ▶ What is knowledge management?
- ▶ What are the various approaches to knowledge management?
- ▶ What are the existing frameworks and models for knowledge management?
- ▶ What are the technologies and techniques for knowledge management?
- ▶ What are the benefits of knowledge management?
- ▶ Which are drivers of knowledge management?
- ▶ What are the factors that inhibit the success of knowledge management?
- ▶ What are the enablers to knowledge management?

The first research question of sub problem 2, defining knowledge, was answered in section 3.2. Several definitions of knowledge were identified, each representing the different views of knowledge, and thus making it easier to describe knowledge than to define it. For purposes of this study, knowledge is defined as information combined with experience,

context interpretation, reflection, creativity and the ability to use information to act or innovate. It includes truths, beliefs, perspectives, concepts, judgement, expectations, methodologies and know-how. It is possessed by humans, agents or other active entities. It is also the ability to cause things to happen.

The second research question on the different approaches to knowledge was addressed in section 3.3. The different approaches to knowledge considered pertinent to this study are indicated as the data, information and knowledge perspective, the individual perspective, the social perspective and the organisational perspective.

The third research question on the different types of knowledge was considered in section 3.4. Examples of the different types of knowledge are tacit and explicit knowledge (3.4.1.1); declarative, procedural and analytical knowledge (3.4.1.2); know-how, know-about, know-why, know-with and care-why (3.4.1.3); human, mechanised, documented and automated knowledge (3.4.1.4) and internal, external, customer and market knowledge (3.4.1.5).

Section 3.5 addressed the fourth research question defining knowledge management. It was established that, like knowledge, there is no universally accepted definition of knowledge management. However, this study defined knowledge management as a set of systematic and disciplined actions that an organisation can take to obtain the greatest value from the knowledge available to it. It entails the management and communication of knowledge and information; a balance of people, process and technology; creating an organisation that encourages ideas and rewards success in order to leverage the organisation's knowledge for competitive advantage.

The fifth question on the different perspectives to knowledge management was addressed in section 3.6 of the literature review. The five different approaches of knowledge management considered pertinent to the study are information technology, personal, social, organisational and business perspective.

The sixth question on the existing frameworks and models of knowledge management was considered in sections 3.7 and 3.8 of the literature review. The different frameworks identified in the thesis are the organisational learning conceptual framework (3.7.1) the concept of the knowledge markets (3.7.2), the process framework (3.7.3), and the codification and personalisation knowledge management strategy for knowledge transfer (3.7.4). The different models of knowledge management that were considered pertinent for the study are: intellectual capital model, the SECI, ba and knowledge asset model and the socio-technical (diamond trust) model of Leavitt, 1965 (section 3.8).

The seventh question pertaining to the technologies and techniques of knowledge management in law firms was addressed in sections 3.9 and 3.11. The different technologies for knowledge management in law firms identified in section 3.9 are: communication and collaborative technologies, knowledge database and software tools, corporate knowledge maps and directories of explicit and tacit knowledge, intelligent tools and learning and professional development systems. Some of the techniques for knowledge management identified in section 3.11 are communities of practice, conversation by water coolers, knowledge networks, tutoring and mentoring, developing the organisational memory, after action review and effective debriefing.

The eight research question on the benefits of knowledge management was considered in section 3.12 of the literature review. The following are some of the compelling benefits of knowledge management: provides competitive advantage, improves efficiency, improves integration of knowledge within the firm, stimulates and motivates employees and provides organisational productivity and better-decision making. It was also established that the perceptions and benefits of knowledge management are often difficult to quantify and varies from individual to individual and organisation to organisation.

The ninth research question pertaining to the drivers of knowledge management was addressed in section 3.13 of the study. The following were identified as some of the reasons why organisations want to achieve best practices and leverage information and knowledge: the realisation of the changing role of knowledge, sophisticated customers, cost avoidance, leveraging of knowledge, value measurement of intangible assets, globalisation of business, international competition, increase in information technology, rapid growth, loss of corporate memory and geographic dispersion.

The tenth question dealing with the factors that inhibit the adoption of knowledge management was addressed in section 3.14 of the study. Cultural, social organisational and technical barriers were considered as the different barriers to knowledge management.

The last question on sub-problem 2 pertaining to the enablers of knowledge managements was addressed in section 3.15. Encouraging a culture of knowledge sharing, leadership commitment, appropriate information technology and organisational infrastructure were identified as some of the different enablers of knowledge management.



### 9.3.3 Research questions for sub problem 3 (the general status and scope of knowledge management in law firms)

The following research questions for sub problem 3 have been answered:

- ▶ What are the different types and categories of knowledge existing in the law firms?
- ▶ What approaches do law firms mainly follow in knowledge management?
- ▶ Which tools and technologies are used for knowledge management in law firms?
- ▶ What are some of the techniques of knowledge management in law firms?
- ▶ What are the benefits of knowledge management for law firms?
- ▶ What are the existing frameworks and models for knowledge management in law firms?
- ▶ What factors inhibit the success of knowledge management in law firms?
- ▶ What factors are critical to the success of knowledge management in law firms?
- ▶ What are the strategies for knowledge management in law firms?

The first research question of sub question 3 on the different types and categories of knowledge existing in the law firms was addressed in section 4.2 of the thesis. The studies draws from the different classification of knowledge in the law firm by legal researchers to classify knowledge in the law firm under three broad categories as tacit knowledge, explicit knowledge and knowledge of the business of law. This is because elements of tacit and explicit knowledge run through the different categorisations of knowledge suggested by the various legal researchers, while other knowledge crucial for the practice of law may be conveniently referred to as knowledge of the business of law.

The second research question pertaining to the approach law firms adopt in knowledge management was addressed in section 4.2. Drawing from the different perspectives of knowledge management (information technology, personal, social organisational and business) examined in section 3.6, it was established that most studies on knowledge management in law firms tend to adopt a technological approach to knowledge management. It was noted that law firms consider knowledge management as a narrow theoretical concept. For instance, there has been little acknowledgement from lawyers on the importance of managing knowledge about clients, skills and expertise about staff and knowledge about third parties. There has also been little attention on the identification and sharing of tacit knowledge and very little research on the knowledge management process.

The third research question was considered in section 4.3.1 The different tools and technologies for knowledge management in law firms were categorised as; preliminary tools

and technologies, software and databases tools, collaborative technologies, technologies for knowledge transfer, technologies for content management and technologies to support and augment the lawyer's work.

Section 4.4 addressed the fourth research question on the techniques of knowledge management in the law firms. Techniques of knowledge management such as precedents, "form libraries" legal research, tutoring and mentoring programmes and conversations by water cooler have been practiced in the law firms for a long time on an *ad hoc* base. Typical knowledge management techniques in law firms are: communities of practice, attending conferences, project summaries, skill and expertise locator, professional development programmes, client relation management, litigation strategy, best practices, weekly learning reports, regular in-house seminars, the discussion of major projects after conclusion, and online forums like email distribution list.

The fifth research question on the potential benefits of knowledge management was addressed in section 4.5. Some of the major benefits that may accrue from the implementation of a solid knowledge management strategy in the law firm are: the improvement of the provision of services to clients, economic profitability, professional satisfaction, a learning culture, team work, competitive advantage, and meeting the information and knowledge needs of the lawyer.

The sixth question pertaining to the models and frameworks for knowledge management in law firms was addressed in question 4.6. The four different frameworks for knowledge management already examined in section 3.7 (the learning organisation, knowledge markets, knowledge management process and the knowledge management strategy) are discussed within the context of the law firm.

In section 4.7, the seventh research question on barriers to knowledge management in law firms was addressed. Similar to most organisations, the cultural barriers was the most prevalent challenge to successful implementation of knowledge management in law firms. Other barriers to knowledge management in law firms are technological issues, inability to enforce knowledge management, conflict avoidance, bureaucracy and the size of the firm.

The eighth research question on the factors critical to the success of knowledge management in law firms was examined in section 4.8. The following were established as some of the factors crucial to the success of knowledge management in law firms: encouraging a culture of knowledge sharing (providing rewards and incentives, recognising those who contribute to knowledge, promoting an atmosphere of trust and concern), ensuring that there is a



solid technological platform, the leading role of management, and a proper organisational structure.

The final research question of sub question 3 pertaining to the strategies of knowledge management in law firms was addressed in section 4.9. In order to increase the chances of the successful implementation of knowledge management strategy in the law firms the following are some of the factors that should be considered: clear and articulated business objectives, defining the knowledge management strategy, prioritising and implementing knowledge management in phases, choosing the right staff, defining the scope of knowledge management and considering the information and knowledge needs of lawyers.

### **9.3.4 Research question for sub-problem 4 (the status and scope of knowledge management in law firms in Botswana)**

The following research questions for sub problem four have all been addressed in the empirical findings:

- ▶ What are the different categories of knowledge existing in the law firms in Botswana?
- ▶ What are the tools and techniques used for knowledge management in law firms in Botswana?
- ▶ How do law firms in Botswana approach knowledge management?
- ▶ What factors are critical to the success of knowledge management in law firms in Botswana?
- ▶ What are the perceived benefits of knowledge management to law firms in Botswana?
- ▶ What factors inhibit the success of knowledge management in law firms in Botswana?
- ▶ What is the role of other institutions and agencies in knowledge management in law firms in Botswana?

The first research question to sub problem 4 pertaining to the different categories of knowledge existing in the law firms in Botswana has been addressed (table 6.2, section 6.4 and the discussion in section 7.4). The study classifies knowledge in the law firm in Botswana under three broad categories: tacit knowledge, explicit knowledge and knowledge of the business of law. The most frequently used tacit category of knowledge in law firms in Botswana are skill and expertise of lawyers and staff, procedural knowledge,

lessons learned from past projects, tips on drafting, analytical knowledge and conversation by the hall ways. Examples of explicit knowledge identified in the law firms are standard documents, legislation and case law, knowledge of the law, court decisions, knowledge from judges and expert opinion. The different types of knowledge on the business of law identified in law firms in Botswana are: client information, financial information, and marketing information.

The second research question addressing the tools and techniques for knowledge management in law firms in Botswana was examined in table 6.4, table 6.5 (tools), table 6.6 (techniques), sections 6.6, 6.7, 7.6 and 7.7. The main information communication technology used in law firms in Botswana is telephones, computers, personal networked computers, email and the internet. On the other hand, the major techniques of knowledge management used are: precedents, legal research and development, hiring and training of young lawyers, record management, weekly learning reports, office directory, office news letters, and meeting of lawyers with common interest.

The third research question pertaining to how law firms in Botswana approach knowledge management has been examined in section 6.8, tables 6.7, 6.8, 6.9, and 6.10, as well as the discussion in section 7.8. It was seen that lawyers in Botswana like many lawyers elsewhere, especially in Africa, are still grappling with understanding the meaning and concept of knowledge management.

The fourth research question addressing the factors critical to the success of knowledge management in law firms in Botswana was considered in section 6.8 6, table 6.11 and the discussion in section 7.8.6. It was seen that lawyers were negative or neutral on the different factors critical to the success of knowledge management in the law firms. For example, lawyers were not certain that promotion in the law firm was based on the ability to share knowledge and very few lawyers acknowledged that there is special recognition of staff for the time spent in knowledge creation.

The fifth research question on the perceived benefits of knowledge management in law firms in Botswana was addressed in section 6.9, table 6.12 and the discussion in section 7.9. The overall observation is that although lawyers have not formalised knowledge management, they recognised and appreciated the potential benefits of knowledge management to law firms in Botswana. These benefits include improving knowledge sharing in the firm, improving the sharing and transfer of knowledge with partners and strategic alliances, preventing duplication in research, protecting the firms' loss of knowledge, improving the

retention rate of lawyers, integrating knowledge within the firm and improving lawyers' relationship with their clients.

The sixth research question addressing the factors that inhibit the knowledge management in law firms in Botswana was answered in section 6.10, table 6.13 and the discussion in section 7.10. The findings identified two major obstacles to knowledge management in law firms in Botswana as inadequate technological infrastructure and limited financial resources.

The final research question of sub problem 4 pertaining to the role of other institutions and agencies in knowledge management in law firms in Botswana was addressed in section 6.11, table 6.14 and section 7.11. The different agents and institutions that emerged from the study are legal secretaries, the Law Society, the courts, the law librarians, legal consultants, legal academics at the law faculty, professional assistants, professional book shops and law publishers like Juta and Lexis/Nexis. The legal secretaries were regarded as the most important agents of knowledge management in the law firms, followed by the Law Society, the courts and the legal academics. Many participants did not appreciate the role of the law librarian and professional associations in the creation and sharing of knowledge.

### **9.3.5 Research question for sub-problem 5 (guidelines for knowledge management implementation in law firms in Botswana)**

Chapters 8 and 9 of the thesis addressed the following research questions pertaining to sub problem five of the thesis:

- ▶ What are the guidelines for successful knowledge management in law firms in Botswana?
- ▶ How can knowledge management be effectively implemented in law firms in Botswana?

The guidelines for knowledge management in law firms in Botswana were established in chapter 8 of the thesis. These guidelines emerged from the literature in chapters 2, 3 and 4 and the analysis and findings of the results of the empirical study in chapters 6 and 7. The recommendations in section 9.4 below provides the way forward in enhancing a successful implementation of the knowledge management in law firms in Botswana.

## **9.4 Recommendations**

Knowledge management is not an event or system focused on technology but a long term

continuing initiative. It is not about publicity or advertising to clients that the firm is doing knowledge management, but rather it is about categorising and organising knowledge as the core competency in the firm. Therefore, the Law Society of Botswana, which is the body that regulates all the lawyers in Botswana, is bound to play a crucial in facilitating the implementation of knowledge management. It should engage the services of a consultant who must sensitise lawyers on the importance of the above findings and guidelines of knowledge management in law firms. The following recommendations are specifically designed to ensure the effective implementation of knowledge management.

1. In order to avoid the risk of cultural shock and ensure that members adjust easily when knowledge management is introduced, efforts should be made at the outset to ensure that the collective goal and purposes of knowledge management is known and understood by all in the law firms. It is also important for the sole proprietor or partnership to fully understand the goal of knowledge management in their firm. The knowledge management goal of each firm depends on the needs of that particular firm. For a start, it is important for law firms to select simple initiatives that are within the reach of the firms' current technology, business processes, funding constraints and cultural readiness.
2. Knowledge management is a "lesson learned" process. Firms should therefore not be discouraged by projects that are slow moving or ultimately fail, but rather should learn from mistakes to make the next project even better.
3. Lawyers in the 3 to 9 lawyer firms should not consider knowledge management as a function of management alone. All lawyers need to go out of the box and be proactive about knowledge management. Sole proprietors and partnership should also consider investing at least 1/10 of their time each week on knowledge management. Lawyers should consider talking to others in the legal fraternity about knowledge management, attend meetings and workshops on knowledge management, invest time and money in creating bulletins boards, sample skill directories, form alliances with international professional associations and get connected to physical or electronic forum that engages in collaborative thinking.
4. Law firms in Botswana are encouraged to invest in information and communication technologies that support their knowledge management goals. It is, however, important to pay particular attention to the people, structure,

processes, leadership and techniques before selecting a technological solution.

5. The 3 to 9 lawyer firms should provide opportunities for professional development and encourage life-long continuing education and training of staff in the firms, while lawyers in the 1 and 2 lawyer firms should consider enrolling in part-time or online correspondence programmes to further their studies, particularly in those areas that would improve on their practicing skills or expand their areas of specialisation. These firms may also subscribe to online professional development programmes.
6. The 3 to 9 lawyer firms should consider one of the following ways of rewarding lawyers for knowledge sharing. First, the staff performance evaluation should not only include lawyer's ability to produce billable work but also rewards any lawyer who devote, 1/10 of his/her time in knowledge management initiatives. Second, they may consider assigning billing codes to lawyers for productive non-billable hours, such as writing articles, or submitting important pieces of know-how to the database. Third, special recognition of ownership from peers and from superiors when one contributes to a knowledge database or actively participates in knowledge sharing is important. Fourth, a new way of billing clients based on services provided rather than time taken, will promote knowledge management.
7. Knowledge management in the law firms should not only seek to manage the internal efficiencies of the law firm but should also extend to managing knowledge about clients and their industries, the skills and expertise of staff and knowledge about third parties. All lawyers should be aware of their clients' needs and challenges and keep pace with these challenges by creating an innovative working relationship.
8. Considering that lawyers would hardly find time for anything other than the pursuit of profit, the successes of the knowledge managements systems will depend on a friendly user interface that will require little time off lawyers for extensive training or for reading manuals.

### **9.5 Limitations of the study**

Although the data for the study was very rich and measures were taken to potentially address any limitations to the study and increase the generalisability of the research, several

gaps were identified from the concepts discussed that still exposes a number of aspects for further examination. The following limitations of the study should therefore be kept in mind.

Knowledge management is an emerging concept that is highly valued in research and practice. It is however a relatively diffused concept and a lot still needs to be done in the form of extending, refining, and empirically validating its models. This study addresses only a few of the numerous aspects of the concept in the context of law firms thus leaving gaps for many other issues to be explored in the future. For example, the knowledge processes in the law firms were not discussed in depth and were limited only to Nonaka and Takeuchi's (1995) SECI model.

Some of the theories of knowledge management that lay the conceptual framework of this study are not fairly recent although they are very relevant in understanding knowledge management within the context of the law firms. For example, Leavitt (1965), socio technical model dates back to 1965 is still important for understanding knowledge management in the law firms and has been revised and modified over the years (Edward & Mahling, 1997; Galbraith, 1999; Pan & Scarbrough 1999). However, there is a need to also examine the applicability of other fairly recent theories of knowledge management within the context of the law firms.

The research focuses on the legal environment but law firms are only one of the four groups that constitute the legal profession in Botswana. The other three groups are those which fall under the auspices of the Judicial Service Commission (for example, judges, magistrates and court registrars), legal practitioners in the Attorney General's Chambers and finally the legal academics who teach at the University. Although it is believed that these findings could apply to these other branches, some insights specific to these branches of the legal profession may be lacking.

Most formal knowledge management initiatives have focused mainly on large law firms. Most law firms in Botswana are small firms who are not excluded from the knowledge management in the constantly changing legal environment. There was however, hardly any literature on knowledge management in small law firms. The study therefore draws on knowledge management in other small and medium size enterprises (Lim & Klobas, 2000; Matlay, 2000; Egbu & Botterill, 2002; Yewwong & Aspinwall, 2004; Egbu et al., 2005; Chung et al., 2006) in order to appreciate the applicability of knowledge management in small law firms. Although the concepts of knowledge management can be transferred



from one small firm to another, the findings demonstrate that the nature of knowledge management and the needs for knowledge management are likely to differ substantially among different types of small and medium size firms. It will have been desirable if there were studies on knowledge management in small law firms in order to appreciate the distinct features and characteristics of these firms.

It would have been desirable to discuss the findings of this study in the light of several other legal international empirical studies of knowledge management. Unfortunately most of the writings on knowledge management in law firms, have very little empirical foundation. The notable empirical studies on knowledge management in law firms that have been alluded to (Terret, 1998; Gottschalk, 1999; Gottschalk, 2000; Campbell, 2002; Gottschalk, 2002; Hunter et al., 2002; Kofoed, 2002; Khandelwal & Gottschalk, 2003; Staudt, 2003; du Plessis, 2004; du Plessis & du Toit 2005; Gottschalk et al., 2005; Disterer, 2005; Forstenlechner, 2006) are studies on predominantly large law firms that approach knowledge management from different angles.

The research approach, the instruments for data collection and methods of data analysis were found very suitable for the purposes of this study. It is however likely that other insight could still be gained if other research approaches and methods of data collection and analysis were adopted.

## **9.6 Suggestions for further research**

The preceding background provides the setting within which most of the following suggestions are made for future research.

- ▶ An investigation into the factors that inhibit knowledge management in law firms can be a topic of research on its own. Future studies in this area should explore the cultural, managerial and structural barriers to knowledge management.
- ▶ Future studies should focus on more recent theories of knowledge management. There is however a need for a detailed study on the tacit and explicit knowledge creation and transfer in the law firm that is not only limited to the SECI, but extended to the applicability of Nonaka et al. (2002) unified model of SECI “knowledge asset” and “ba” in the law firms.
- ▶ A study may also be carried out on the knowledge protection processes in the law firms. An understanding of the knowledge protection processes in the law firm is particularly important because lawyers are usually very obsessed about the security of information.

- ▶ In determining the guidelines of knowledge management in law firms, this study focused mainly on the pre-implementation phase of knowledge management. Therefore, there is a need for a study to be carried out on the adoption and implementation of knowledge management in law firms.
- ▶ Copies of the most important findings and recommendations in this study will be given to law firms. Therefore it is crucial for a follow up study to be carried out in about two year's time to assess if there has been a progression in law firms in terms of the implementation of the guidelines of knowledge management established in this study.
- ▶ Future research should attempt to improve on the data collection instruments and data analysis methods used in this research. A data analysis methods that does not only report mean scores from the questionnaire and the relationship amongst variables but may extend to analytical statistics such as correlation and multiple regression in order to determine the degree variation of interaction amongst these variables may be crucial. Also, A chi-square test can be used to “assess the statistical significance of relationships” (Robson, 1993: 334) and provide additional insight to the data.
- ▶ Bearing in mind that each law firm has a unique set of distinct characteristics and operating procedures that can play an important role in the creation and implementation of knowledge management, case studies and focus group discussions may be carried out in selected 1 to 2 lawyer firms and 3 to 9 lawyer firms in order to further appreciate the peculiarities and unique insight of knowledge management in small law firms.
- ▶ Another study may be carried out on knowledge management in the legal profession in Botswana in order to obtain other insights on knowledge management that are currently lacking in this study from the other three groups namely the judiciary (judges, magistrates and court registrars), legal practitioners in the Attorney General's Chambers, and the legal academics who teach at the University.
- ▶ Finally, it would also be good if further research is carried out to confirm or validate the results of this study.

### **9.7 Concluding remarks**

Knowledge intensive organisations such as law firms have always intuitively appreciated the value of knowledge even though their knowledge management activities have been

accomplished traditionally without substantial change in how these firms conduct their business. However, with the rise of the knowledge-based economy at the close of the 20<sup>th</sup> century resulting from an increasing production of knowledge and the recognition of the importance of knowledge as the major form of sustainable competitive advantage, coupled with the pressures faced by the legal industry in recent years, law firms in Botswana are challenged to be more adaptive, innovative, effective and competitive in the provision of outstanding, cost efficient and effective services to the clients. These law firms can no longer afford to rely on the traditional methods of managing knowledge because they need the “best minds” and the best knowledge in their area of practice.

The study shows that knowledge management is already a reality in the developed countries and that whilst most law firms in Botswana have unconsciously practised aspects of knowledge management, it is now time to rethink this approach. The need for lawyers to have access to current and accurate knowledge in a profession where there are constant changes in legislation, legal precedents and opinion can not be gainsaid. Knowledge management will therefore offer law firms a competitive advantage that is not easily replaced, imitated nor attained from billing clients. Based on the assessment of the present state of knowledge management and the possible needs for the future, the study therefore proposed guidelines for the successful introduction and implementation of a formal knowledge management in Botswana. It is hoped that these are flexible and adaptable guidelines that will not only work in Botswana but should also work in many other African countries or even countries further afield who share similar challenges. Although knowledge management is not a quick fix or ready-made panacea to all the challenges posed by the rapidly emerging knowledge society, it will certainly help to prepare law firms, especially those in the Third World to be alive to the fact that systematically harnessing legal knowledge is no longer a luxury but an absolute necessity in a rapidly globalising world where competition has become more intense.