

Contracts - A Need

Contracts Manager – I have a problem, wondered if you can help me with it.

KMer (sympathetic). Certainly. What is it?

CM – We have lots of high value contracts. My people don't like reading them, often make mistakes, sometimes billion dollar ones. They can't transform what the contract says into something they can use. Even worse for the people they have to guide, like Project Managers, who are further away, but whose decisions are critical to the contract.

KMer (slightly lofty tone) – I have made sure we have an excellent knowledge repository and state of the art tools for finding and searching contracts. What more can I do? Perhaps you should talk to IT about ERP or get better people?

CM – ERP involves plucking out a few numbers from the contract – there is no sense of what the contract says. We are still making mistakes – we need something different. I was looking at the EU's IST initiatives about ensuring knowledge reaching the user was...

KMer (cuts him off) – That is outside my support for Knowledge Processing. I can't help you.

CM (used to persuading people) – Maybe if we stopped making billion dollar mistakes, the company could pay you a bigger bonus.

KMer – An economic imperative. Why didn't you say so. My concern is always for the company. You say the people can't transform the text into something they can use. Why not employ lawyers – they could do it, they wrote the stuff, after all.

CM – People become lawyers for a good reason – they think deliberately, slowly and statically. I need people running projects who can think dynamically, who can tolerate rapid change in what they are doing. I know it wouldn't work – I tried with a legal intern – he hated it, because he would spend hours poring over a contract until he knew exactly what it said, and next day the ground rules of what we were doing had changed, so all his work was wasted. Got quite upset. He valued his mental construct more than our project. I just need the people we already have to handle it better. And anyway, lawyers don't know anything about construction or software outsourcing or ... nothing, really. As long as it has the requisite number of provided's and aforesaid's, they are happy. You can tell them any rubbish and they will still write a contract, they don't care what it is actually saying, as long as there are no legal errors. It is a one-off job for them, they aren't concerned with the execution of the contract over time, as we are. And we usually have to join together several contracts, written by different people, and that is a nightmare in itself, with mismatched definitions and timeframes. We have to just ignore the problems. That is why I am talking to you.

KMer – Why not have lawyers explain the contracts to your people.

CM - These are thousand page contracts – anyone would blur if it was all explained at once. The lawyer can't explain the business aspects. And even if my people ask a lawyer about a particular point when things are in a particular state, they tend to explain it in the same language, just from a slightly different standpoint, and my guy goes away none the wiser.

KMer – Hmmm. I could ask the lawyers to use more transparent language, but I suppose it is more complicated than a Simple English car insurance form. That bigger bonus..no, I mean the improvement in knowledge processing that would result sounds a worthwhile goal – IST, you said?

CM - If you can find an answer, there are lots of other areas of knowledge that could be swept into the pot - requirements, specifications. Let me know how you go. I told the CEO you would pick it up - would be a feather in your cap, because no-one else wants to touch it.

KMer - You spoke to IT?

CM - As soon as I said knowledge, they thought it was your bag. And it really is all about knowledge - about sharing knowledge, about the limits on people, what they are capable of doing, how they think, preventing segmentation of knowledge, using knowledge seamlessly across the organisation and through time.

KMer - Stop right there. Any more and I will be sure I shouldn't get involved.