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WORK GROUP 1

Executive Summary

This Work Group’s report provides an initial definition of Information Governance (IG) in a law firm and sets forth an overall framework. It presents IG as an evolving discipline that expands beyond the notion of traditional Records and Information Management (RIM), with a goal towards generating awareness of IG applications in the law firm environment.

- Proposes a definition and overall framework for law firm IG
- Recommends establishing an Advisory Board of firm leadership from across multiple functions to spearhead IG development and implementation
- Emphasizes an integrated, holistic IG program that uses policy-driven methods and applies IG principles consistently to key processes
- Presents 11 IG principles to guide all aspects of information creation, use, retrieval, maintenance, storage, and disposition by the firm
- Identifies 13 key processes that should be informed by the IG principles
- Asserts that a good IG program will help firms improve client services, mitigate risks, and reduce costs.
OVERVIEW

This Work Group's report provides an initial definition of Information Governance (IG) in a law firm and will set forth specific IG principles. It presents IG as an evolving discipline that expands beyond the notion of traditional Records and Information Management (RIM), with a goal towards generating awareness of IG applications in the law firm environment. The concepts in this Work Group 1 Report set the overall framework for IG in the law firm. Reports from Work Groups 2, 3, and 4 are components of this framework.

We envision our peers at law firms using this IG definition and framework to foster communication and strategic discussions in their law firms on what IG is, what benefits are gained, and why their firm should consider investments in IG.

PROPOSED DEFINITION

IG is an enterprise-wide approach to the management and protection of a law firm’s client and business information assets. An effective IG Program:

- Enables lawyers to meet their professional responsibility regarding client information,
- Recognizes an expanding set of regulatory and privacy requirements that apply to firm and client information,
- And relies upon a culture of participation and collaboration within the entire firm.

With IG, firms are better able to mitigate risk, improve client service through increased lawyer productivity, and reduce the cost of managing the information needed to support the efficient delivery of legal services.
AN INFORMATION GOVERNANCE ADVISORY BOARD

IG relies upon a core set of principles defined by the firm through an IG Advisory Group comprised of firm leadership and select stakeholders from the following disciplines:

- Administrative Management (HR, Finance, Marketing, etc.)
- Business Intelligence
- Information Security and Privacy
- Ethical/Legal Compliance
- Firm Intellectual Property
- IT System Administration/Infrastructure
- Knowledge Management
- Litigation Support
- Records and Information Management
- Risk Management

The support of senior executives is essential to the success of the IG principles that guide all aspects of information creation, use, retrieval, maintenance, storage, and disposition by the firm.

INFORMATION GOVERNANCE PRINCIPLES

Firms will need to establish a set of core principles that will permeate their IG program and processes, including:

- Educate all firm citizens regarding their IG duties and responsibilities.
- Confirm the authenticity and integrity of information.
- Recognize that the official record is electronic (assuming jurisdiction does not specify paper).
- Store information in a firm-approved system or record-keeping repository.
- Classify information under the correct client/matter/administrative code.
- Control the unnecessary proliferation of information.
- Disposition information when it reaches the end of its legal and operational usefulness.
- Secure client and firm confidential/personally identifiable information.
- Comply with subpoena, audit, and lawsuit requests for information.
- Conform all lines of business systems and practice group applications to IG standards.
- Ensure third parties who hold client or firm information comply with the firm's IG standards.
INFORMATION GOVERNANCE PROCESSES
An integrated, holistic IG program uses policy-driven methods and applies IG Principles consistently to the following core law firm business processes:

- **Administrative Department Information**: The process of managing the law firm’s internal strategic and operational business information, including the preservation of vital records to ensure business continuity.

- **Client Information Requests**: The process of responding efficiently, consistently, and appropriately to client requests regarding IG, including Request for Proposal (RFP) responses, questionnaires, surveys, outside counsel guidelines, and audits.

- **Document Preservation and Mandated Destruction**: The process of preserving potentially responsive information, ensuring the suspension of scheduled disposition, and certifying custodial legal hold compliance during the discovery phase of litigation, investigations or audits. Also the destruction of information as mandated by the court or by agreement among parties.
- **Firm Intellectual Property**: The process of capturing and preserving the firm's knowledge and operational, creative, and historical artifacts that hold commercial, business, or strategic value (e.g., marketing and branding materials; KM Resources; contact information; firm initiative planning information; business development strategies; firm strategic plans; case management strategies; lateral lawyer growth records; financial information; firm policies and procedures).

- **IG Awareness**: The process of providing guidance, proactive education, and training to frontline support and local office administrators.

- **Information Security**: The process of controlling access to information, for example, via ethical walls and confidential access controls. It includes the protection of personally identifiable information (PII or PHI) and confidential client information and remote access to systems.

- **IT Systems Administration**: The process of providing guidance on systems selection and implementation, database administration, commissioning/decommissioning/developing systems, and information migration.

- **Matter Lifecycle Management**: The process of capturing new client or new matter information that is organized by areas of law and/or practice groups, including client engagement documentation and perpetuating the collection/distribution of firm authoritative information. The process of systematically deactivating matters in firm systems at the conclusion of formal representation (matter closing) is also part of this umbrella process.

- **Matter Mobility**: The process of moving matters and their associated information into and out of law firms; triggered by lateral moves, client terminations, and other events.

- **Mobile Devices/BYOD**: The process of providing guidance on compliance with firm policies/procedures with respect to acceptable use and security of firm-issued and personally owned devices (i.e., “bring your own device” or BYOD).

- **RIM**: The process of creating and periodically revising operational guidelines for managing information assets at the law firm, including file folder structures and taxonomy.

- **Retention/Disposition**: The process of applying lifecycle management practices to client and firm information, enacting disposition as authorized, and applying defensible disposition to legacy information.

- **Third-Party Relationships**: The process of ensuring consistent contracting language and defining Service Level Agreements that are compliant with firm policies regarding information access and protection.

**INFORMATION GOVERNANCE BENEFITS**

- **Improved Client Services**: IG provides rapid access to information that improves lawyer productivity, enhances knowledge sharing and collaboration, and results in faster service delivery to clients.

- **Risk Mitigation**: IG provides defensible policies, protected information, and compliance with legal and ethical requirements, thus reducing firm malpractice exposure and potential harm to reputation.

- **Cost Containment/Reduction**: IG provides opportunities for cost reduction in the areas of real estate, human resources, discovery, litigation, physical and electronic storage, insurance, technology, and legal and regulatory penalties (e.g., discovery penalties, malpractice awards, etc.).
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