



Targeted Change: A Private Sector Perspective

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March 16, 2011

- Records and Information Management (“RIM”) Organization and Primary Responsibilities
 - Fiscal Management and Responsibility
 - Governance Framework
 - Electronic Records Management System (ERMS)
 - Expanding The Scope of RIM in Media-Neutral Content Management
 - Training
 - Compliance and Risk Management
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RIM Organization and Primary Responsibilities

- Regional Management Structure: March 2011
 - 38 FTE
 - 4 dedicated Contractors
- Support the lifecycle management of the Firm's client and administrative records.
- Develop and implement policies, procedures and guidelines with records management dependencies.
- Coordinate the timely processing of physical records and electronically stored information in conjunction with attorney mobility events.

RIM Organization and Primary Responsibilities

- Implement an Electronic Records Management System (ERMS) solution to embed automated records management controls into firm wide content management systems, and to manage physical records.
- Coordinate with the General Counsel the placement of legal holds on physical records and electronically stored information specific to designated matters.
- Coordinate RIM orientation and training for new employees and stakeholders
- Coordinate the secured disposition and destruction of physical documents and magnetic media.

RIM Organization and Primary Responsibilities: Targeted Change

- Establish a “media-neutral” identity
- Promote self-realization of the evolving RIM staffing role
- Upgrade core competencies and skill sets
- Consistently classify position titles and compensation
- Assume the expanded regulatory role of RIM
- Elevate the RIM collaborative role within the organization
- Correlate organization’s RIM philosophy with Generally Accepted Recordkeeping Principles (GARP)
- Increase Viability

What is the Business Case for this initiative?

- Protection & efficient management of client information; retrieve-ability, risk management & cost.

Sell The Investment To Organization Principals

- Executive Sponsorship
 - Present a Vision and Strategic Plan
 - Manage Funding Responsibly
 - Cost Reduction (Vendor Contracts)
 - What is the Return on Investment (“ROI”)?
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Budgeting

- Analyze Costs
- Planning and Execution
- Forecasting: Out-year Spending Projections

Service Provider Contracts and Efficiencies

- Staff Compensation and OT
 - Off-Site Storage
 - Secured Disposition
 - Supplies
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Fiscal Management and Responsibility: Targeted Change

- Improve Efficiencies of Contracted Services
 - Centralize Oversight of Holdings Maintained Off-Site
 - Address Compliance Requirements: Off-Site Facilities and Secured Disposition Services (SDS)
 - Demonstrate Fiscal competency and Cost Efficiency
 - Optimize Quality of Client Service
 - Save Money – Build Credibility
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- Policy Development & Retention Scheduling
 - Records and Information Management Policy
 - Functional Records Retention Schedule
- Other Related RIM Guidelines
 - Attorney Mobility (Laterals & Departures)
 - Legal Holds
 - Vital Records
 - Secured Disposition
 - Portable Media

Project Team:

- RIM Professionals
- PMO (Project Management)
- DMS Project Team
- Business Analysts
- Office Administrators
- Administrative Managers
- Project Consultant
- Stakeholders

- Standard Operating Procedures: Specific to Local Offices
- Data Entry Rules

Keys To Success:

- Critical: Stakeholder Collaboration
 - Vetting and Approval
 - Communication & Implementation
 - Publishing and Access
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- Behavior Modification
 - Correlate Governance with Technological Process
 - Minimize/Eliminate Policy and Procedure Gaps
 - Establish Accountability
 - Compliance: Certify to Clients
 - Responses to Request for Proposals (“RFPs”)
 - Mitigate Risk to the Organization
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- **Current State: Application: LegalTRAX**
 - 11 distributed libraries - US offices & London
 - Labor intensive data entry process
 - Paper based workflow process
 - Free text fields with limited uniformity & standardization
 - No automatic retention and disposition

Electronic Records Management System (ERMS)

Project Phases	Description
Phase 1	Develop Records Management Information Policy & Records Retention Schedule
Phase 2	Policy & Retention Schedule Implementation & Communication
Phase 3	ERMS Business, Functional & Technical Requirements
Phase 4	ERMS System Design, Conversion & Testing Strategy
Phase 5	ERMS Build & Test Physical Environments (Dev/Test/Prod)
Phase 6	ERMS Communication & Training Strategy
Phase 7	ERMS Deployment to McDermott Offices
Phase 8	Post Go-Live Support and Monitoring

Electronic Records Management System (ERMS): Targeted Change

- Migrate to Autonomy IRM v. 6.0
- Integrated Repositories: US & EU
- Optional Location View
- Federated Search and Reporting Capabilities
- Mobile Auditing
- WorkSite Records Policy Service – Retention Controls
- Improved Collection and Production Capabilities

Expand Scope of RIM to Media-Neutral Content

- Media-Neutrality: The application of the same records management principles to electronic and paper records
- Uniform Electronic Transactions Act (1999): validity of the electronic version of a document and signature
- Actively Engage Stakeholders
 - Proper Naming conventions: Document and e-mail properties
 - Proper Coding and Classification

■ Document Declaration in iManage (FileSite)

– As-Is:

- Users can declare individual document versions at any time in iManage. Right-click and choose “Declare as Record”
- WorkSpace folder properties can include “Declare as Record” in the metadata

– To-Be:

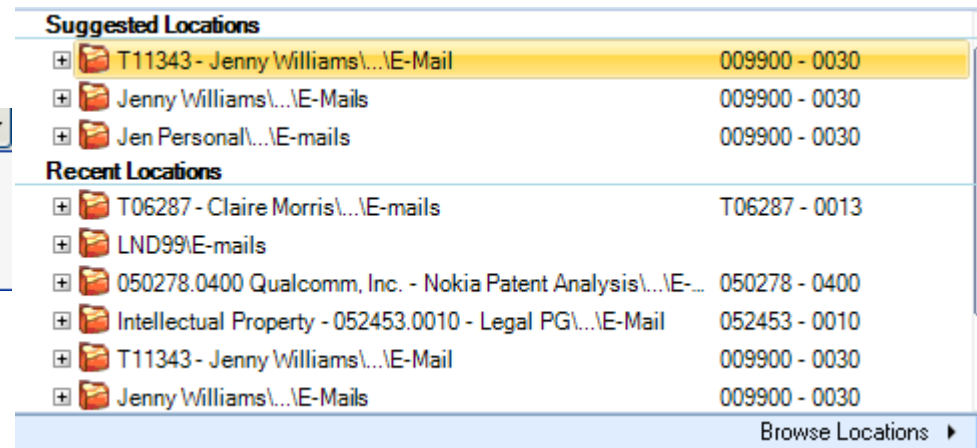
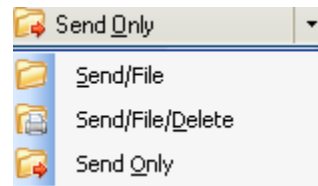
- The RIM Policy will determine the events that trigger the declaration process
- Undeclared document versions are not visible in IRM file plan
 - Remain in WorkSite
 - User can edit or delete
 - Can later be deleted by a disposition event rule defined in IRM

E-mail Management:

- Progression Towards a True Electronic File

- Send Options

- Send Only
- Send/File
- Send/File/Delete



A screenshot of a software interface showing two lists of locations. The 'Suggested Locations' list is highlighted in yellow. The 'Recent Locations' list is below it. A 'Browse Locations' button is at the bottom right.

Suggested Locations	
+ T11343 - Jenny Williams\...\E-Mail	009900 - 0030
+ Jenny Williams\...\E-Mails	009900 - 0030
+ Jen Personal\...\E-mails	009900 - 0030

Recent Locations	
+ T06287 - Claire Morris\...\E-mails	T06287 - 0013
+ LND99\E-mails	
+ 050278.0400 Qualcomm, Inc. - Nokia Patent Analysis\...\E-...	050278 - 0400
+ Intellectual Property - 052453.0010 - Legal PG\...\E-Mail	052453 - 0010
+ T11343 - Jenny Williams\...\E-Mail	009900 - 0030
+ Jenny Williams\...\E-Mails	009900 - 0030

Browse Locations ▶

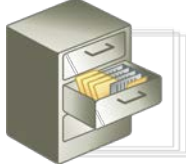


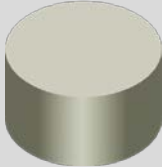
- Suggested and Recent Filing Locations

Managing the Matter File

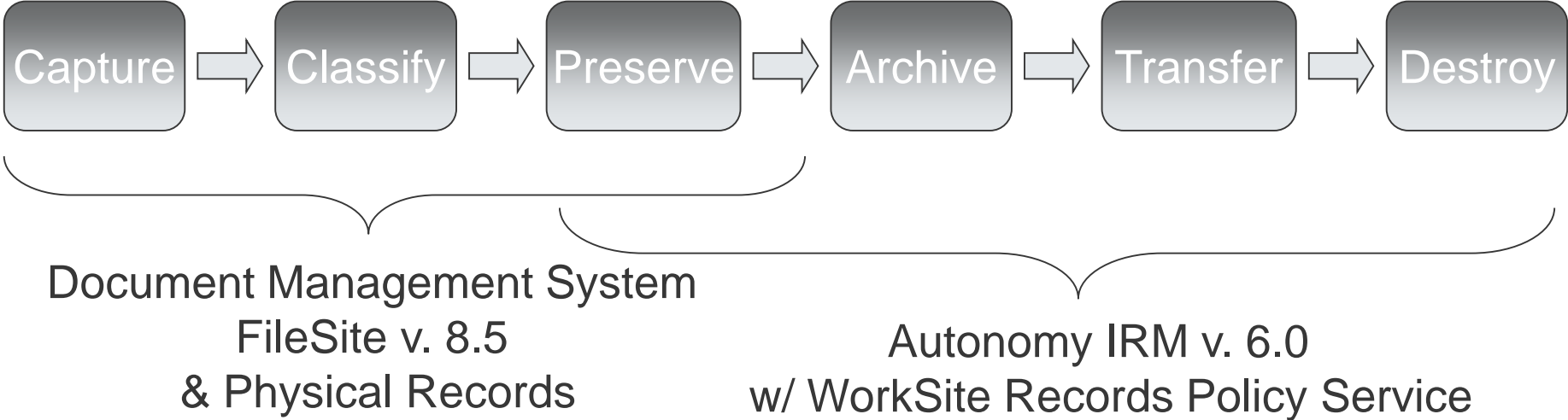


Matter File Metadata & Policy

Records classification & policy are centrally managed. Access to matter files is universal.

Federated File Plan	Records Management		Physical Records
	Records Management / DMS Bridge		DeskSite/FileSite
	Federated Search + Expansion to other Areas Bridge		File Shares
			Additional repositories

“To Be” - End to End Media Neutral Records Lifecycle



Expand Scope of RIM to Media-Neutral Content: Targeted Change

- Evolving Role for RIM Managers
- Matter Management for Billable Workspaces
- Paper Filing to Imaging
- Wider scope – collection responsibilities
- Policy-Driven Capture of Content
- Reduced Use of Portable; Shared and Local Storage

- Who is the audience?
 - Attorneys, Non-Attorney Professionals, Secretaries, Administrative Departments
 - How will information be conveyed?
 - Orientation
 - Demonstrations & Training
 - Training will include the workflow and functionality of the ERMS
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Training: Targeted Change

- Defining the Training Strategy
 - Setting expectations & reviewing responsibilities
 - Labs and Classes
 - The Outsourcing Option
 - Implementation and Continuing Programs
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- The Role of RIM and Legal Holds Management
- Statutory Considerations
- Compliance and Risk

■ What is a Hold Policy?

- A Hold Policy suspends routine destruction of Records upon a finding that such suspension is necessary under applicable law due to actual or reasonably anticipated litigation or governmental investigation (or, audit for any documents not otherwise appropriately retained under a Tax Audit Records Series).
- To be reasonably anticipated, particular litigation or investigative proceedings related to specific facts and circumstances must be anticipated, and not the mere fact that litigation regarding a particular topic is a possibility.

- Legal Holds Management – The Role of RIM
 - Custodians
 - Draft and Issue the Notice
 - Communication with Counsel
 - Coordination of Data Collection and Production
- Risk Factors:
- Violating the Doctrine of Spoliation
 - Adverse Inference

■ Statutory Considerations

- The Health Insurance Portability and Accountability Act (HIPAA) of 1996
 - American Recoveries and Reinvestment Act of 2009/Health Information Technology for Economic and Clinical Health Act (HITECH)
 - State Regulations governing the protection of Personally Identifiable Information (PII) – Massachusetts; Ohio and Pennsylvania
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- What Should Motivate Your Organization to Implement A Governance Framework and Manage Risk?
 - In January 2009, US Taxpayers shelled out \$10 million to locate 14 million e-mails reported missing from the White House four years earlier
 - In February 2009, CVS (US-based Pharmacy chain) was forced to pay \$2.25 million in penalties for violating health information privacy regulations (HIPAA) in the management of patient prescription data
 - Failure to certify Sarbanes-Oxley (SOX) compliance can lead to penalties of \$5 million and CEO/CFO imprisonment of up to 20 years.

(Source: RSD-2 White Paper 2010)

Compliance and Risk Management: Targeted Change

- Promoting Good Behavior and Business Practices: Not Exposing the Firm to Risk
- Proper Management of ESI
- Seamless and Efficient Collection of Data
- Certifying Data Authentication and Integrity
- Protection of Business Confidential Information and PII: Safe Harbor
- Implement Auditing, Quality/Accuracy (“Q/A”), and Compliance Controls

Who is Going To Assist With the Change Management

- Practice Group Leaders
- C-Suite Officers
- Office Administrators
- Administrative Managers
- IT Personnel
- Secretarial Teams & Leaders (Super Users)

So What is the ROI?

- Data Security, Integrity, Authentication and Usability
- Impact of Profitability Models
- Cost Efficient Business Process
- Imaging: Reduced Dependency on Paper (note: “less”)
- Space Requirements
- Risk Mitigation
- Completing The Lifecycle: Retention and Disposition/Legacy Records

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