Targeted Change: A Private Sector Perspective

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Objectives

- 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
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
Fiscal Management and Responsibility

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")?
Fiscal Management and Responsibility

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
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
Governance Framework

- 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
Governance Framework

Project Team:

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

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

Keys To Success:
- Critical: Stakeholder Collaboration
- Vetting and Approval
- Communication & Implementation
- Publishing and Access
Targeted Change: Governance Framework

- 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
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)

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<th>Project Phases</th>
<th>Description</th>
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<td>Phase 1</td>
<td>Develop Records Management Information Policy &amp; Records Retention Schedule</td>
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<td>Phase 2</td>
<td>Policy &amp; Retention Schedule Implementation &amp; Communication</td>
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<td>Phase 8</td>
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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
Expand Scope of RIM to Media-Neutral Content

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**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
Expand Scope of RIM to Media-Neutral Content

E-mail Management:

- Progression Towards a True Electronic File
- Send Options
  - Send Only
  - Send/File
  - Send/File/Delete
- 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

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<th>Records Management / DMS Bridge</th>
<th>DeskSite/FileSite</th>
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<td>File Shares</td>
<td>Physical Records</td>
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Additional repositories
“To Be” - End to End Media Neutral Records Lifecycle

Capture → Classify → Preserve → Archive → Transfer → Destroy

Document Management System
FileSite v. 8.5 & Physical Records

Autonomy IRM v. 6.0 w/ WorkSite Records Policy Service
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
Training

- 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
Training: Targeted Change

- Defining the Training Strategy
- Setting expectations & reviewing responsibilities
- Labs and Classes
- The Outsourcing Option
- Implementation and Continuing Programs
Compliance and Risk Management

- 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.
Compliance and Risk Management

- 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
Compliance and Risk Management

- **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
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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