

# 2011 CIO ROUNDTABLE RETREAT

## Architecting Our Future

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*The Arizona Biltmore*  
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*eSentio*  
Technologies



# Information Management Global Information Management for Today's Law Firm

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Technologies



# Information Management

***To effectively manage the proliferation of data, applications and access mechanisms, today's law firm requires a comprehensive information management program.***

***What is Information Management?***

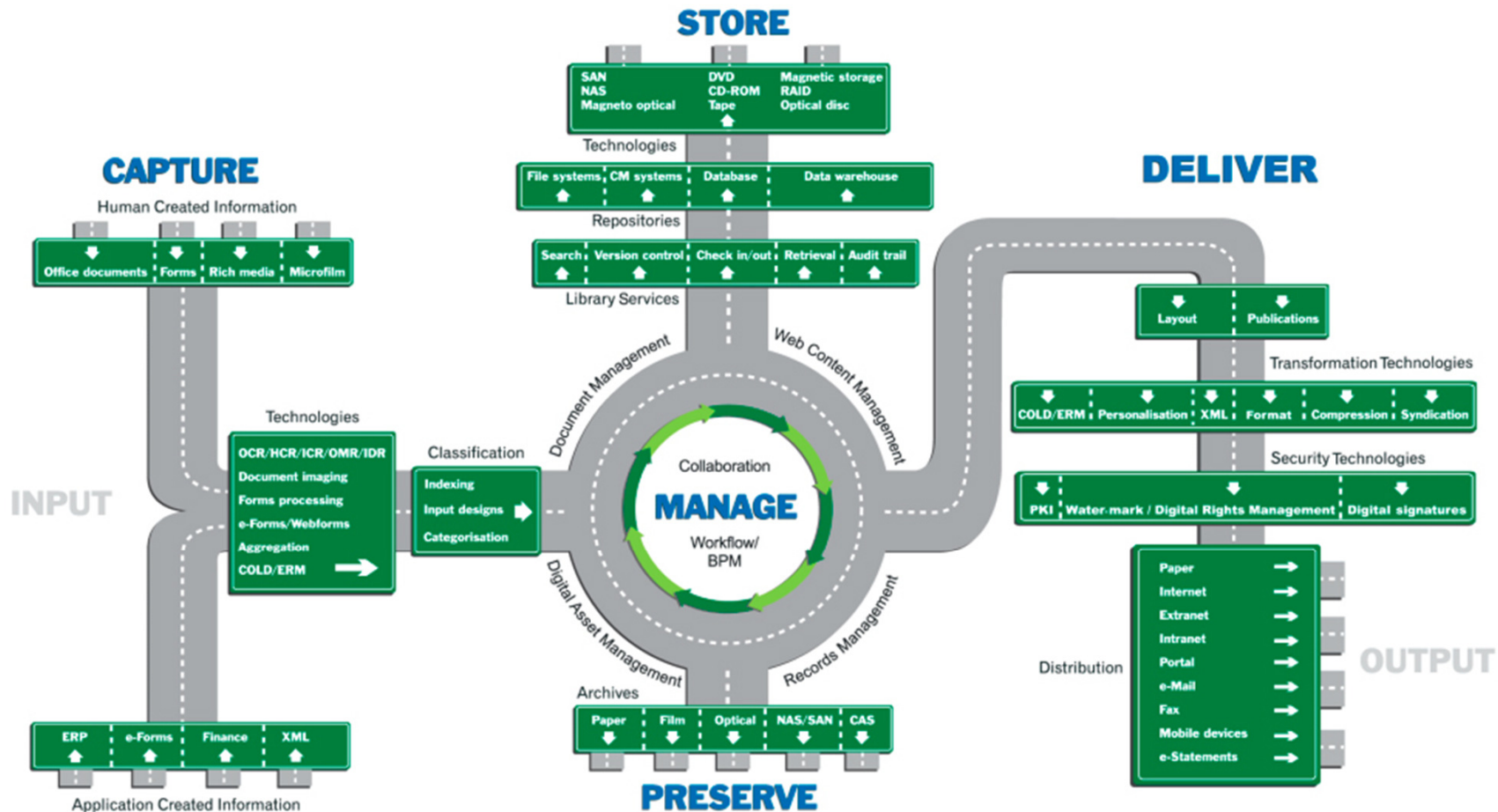


# Information Management

*Information Management is the organization of and control over the structure, processing and delivery of information.*



# AIIM Information Management Workflow



# Capture

- Effective Classification must occur during the Capture phase
  - Classification needs to be granular enough to make the data useful, e.g. workspaces/folder are more useful than just client/matter in a DMS.
- Content management solutions largely address structured data
- Need to capture is device independent – must take into account mobile devices and all the ways users work



# Store

- Storage costs are increasing and represent a major portion of law firm IT budgets
  - ~80% of storage at law firms is used by Litigation Support
- Classification does not change storage requirements – simply identifies appropriate repositories
- Globalization of law firms increases the complexity of data storage and jurisdictional requirements



# Store

- A comprehensive storage plan is a requirement to controlling costs and effective data management
- A dynamic data map of repositories, user access controls must be maintained
- Storage locations can be dynamic if not managed properly – every day new devices are introduced that create and store data
- Network shares and other unstructured repositories need to be addressed



# Storing in the Cloud

- The cloud is no longer a “pie in the sky”, but rather become a *business imperative*. According to Appirio, a Silicon Valley-based cloud solution provider, 82 percent of surveyed cloud adopters report that cloud computing already has helped them achieve a specific business objective, with 83 percent reporting that cloud solutions have helped make their business more agile.
- Be aware of any and all potential changes to the Model Rules of Professional Conduct by both the ABA and state Bar Associations, which can enforce even stricter standards.



# Storing in the Cloud

- The American Bar Association's Request for Comments on "Issues Concerning Client Confidentiality and Lawyers' Use of Technology" (Sept. 20, 2010) ("ABA Request for Comments") makes clear, cloud computing raises "specific issues and possible concerns relating to the potential theft, loss, or disclosure of confidential information."
- The ABA has made clear that it is considering amending Rules 1.1 (competency), 1.6 (duty of confidentiality), and 1.15 (safeguarding client property) in order to "emphasize that lawyers have particular ethical duties to protect clients' electronic information beyond mere practice norms" in the cloud context. ***ABA Request for Comments at 3.***



# Preserve

- Preservation can include online, near line and offline solutions
- Tiered storage can produce notable cost avoidance:
  - Tier 1 storage: ~\$22,500 per Tb
  - Tier 4 storage: ~\$3,500 per Tb
- Setting expectations on data availability and delivery is key
- Archiving systems must adhere to the firm's records policy, as well as disaster recovery and other business priorities



# Preserve

- Desktop, Mobile and Portable media represent challenges to any preservation strategy – including retention / disposition
- Policies and Processes – such as Litigation Holds must be a key part of the preservation model and design
- Absent proactive processes and policies a firm will always be in a reactive mode to events – “I’m out of disk space, what can I archive?”
- Appropriate preservation activity requires data to have been classified and categorized correctly in the capture phase



# Deliver

- Access and Delivery mechanisms are constantly in flux – but users expect data to be always available / always accessible
- Mobility, remote access, security are fundamental challenges
  - ISO/IEC 27001: new security classification for data management
    - Systematically examine the organization's information security risks, taking account of the threats, vulnerabilities and impacts;
    - Design and implement a coherent and comprehensive suite of information security controls and/or other forms of risk treatment (such as risk avoidance or risk transfer) to address those risks that are deemed unacceptable; and
    - Adopt an overarching management process to ensure that the information security controls continue to meet the organization's information security needs on an ongoing basis.



# Deliver

- Effective, Ongoing Training and Communication are required to bridge technology gaps and behavior
- More efficient tools are required to facilitate user business requirements – e.g. enterprise search tools, SharePoint portals



# Manage

- Establish mechanisms for regular audits and controls
- Define and implement reporting systems
- Create protocols for review during technology projects and during implementation of new technologies, upgrades
- Establish a governance and auditing structure within the firm
  - Data Steward
  - Risk and Security Role



# Information Management Drivers

## **Health Information Technology for Economic and Clinical Health (HITECH) Act (February 17, 2009)**

- Expands current Federal privacy and security protections for health information
- Law firms who handle health-related information are now bound by the same HIPAA security and privacy guidelines as healthcare providers

## **Sarbanes-Oxley Act of 2002**

- Requires the Securities and Exchange Commission to adopt minimum standards of professional conduct for lawyers representing public companies



# Information Management Drivers

- Increasing number of merger and acquisition transactions - both among law firms and corporate America - lead to increased comingling of data and systems
- Globalization of firms requires additional focus on local jurisdictional requirements
- Risk increases proportionally with the growth of firms and geographic distribution – both technology and legal
- Effective service delivery is also a key driver; if information can not be properly cataloged, stored, preserved and delivered, it can impact how attorneys access and create content for clients



# Discussion

