

EXECUTIVE SUMMARY: THREE STRATEGIC INFORMATION MANAGEMENT INVESTMENTS LAW FIRMS CAN MAKE

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Today, the management and protection of law firm information assets has a direct impact on a firm's business success. The volume of information firms manage for their clients and their business is vast. Clients constantly ask for service efficiency improvements, lower prices and increasingly monitor their outside counsel on regulatory compliance and security protocols. As a firm, you have to excel in all these areas and more to keep clients satisfied and bring in new business.

This paper explores three strategic areas where firms can take control of their information, and build a competitive advantage. The priority areas include; Information Access for Efficient Service Delivery, Mobile Lawyer Productivity, and Information Governance (IG.) This paper draws on two primary sources. First, we explore how law firms are faring by using benchmarking data from a recent survey, the 2013/2014 Information Governance Benchmarking Survey for Legal Services, "The State of RIM and IG in Legal Services," authored by Cohasset Associates, in partnership with ARMA, AIIM and Iron Mountain. Second, we draw from the Law Firm Information Governance Symposium reports, published by Iron Mountain to provide guidance on how to build IG in

the unique setting of law firms. Lastly, we offer "dial mover" recommended actions firms can take to differentiate themselves in the legal market with IG.

STRATEGIC AREA 1: INFORMATION ACCESS FOR EFFICIENT CLIENT SERVICE DELIVERY

Law firm clients expect their lawyers to get back to them very quickly, with a sense of urgency on pressing legal concerns. Today with clients putting work out to bid in a competitive legal market, the timeframe needed for an attorney to respond to client's questions can positively or negatively affect the firm's business. Many times the attorney's response time is controlled by their ability to find the information

they need to complete their legal analysis and recommend strategies to clients. With the enormous volume of electronically stored information (ESI) and hard copy client files managed by firms, this can prove difficult if the organization does not manage its information efficiently. This section recommends investments in policies, retention schedules and automation to manage the lifecycle of information, so lawyers can quickly find what they need to deliver client services.

STRATEGIC AREA 2: MOBILE LAWYER PRODUCTIVITY

A 2013 ABA Tech Survey found that 91% of attorneys utilize either a personal or firm provided smartphone for work

related activities. The countless iPad® applications for lawyers and the prevalence of firms establishing a Bring your own Device (BYOD) tell the story of firms having to adapt to the use of mobile devices in recent years. With this trend, many firms have increased usage of imaging to convert hard copy documents to electronic documents, so mobile lawyers can access that content. And they are equipping mobile lawyers with secure access to their document management systems.

“Lawyers now use laptops, smart phones, and tablets to be productive no matter where they may be working — a client office, the airport, or their home office. And firms are investing in infrastructure, policies and security protocols to make these mobile lawyers productive.”

The issue of security is a big one in the context of mobile lawyers. Lawyers have special duties to keep client information confidential, and to guard against inadvertent or unauthorized disclosure or access to client information (ABA Model Rule 1.6). The increasing regulatory requirements relating to the 2013 Health Information Portability and Accountability Act (HIPAA) Omnibus Rule, Gramm-Leach-Bliley, EU data protection, cyber security concerns, also must be taken into account when giving lawyers information access using mobile devices. Security protocols for accessing information stored in cloud repositories also takes on special importance with lawyers using mobile devices. Potential data loss or inadvertent disclosures rise with mobile lawyers, as devices can be lost or stolen, without encryption or password protection. Further, procedures are needed to ensure that

all data on mobile devices is retained and destroyed in accordance with the firm’s policies.

STRATEGIC AREA 3: INFORMATION GOVERNANCE

Information governance is where all of the information management and risk management issues discussed in this brief come together. Governance helps drive efficiency and accountability into operational processes that improve client services. And, when firms give lawyers access to information using mobile devices, there are a host of security, regulatory, professional obligations, privacy, retention/disposition and many other IG concerns to be addressed. What law firms are realizing is that they need a holistic approach that accounts for all these risks and business needs they face — they need IG.

This section will discuss how firms can build IG, by highlighting the important first step of forming an IG Advisory Board. And key data from the Cohasset Benchmark Report, will be explored as we discuss building IG into two example operational processes from the Symposium framework.

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.

Source: A Proposed Law Firm Information Governance Framework, Iron Mountain Law Firm Information Governance Symposium, 2012

CONCLUSION

Information fuels the practice of law. Without proper management and protection of information assets, firms will be hampered in their business pursuits. Law firms must consider investments in their RIM programs to drive efficiency into client service delivery. Regulatory and security protocols for lawyers accessing client information with mobile devices must be established and monitored, while giving these lawyers efficient access to needed information from wherever they are working. Lastly, IG is now essential to the management and protection of the firm’s critical information assets. An enterprise-wide IG program that ties risk, cost and efficiency imperatives together into a manageable and measurable program is a worthy investment for firms seeking competitive differentiation in today’s legal market. To read the full report and for recommended next steps visit: www.ironmountain.com/2014LegalBenchmark

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Carolyn Casey leads the Iron Mountain legal vertical business, where she focuses on bridging emerging information governance and traditional records management law firm needs. She brings a broad perspective to the role, drawing on her experience as a practicing attorney, eDiscovery service provider and global software product marketer. Carolyn is a founding steering committee member of the Iron Mountain Law Firm Information Governance Symposium.

Follow Carolyn on Twitter @ccaseynow and read her posts on the Iron Mountain blog.

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