



# LFIS 2.0

AN ESTABLISHED LAW FIRM  
INFORMATION GOVERNANCE FRAMEWORK



2019 LAW FIRM INFORMATION GOVERNANCE SYMPOSIUM

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# INTRODUCTION

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Information Governance (“IG”) continues to be a challenging area for many law firms. As law firm clients provide increased direction to their law firms for how information should be managed, protected and dispositioned, IG remains a key focus of attention as firms work to improve client service, mitigate risk and reduce costs.

In 2012, the newly established Law Firm Information Governance Symposium (“LFIGS” or “the Symposium”) assembled in Chicago with the formidable task of defining what IG meant within the law firm industry. After two days of collaboration and debate, followed by several weeks of refinement, this group developed and published a set of reports that collectively were presented as “A Proposed Law Firm Information Governance Framework.” The Working Group 1 paper titled “Defining an Information Governance Framework” proposed a definition for law firm IG, the concept of an information governance advisory board, a set of core principles that would inform the IG initiative, and a set of process components that are critical to consider in a comprehensive governance program framework.

At that time, IG was relatively new to law firms (and to the thought leaders at the table). Its very title - “A Proposed Law Firm Information Governance Framework”- reflected the uncertainty as to whether the body of work would be accepted by the legal industry. Little did they know that in the years following, the work would appear and be referenced in multiple presentations, articles and blogs. It would be used as a means for firms to establish their own IG programs and to recruit leaders and engage business partners in order to make this proposed vision a reality. Most importantly, it fostered a collaborative environment for emerging IG leaders to discuss trends, identify challenges and share ideas on how to ensure their own IG programs were not just compliant with policies and regulatory requirements but also truly optimizing their firm’s capabilities to help make lawyers more efficient and responsive and clients more satisfied with their level of service. Over the years, since 2012, the group has developed additional papers annually, covering a number of relevant topics, all of which contribute to the overall body of knowledge in the law firm IG space.

TO READ OTHER REPORTS WRITTEN BY THE LAW FIRM  
INFORMATION GOVERNANCE SYMPOSIUM, PLEASE VISIT:  
[SYMPOSIUM.IRONMOUNTAIN.COM](https://SYMPOSIUM.IRONMOUNTAIN.COM)

Eight years later, in the wake of new/expanding requirements such as GDPR, exponential data growth and client outside counsel expectations becoming commonplace, the Symposium participants have revisited the initial Working Group 1 paper and generated a new report that provides an updated, or “2.0” version, of what IG means within the law firm sector today. Symposium participants met for two days in June 2019 to evaluate and update the original report content as follows:

- Revised the definition for law firm information governance
- Developed a set of law firm-specific IG principles to inform the program framework modeled after the [ARMA International IG principles](#)
- Revised/updated the IG process components from the 2012 report to better reflect IG focus areas for law firms
- Developed a set of best practice guidelines that support a comprehensive IG program

The LFIGS participants are confident that this updated IG framework will serve law firm IG professional for years to come.

## LAW FIRM INFORMATION GOVERNANCE – DEFINED

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Information governance in a law firm focuses on the management of client representation and business information by ensuring appropriate behavior in the valuation, creation, storage, use, protection, archiving and deletion of information. It is an organization-wide framework for managing information throughout its lifecycle and for supporting the firm’s strategy, operations, and ethical, legal, regulatory, risk and environmental requirements.

IG establishes the authorities, processes, capabilities, structures, supporting mechanisms and infrastructure to enable information to be a useful asset in delivering client services while reducing liability to a firm.

# LAW FIRM INFORMATION GOVERNANCE ADVISORY BOARD

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IG relies upon a set of operating objectives defined by the firm through an IG Advisory Board comprised of firm leadership and select stakeholders from the following disciplines:

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

The support of senior law firm executives is essential to the success of implementing and operationalizing an IG program encompassing all aspects of information creation, use, retrieval, maintenance, storage and disposition.

# LAW FIRM INFORMATION GOVERNANCE PRINCIPLES

Using the ARMA International IG Principles as the foundation, the LFIGS working group enhanced those principles to more accurately reflect the unique elements of a law firm's IG program:

| PRINCIPLE      | LFIGS DEFINITION   | WHAT THIS MEANS FOR LAW FIRMS   |
|----------------|--|---|
| ACCOUNTABILITY | The senior leadership of the firm shall be accountable for the administration of the information governance program.   | As the owners of the firm, the partnership should have accountability and a vested interest in the IG program's success. This means that the IG program owner should regularly report to the firm leadership regarding the program, ensuring that it aligns with firm strategy and obligations. Finally, a lawyer's ethical obligations to their clients are the paramount standards by which both lawyers and non-lawyer personnel are ultimately accountable.                   |
| TRANSPARENCY   | A firm's business processes and activities, including its information governance program, shall be documented in an open and verifiable manner, and that documentation shall be available to all personnel and appropriate interested parties. | It is incumbent on the IG program owner to strike the right balance between transparency of processes and confidentiality/privacy concerns. Policy and procedure with regard to the management, retention and disposition of information in all forms must be documented and communicated to all firm personnel in the form of training and ongoing communication as well as to clients in the form of regular communication, engagement letters and any other formal agreements. |
| INTEGRITY      | An information governance program shall be designed and implemented so that the information assets generated or managed for the firm have a reasonable guarantee of authenticity and reliability.  | Key practices which the IG program owner must oversee to ensure the principle of integrity are training and auditing. As IG touches all members of the firm, it is critical that lawyers and staff receive the proper training on policies and procedures to ensure information integrity. Additionally, regular auditing is critical to ensure firm-wide compliance with those policies and procedures.  |

| PRINCIPLE    | LFIGS DEFINITION  | WHAT THIS MEANS FOR LAW FIRMS  |
|--------------|---|--|
| PROTECTION   | An information governance program shall be designed and implemented to ensure an appropriate level of protection to information assets subject to attorney/client privilege or are private, confidential, secret, classified, essential to business continuity or otherwise require protection and to ensure that lawyers meet their duty to safeguard client property and information. | The IG program owner must work closely with firm IT and appropriate operational personnel to ensure that technology and process are in alignment. Technology must be relied on to protect information at rest and personnel must be relied on to faithfully and competently execute procedure on information in motion in order to protect physical and/or electronic information. |
| COMPLIANCE   | An information governance program shall be designed and implemented to ensure compliance with applicable laws, regulations, ethical obligations, jurisdictional requirements, client agreements and the firm's policies.  | It is incumbent on the IG program owner to be aware of applicable laws, regulations and jurisdictional requirements, including changes or updates to them. Additionally, there must be procedure in place to capture and adhere to outside counsel guidelines or other specific client agreements that inform the management of information.                                       |
| AVAILABILITY | A firm shall maintain its information assets in a manner that ensures their timely, efficient and accurate retrieval.   | The IG program owner must ensure that technology is sourced, used and updated appropriately to ensure that information, both physical and electronic, is classified and stored in such a way to ensure availability.   |
| RETENTION    | A firm shall maintain its information assets for an appropriate time, taking into account legal, regulatory, ethical, fiscal, operational and historical requirements, as well as client directives.  | The IG program owner must coordinate with practice groups, business services functions, general counsel and other appropriate personnel or relevant third-parties to ensure that retention policy complies with applicable laws, regulations, ethical obligations, jurisdictional requirements, client agreements and other requirements.  |
| DISPOSITION  | A firm shall provide secure and appropriate disposition for information assets no longer required to be maintained in compliance with applicable laws, regulations, ethics rules, client directives, mandated destruction and firm policies.  | The IG program owner must ensure that all processes regarding disposition, whether by destruction/deletion, release to substituted counsel, returned to a client or other outside party, are aligned with firm policy and executed routinely in the normal course of business and are monitored for compliance.  |

# LAW FIRM IG PROCESS COMPONENTS

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Following are the core process components necessary to support a comprehensive law firm IG program, followed by a visual depiction:

- **Matter Lifecycle Management:** The process of capturing and maintaining client or matter information that is organized by matter type / area of law / practice area (including client engagement documentation) and perpetuating the collection, organization and access of the matter file content throughout the life of the matter. Includes the process of systematically closing matters in firm systems at the conclusion of the representation.
- **IG Awareness and Education:** The process of providing guidance, proactive education and training to all firm citizens ensuring they understand and appreciate the importance of IG concepts, policies and procedures.
- **Privacy and Regulatory Compliance:** The process of ensuring compliance with all governing rules, laws, regulations and directives, including the protection of personal, sensitive and confidential client information.
- **Securing Information:** The process of controlling access to physical and electronic information, such as through the application of ethical walls, remote access to information repositories and confidential access controls.
- **Client Directives/Information Requests:** The process of responding appropriately, consistently and efficiently to client directives and information requests regarding IG, including Request for Proposal (RFP) responses, questionnaires, surveys, outside counsel guidelines and audits.
- **Matter Mobility:** The process of moving matters and their associated information into and out of law firms triggered by lateral lawyer moves, client terminations and other events.
- **Technology and Data Governance:** The process of providing guidance on data organization, classification and migration; systems selection, capabilities and implementation; commissioning, decommissioning and/or developing systems; and information migration to ensure it is consistent with IG principles.
- **Third-party Engagement:** The process of ensuring all third-party engagements are compliant with applicable laws, regulations, ethical obligations, client requirements and firm information governance policies.

- **Auditing and Remediation:** The process of assessing and auditing key IG processes on a regular basis to ensure that the organization meets the goals and requirements of the program. Includes establishing operational metrics and benchmarks which are routinely monitored and analyzed, including any necessary remediation steps, to ensure the overall effectiveness of the program.
- **Preservation Holds:** The process of preserving potentially responsive information and ensuring the suspension of scheduled disposition in anticipation of litigation, and by certifying custodial legal hold compliance during the discovery phase of litigation and investigations.
- **Mandated Destruction:** The process of destroying information as legally mandated or by agreement among parties and certification that the destruction process has been completed.
- **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.



# LAW FIRM INFORMATION GOVERNANCE BEST PRACTICES AND GUIDELINES

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The following are a set of best practice statements and guidelines that can support a firm design and deploy an IG program:

- Educates firm citizens regarding the IG program objectives and their individual duties and responsibilities to comply with the program
- Complies with all organizational policies, binding authorities, applicable laws and client mandates
- Confirms the authenticity and integrity of information
- Maintains an active inventory/data map of all information repositories including the business owner and administrator
- Recognizes that the official record is electronic (assuming jurisdiction laws of regulations do not specify paper)
- Stores information in firm-approved systems or record-keeping repositories
- Classifies information under the correct client/matter/administrative code
- Controls the unnecessary proliferation of information
- Dispositions information when it reaches the end of its legal and operational usefulness or when otherwise mandated
- Secures client and firm confidential/personally identifiable information
- Complies with subpoena, audit, lawsuits or other relevant requests for information
- Conforms all lines of business systems and practice group applications to IG standards
- Ensures third parties who hold client or firm information comply with the firm's IG standards

# CONCLUSION AND FUTURE PLANS

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While IG in law firms is no longer a new concept, the level of adoption in many law firms continues to evolve, having become more critical as firm's respond to a growing set of demands from clients and regulatory authorities. In response to these increasing requirements, IG programs must continue to evolve and reconsider how best an IG program can support a firm's strategic and operational goals.

In the months ahead, the Symposium intends to use the new process definitions to create an interactive maturity model to allow law firms to assess their own programs and receive directional guidance to one or multiple reports within the comprehensive body of LFIGS reports, corresponding to the area(s) in which a firm wants to focus its improvement efforts.

It is likely that this revision is not the last of its kind. As new privacy laws or regulatory requirements are introduced and as more law firms contemplate a cloud strategy - among other things - firm's will be required to continually evolve their programs.

However, one key milestone is evident in the title of this current report - An Established Law Firm Information Governance Framework. While the outcome and impact of the first "proposed" report was initially unknown, the subsequent validation of its value to firms confirmed for Symposium participants that its revision - and those who contributed to it - comes from a place of knowledge, practical experience and proven results that are making a tangible difference for law firms in the areas of risk mitigation, cost reduction and improved client service. Although a complex IG program is not required for a firm to be successful, firms with a focus and commitment to IG realize clear benefits in efficiency, effectiveness and an overall ability to demonstrate to their clients an elevated level of legal service delivery.

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