

INDUSTRY INTERVIEW

# Attention retention

Law firms need to get on top of their information governance, and can leverage automation and good retention workflows to stay compliant, say FileTrail president Darrell Mervau, vice president product development Tom Pemberton, and vice president engineering Jamie Richgels

**I**nformation governance and retention solutions have long been a part of regulated industries with rigorous requirements when it comes to compliance and auditing.

But law firms today may have their work cut out to comply with both increasing regulation and the stricter requirements of their clients – especially now that even more pressing stress comes from sets of outside counsel guidelines (OCGs) and the EU General Data Protection Regulation (GDPR).

FileTrail has observed the challenges around document compliance evolve in corporate environments, where formal document-retention schedules have been commonplace for years, it says, before pressures hit the legal market with the same force.

Darrell Mervau, president at FileTrail, says: “Law firms have paid maintenance fees for systems left without enhancements or new features year after year, and it hasn’t amounted to much. The

labour involved in retention policy can be eliminated, and that saves firms money.”

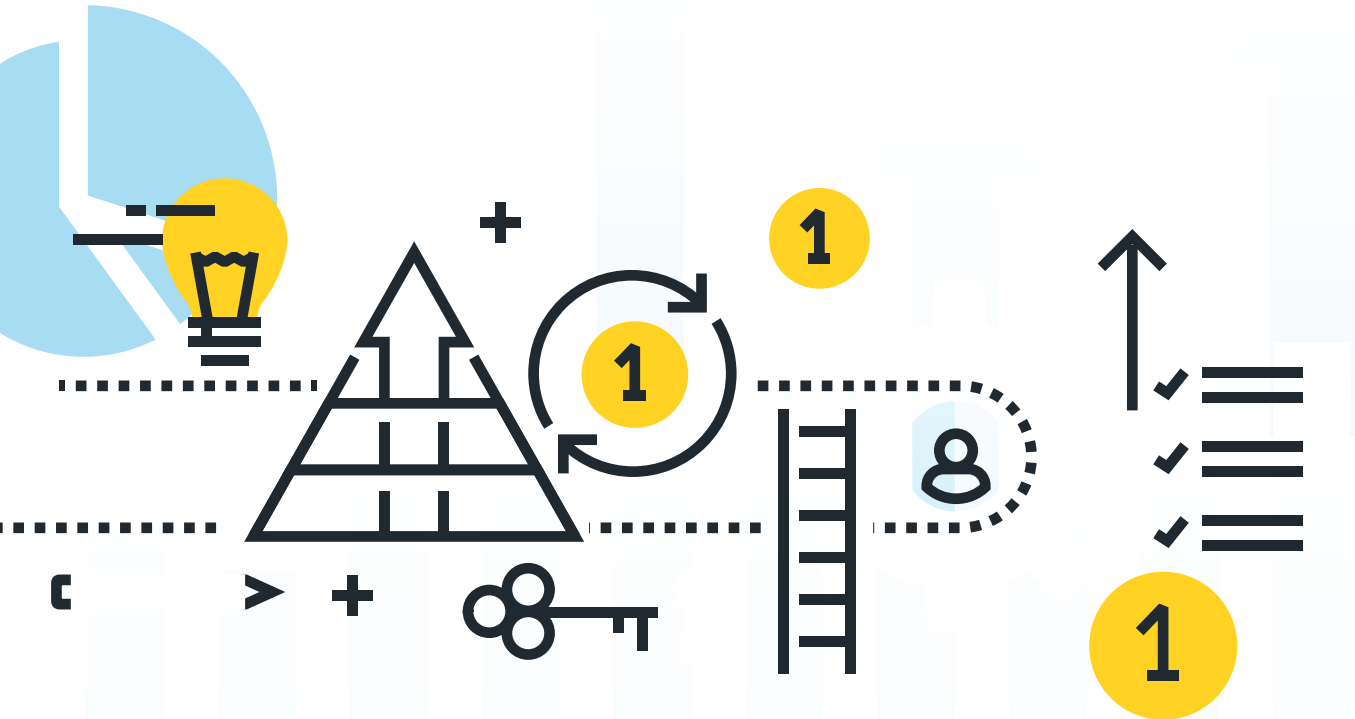
## For the record

Changes in regulatory demand in the market and the pressures of those OCGs mean law firms need to have a very clear information governance (IG) strategy. Those who don’t stay on top of data-retention policies are at risk of failure to comply – with potentially a penalty, and almost certainly unhappy clients.

“It seems that very few law firms have applied retention policies to physical records – and none that I know of have implemented them for electronic documents,” says Mervau.

“One of the key barriers to this has been the cost of implementing retention against a backlog of documents and records. That’s exacerbated by the need to manage this using a dozen different systems.”

FileTrail’s system, he explains, sought to



overcome these challenges by providing one central location for all retention-policy management and application, with investment in automation processes to further reduce cost.

And that’s not all. Its Governance Policy Suite (FileTrail GPS), out February 2018, incorporates retention workflows and connection to common document repositories to apply classification, conduct review, and automate disposal of

documents and records wherever they exist.

This means that law firms can move away from managing information manually. They can worry less about the time and cost associated with the need to be compliant and have clean records.

“And because FileTrail is the keeper of metadata, not actual document content, the personally identifiable information (PII) or protected health information (PHI) in the system is limited to a few areas that can be sourced by authority systems,” adds Mervau. “As long as firms anonymise or update data through the authority system – a DMS or accounting system, for example – it will synchronise into FileTrail without the need for anyone to touch it.”

This is especially good news when it comes to GDPR compliance – but compliance isn’t complete unless firms can prove it. All activities are logged in audit trails in FileTrail and can be reported on, adds Tom Pemberton, vice president, product development.



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### Retain automatic

OCGs are really driving firms to be as compliant with the requirements of clients’ regulators as those clients need to be themselves. “It rolls downhill,” says Pemberton. “The client has to follow certain rules, and therefore the law firms that handle their information must do the same.”

Automating retention processes in FileTrail can prevent gaps in compliance. As well as the expense, Mervau says a big reason retention and lifecycle-management compliance still isn’t happening as it should is that processes are still heavily manual.

“The user is provided with generic searches to identify what work has to be done. Often work is done on printed reports, where notes made by others must be manually keyed into the system. Sometimes the solution is a cobble-together of third-party tools with different interfaces.”

The FileTrail system, by contrast, uses email notification to drive actions in the schedule, and calendar settings determine when retention-review cycles start and milestone dates are due. A dashboard provides helpful illustration.

Law firms are finally realising that many of the processes related to dealing with documents and records are very labour-intensive, Mervau adds.

He says: “The ability to track the lifecycle of your content is a necessity. Since we’ve been engaging directly with law firms, the number wanting to contribute to automation, and participate in our design meetings, is growing.”

FileTrail has already used input from its Law Advisory Group to add a number of new automation features. “These include a disposition review progress monitor, increased access to OCG documents, simplification for OCG-driven retention policies that only apply to a specific matter or client, and a few more subtle features.”

Incredibly, the trio have been working on these things outside the legal sector since the early 90s.

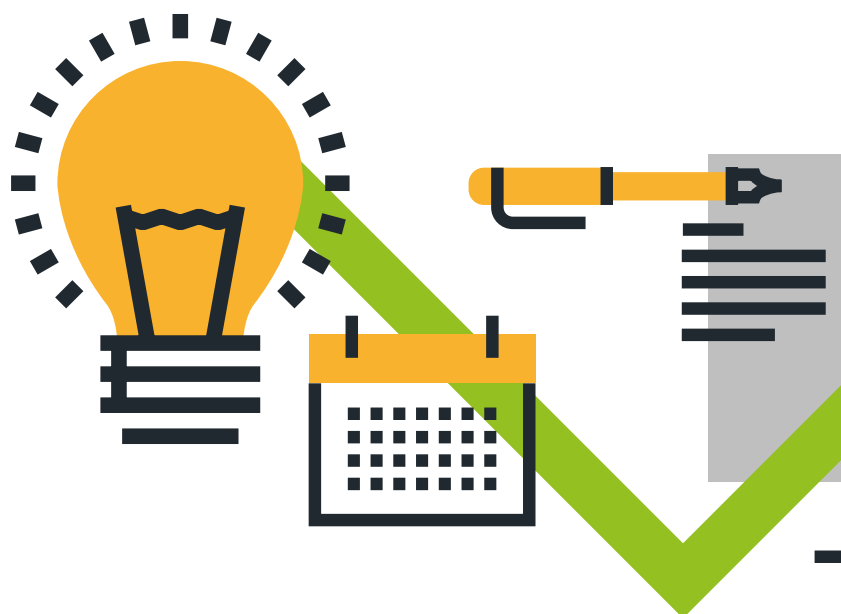
“Even outside of regulated industries, corporations like Honda and Toyota and GM had retention schedules. They knew retention was important. Moving into more regulated industries and developing global solutions really set us up to be prepared for law firms when the time came.”

### The dashboard knight

Jamie Richgels, vice president engineering, says: “The combined efforts of automation, email notification and actionable dashboard ensure that tasks get done in a timely manner, while monitoring tools provide oversight.”

The dashboard is designed so that records managers can see all the activity that is coming in from different knowledge workers upfront. There are “buckets” to sort workflow out into creation, requests to fulfil, active file room, disposal review, and so on, Richgels explains.

“And if items are reviewed in the DMS, that



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shows up on the dashboard too. Our system counts the number of items in those systems – whether from NetDocuments, iManage or OpenText – and the firm can see that content’s lifecycle.”

Richgels says the dashboard alerts staff when something is ready for the next step, and they can simply click into it and complete it from there.

“End users can also access the dashboard through their DMS – we want to make sure that they don’t necessarily have to go into FileTrail to be efficient, review retention workflow, or investigate something concerning their physical records,” he says.

### Trend reporting

Mervau says: “We’re also delivering a system that has proven ROI. Compliance, trend, and other reports allow firms to understand where they’re meeting or missing their KPIs and other goals.”

Law firms looking to become significantly more

paper-light can also track progress on that journey using FileTrail. Hundreds of folders are created by firms every day, and CIOs need the information to make the right efficiency cuts by clamping down on paper use.

They need to review the cost of data storage, and also get a view into likely future demands to retain and destroy the right information.

“That’s a very powerful insight,” Mervau says. “Firms can define information, and also gather metadata for the different practices the way those practices want it gathered.”

Sometimes the insights are, frankly, staggering. If the date to destroy certain information expired a long time ago, the system will of course flag that as well. “When firms implement our system they may suddenly see that there’s 30 years or more of items that need to be destroyed! It may seem like a bit of a pain at first glance, but ultimately it’s a huge relief.”

