Solving the Law Firm Information Governance Conundrum

Today information governance ranks top of mind as companies strive to efficiently manage the mountains of information and data they accumulate. The legal field is no exception, and in fact, law firms lead the charge not only to manage data for themselves and their clients, but also to monetize services around information governance.

What Is Information Governance?

Gartner defines information governance as the "specification of decision rights and an accountability framework to ensure appropriate behavior in the valuation, creation, storage, use, archiving, and deletion of information. It includes the processes, roles and policies, standards and metrics that ensure the effective and efficient use of information in enabling an organization to achieve its goals."

While the Gartner definition applies nicely to most organizations, law firms expand the definition to include: "Information governance is a lucrative, billable activity."

Reduce Risk, Maximize Access

The concept of information governance acknowledges that information offers incredible worth to organizations, and likewise, it holds potential incredible liability. Of course, companies can employ actions and enterprise solutions to reduce the potential liability of information, but often those solutions do not allow for maximizing the value of information.

For example, to date, firms have relied heavily on electronic discovery (eDiscovery) vendors for information management. eDiscovery software falls solidly in the risk reduction side, but it often ignores the value of information. Knowing that a record contains a sensitive keyword is different than knowing that a record as a whole is confidential.

eDiscovery Software Is Not the Answer

Noting the trend towards information governance in law practices, many eDiscovery software vendors have modified their software to include some form of data management. And, modified their marketing messages to include "information governance."

The problem stems from this basic truth: Successful information governance is not an "add-on" product. Good information governance—the quality of information management that can be considered a billable service—results from software, solutions, and practices designed to reduce risk and establish record lifecycles.

Using eDiscovery software as an information governance solution asks legal firms and practitioners to apply a fragmented set of information governance sub-disciplines to achieve a consolidated information governance strategy. It uses various tools and technologies of compliance or discovery or data base management to cobble together a coherent governance system. And it almost always comes up short.

If you want to develop an information governance process that serves clients—and generates revenue—you need a solid platform, focused on both risk reduction and value extraction, and designed specifically for governance goals. Make sure that your solution covers these areas:

ROT Processing
Almost every organization struggles with ROT (redundant, obsolete, trivial) files clogging their file shares. Large organizations commonly store twice as much content as they actually need, and law firms, with their unique requirements for both confidentiality and disclosure, face greater challenges.

ROT files eat up storage space and impede timely access to information. This file bloat hampers productivity, and outdated information, if discovered as part of litigation, can be used against a firm or its clients. For attorneys, reducing ROT isn't an option; it's a necessity.

On the other hand, executed effectively, ROT processing offers a quick "win" in information management because massive amounts of files can be identified and removed with relatively little effort. The best approach to ROT processing allows for the creation of basic rules for a variety of parameters. These rules can then be applied to a large repository of files, flagging files that meet—or do not meet—the parameters.

Next, the flagged files are moved into bulk redundant, obsolete, and trivial folders, where your staff can make the final decisions about what stays and what goes. When completed with a cost-effective tool, ROT processing provides an outstanding return on investment.

Defensible Disposition
Attorneys understand defensible disposition better than most folks, yet few law firms feel like they successfully manage file retention and destruction. Information governance software should help you defensibly dispose of your content by leveraging your retention schedule and your taxonomy.

A good system maps files to a taxonomy and simultaneously, automatically maps those files to a retention schedule, with parameters based on regulatory requirements and client service standards. Support staff can then run reports—regularly, scheduled—to show files that are eligible for disposition. They can select files for a destruction process either during a migration or at any point of your choosing.

Reduce Risk
In addition to increased storage space and faster access, routine and robust defensible disposition protects law practices and their clients. File content that has been defensibly disposed cannot be used against a company in litigation, which reduces organizational exposure to information risk. Your information governance software should make it simple and straightforward to implement defensible disposition as billable client service.

Reclassification
Like many organizations, law firms work with folder systems and structures that no longer suit

the current needs of the practice. Locating files within an inconsistent maze of folders becomes next to impossible when users work outside of their familiar core folders. Confusion and lost time combine to limit productivity, impede the ability to respond to information requests, and hinder effective onboarding of new staff.

A reclassification project can hit the reset button on your current file storage environment, increasing the value of the information contained within that environment. You can establish a folder system that is simpler, clearer, and more aligned with your current business needs, making information more accessible and its usage more efficient.

Metadata Enrichment

Today, content management, of any sort, requires a metadata plan. Metadata helps legal practices successfully harness and manage firm knowledge and monitor trends. Whether it is digital assets, data, or text, the right metadata schema can help you support processes and technology, and it can even build employee morale through reduced conflicts and improved cooperation. Metadata enrichment strengthens organization and classification between practice areas, between attorneys and staff, which increases the usability and value of the information while also improving identification criteria for the risk reduction techniques.

Metadata can be customized to specify security classifications and permissions based on file paths and location. Your information governance solution should allow users to develop relationships between metadata elements and file groups (also called relational metadata), streamlining the attribution process. The software should offer auto-attribution to optimize project timelines as metadata inheritance and simultaneously assign relational metadata.

Migration to ECM

Migration to ECM (enterprise content management) offers the ideal opportunity to increase the value of information. As you move content from an existing system to a new one, you can process ROT and shrink files; sort and classify files using metadata; and assign defensible disposition strategies to files. Your information governance solution should facilitate each of these steps and support your choice of ECM.

User buy-in and adoption are essential to successful ECM implementation, and your information governance solution should support and encourage the process through testing and training. For example, FileFacets provides a pre-deployment staging area that allows you to design, solicit user feedback, and test the beta environment—all before committing to deployment. We also train and review users on file transfer and retrieval.

Clients & Accountability

When you have a successful, strategic information governance solution in place, you are ready to offer that same solution to your clients. First, you can assure clients of the security of their information and interactions with the firm. Reduced information risk through defensible disposition combined with fast and safe file access through metadata means clients can trust their affairs with your firm.

You can also assure clients of your compliance with information audit standards. Your information governance system should track use of all documents, indentifying when and who accessed each one.

And, depending on the depth of relationship with a client, you can offer extended information governance functionality to them through expanded licensing options of your system—at a very reasonable, billable cost.

Information is power; information is risk. It offers value, but if your information is not organized and accessible, its value cannot be extracted. With a complete information governance solution that not only reduces risk but also increases information value, there are no smoke and mirrors, only solutions for you and your clients.

If you'd like to get out of the law firm information governance conundrum, FileFacets can help. A cloud-based information governance solution, FileFacets offers all the functionality described above and supports nearly every ECM system available today, with plug-and-play functionality for OpenText Content Server, Microsoft SharePoint, and shared drives.

About FileFacets
Founded in 2000 by experts in information governance and ECM, FileFacets delivers sophisticated content analysis to create a highly automated and scalable SaaS-based solution. Hundreds of enterprises across the globe have trusted FileFacets to successfully migrate more than 150 petabytes of content. For more information, contact FileFacets now!