Strategic Approach to Compliance & Use of Technology

Leigh Isaacs
Director, Information Governance & Records
Proskauer Rose LLP
Introduction

Leigh Isaacs, IGP, CIP is Director, Information Governance and Records Management at Proskauer Rose LLP. Leigh’s 30+ year career in law firms includes expertise includes strategic development and implementation of enterprise records and information governance programs, process improvements, matter lifecycle management, risk mitigation, vendor management, evaluation, design and implementation of technology solutions. She enjoys building teams and programs to meet the ever changing needs of law firms and their clients.

An active member of the International Legal Technology Association (ILTA), Leigh has served as Vice President of the Program Planning Counsel and other volunteer roles. She is also a founding Steering Committee Member for the Law Firm Information Governance Symposium, serves on the Advisory board for the Information Governance Initiative and has served in various leadership roles for ARMA. She is the creator of an information governance course and is a published author, speaker and instructor in issues relating to information governance.
What Will We Learn?

Understanding and meeting your organization’s compliance needs is often a complex undertaking. It is a myth that “plug-and-play,” out of the box solutions are the answer. As with most things, the most effective information governance plan requires a strategic approach, and technology alone is not the answer.

• How to ask the right questions and bring together the right people to effect necessary change;
• How to identify and leverage existing technology to satisfy compliance mandates;
• Strategies to get buy-in and approval to implement solutions and initiatives;
• Bringing it all together with the right mix of people and process; and
• Technology.
How many of you are...

• Influencers of technology decisions, purchasing and implementation?

• Decision makers of technology purchasing and implementation?
Changing Times

• As new cyber threats emerge, regulators continue to create new rules that companies must follow to ensure their processes and data remain secure. Remaining compliant can feel like a challenge for many businesses, especially as the requirements continue to become more complex.

• In today’s increasingly digital world, technology is playing a larger role in compliance more than ever before, leading it to become a fundamental part of cybersecurity.

• Per Accenture survey – 9% drop in headcount. No longer relying on additional headcount to increase effectiveness.
Value of Compliance

• Improving overall operations
  • Facilitating integration of compliance programs through knowledge sharing, leveraging common systems and controls and coordination between teams
  • Can contribute greatly to the strategic governance of entire organization

• Saving your company money
  • Potential fines and sanctions; protection from prosecutions and reputational damage
  • Minimizing what is retained
  • Loss of productivity/output

• Making your organization more competitive
  • Integrated programs that have visibility across the organization operate with better efficiency, consistency and simplicity
  • Gives confidence in the company
To ask the right question is already half the solution of a problem.

C.G. Jung
Getting Started

• It’s not all about technology
• What do you need to think about?
• What skills do you need?
• Know
  • Your company
  • Your people
  • Priorities, Goals and Objectives
“Helping employees help themselves in spite of ‘themselves’
also known as
“If you build it [correctly], they will come.”
Teamwork is the ability to work together toward a common vision. The ability to direct individual accomplishments toward organizational objectives. It is the fuel that allows common people to attain uncommon results.

Andrew Carnegie
Basics - Know Your Organization

• Administrative Management (e.g., HR, Finance, Marketing, etc.)
• Business Intelligence
• Information Security and privacy
• Ethical/Legal Compliance
• Firm Intellectual Property
• IT System Administration/Infrastructure
• Knowledge Management
• Litigation Support
• Records and Information Management
• Risk Management
Keep in Mind

• Different areas of operation
  • Finance, legal, operations
• Multiple industry perspective
  • Corporate, manufacturing, consulting
• Broad managerial roles
  • Supervisory, management, senior staff
• Diverse personal interactions
  • Multi-cultural
  • Multi-educational
Addressing Compliance Needs

- Reduces risk associated with data loss or breach of customer or client information
- Provides defensible policies, protected information and compliance with legal requirements, thus reducing risk exposure and potential harm to reputation
- Improves control over assets, such as trade secrets and intellectual property
- Increases efficiency of the business groups – both within and across groups
- Information can be shared and strategically leveraged for business intelligence and decision making
- Ability to repurpose assets, such as departing employee information
- Aids in efficient due diligence process in instances of potential mergers/acquisitions
- Governance structure also allows for the implementation of tools and processes to monitor and provide early detection of suspicious activity
- A program can provide a framework for security/risk assessments.
Influencing Factors

• Company Size
• Culture
• Decision Making
• Composition of Advisory Board
• Advantages/Challenges
Opportunities

• Retiring older technologies; infuse new technologies
• Seek opportunities to automate key processes
• System integrations
• Look for drivers
  • Internal
  • External
• Look for low hanging fruit – not everything needs to be a big bang
Opportunities

• Strategically
  • Improve controls on the front end – risk-based approach
  • Characterize legacy back file collections
  • Lessons learned from prior discovery experiences

• Tactically
  • Office relocations
  • Department/business unit consolidation
  • Merger/acquisition/divestiture
  • Consolidating an off-site storage facility
  • Implementing new RMS/DMS/Email archive technology
Common Challenges (that can become opportunities)

• Creation and retention of data outside of RIM policy/program
• Allowing data to be kept for too long
• Allowing data to be inadvertently destroyed
• Employees using unsecured methods to collaborate/transmit information
• Unauthorized access to information
• Creation of systems that allow and encourage unstructured data
• Accessing backup tapes for routine requests
• Forgetting about legacy systems and data (e.g., tapes)
• Downgrading data to an inaccessible format
• Employees bringing unauthorized data into the company
• Departing employees taking unauthorized data from company
The idea is to infuse IG into the fabric of the organization with minimal disruption — although growing pains are to be expected. If executed properly, the IG effort will enable staff to work the way they want and need to in order to efficiently serve clients, while still achieving the goals required for a successful IG Program. Ideally, IG is the glue that connects information silos across the company. It offers the strategy, knowledge, and tactical experience to facilitate action and develop holistic solutions to today’s information challenges.
Collaboration – What Is It?

- **collaboration** (kəˌlæbəˈreɪʃən) — *n* (often foll by *on, with, etc.*)
  1. the act of working with another or others on a joint project
  2. something created by working jointly with another or others...
  - www.dictionary.com
Investment

• “A greater amount of time is required for collaboration than for cooperation since activities are shared rather than allowed.”
  • A Synthesis of Research on Organizational Collaboration
Collaboration & Partnerships

• Supports creation/maintenance of a data map, development of project portfolio
• Helps identify priorities, make decisions tied to strategy
• Identify potential areas of overlap
• Leverages technology
• Mutually beneficial projects
• Records/IT
If everyone is moving forward together, then success takes care of itself.

~ Henry Ford
Selling to Management & End Users

• Without buy-in, sign-off and top down support from management an IG program will wither and die
• Gain approval and find a champion for the efforts
• Clearly state what the initiative brings: branding, risk, cost savings, competitive advantage
• Requires a unique strategy
• Critical to know company priorities, culture and business plans
• Take time to know your end users
What to Message

• Why is the initiative important to the firm?
  • value add (competitive edge)
  • alignment with business goals and objectives
  • risk avoidance
  • possible cost savings
  • increase efficiency
• Clearly defined scope
• Metrics
• What problems are being solved
• Priority of specific issues to address, including justification for priority
• Estimated resources/cost to implement
• If there was a specific triggering event- leverage it!
• Regulatory requirements
Selling the Vision

• Subject matter expert
• Define risks
• Provide statistics
• Cost/benefit analysis
• Collaboration opportunities
• Navigating the politics
• Find champions
• Identify a sample use study
• Leverage “The Principles”
Metrics

• Critical to success

• How do you measure success? Numbers speak.

• Design your project with metrics defined up front. Set expectations of what you will be able to deliver.

• To the extent possible, get metrics in advance to build into your business case

• Provides foundation to get approval for additional phases of program implementation
I can't sign off on this technology plan because I don't understand it.

To be fair, you wouldn't understand any technology plan, including the "do nothing" scenario.

Is this one of those cases where context isn't helpful?
CREATIVITY, AS HAS BEEN SAID, CONSISTS LARGELY OF REARRANGING WHAT WE KNOW IN ORDER TO FIND OUT WHAT WE DO NOT KNOW....HENCE, TO THINK CREATIVELY, WE MUST BE ABLE TO LOOK AFRESH AT WHAT WE NORMALY TAKE FOR GRANTED.

GEORGE KNELLER
Common Tasks

• Email Management
• Retention/Disposition
• Program Development
• Audit/Compliance
• Litigation Hold Management
• Outside Counsel Guidelines (for law firms)
Systems

- Records Management
- Document Management
- Marketing/Business Development
- HR Systems/Alumni
- Analytics Technologies
- Finance/Accounting Systems
- Reporting
- Microsoft SQL Server
- SharePoint
- InfoPath
- Import tools
- Data warehouse
- Scanning technologies
- Active Directory
Challenges

• Limited budgets
• Doing more with less
• Competing resources
• Growing volume of information
• Legacy “mess”
• Gaining executive approval
Five Steps

• Overcome Barriers
• Recruit Members
• Agree on Direction
• Clarify Responsibilities
• Support Collaboration
The secret is to gang up on the problem, rather than each other.

Thomas Stallkamp
Questions to Ask

• What problem are we trying to solve?
• Where are we trying to solve it?
• Are there tools already in house that can be utilized?
• Do we need to investigate, explore, and identify new solutions?
• Would a proof of concept help introduce these technologies as an aid for compliance?
There is nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success, than to take the lead in the introduction of a new order of things.

Niccolo Machiavelli
GRC maturity model

Integrates people, process, and technology

Leverage GRC for specific events or situations
- Business/IT process and controls monitoring and testing
- Vulnerability testing, access control and segregation of duties
- Data analytics and information management activities

Design and deliver specific GRC functions/process
- Compliance function enhancement
- IA process/technology transformation
- Analytics enablement and fraud monitoring
- Process improvement/automation (e.g., Financial close reconciliation)

Develop an enterprise-wide GRC program supporting strategic vision and objectives
- Risk management integration initiatives
- Risk and controls transformation initiatives
- Driver-based performance management integration
- Business intelligence integration
- Continuous monitoring
Training

• Thinking outside the box
  • SQL Training
  • Import tools
  • Secure file transfers
  • Microsoft Office products
  • Document management systems
  • Who/where are your internal experts?
  • Vendor partners
  • Other?

• Leveraging what you have
## Case Study

### SSRS Reporting – Activity Monitoring

<table>
<thead>
<tr>
<th>User Activity</th>
<th>From 9/10/2008</th>
<th>To 9/17/2008</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Full Name</strong></td>
<td><strong>Position</strong></td>
<td><strong>Site</strong></td>
</tr>
<tr>
<td>Wilson, Paul</td>
<td>Special Counsel</td>
<td>DC</td>
</tr>
<tr>
<td>Olson, Christina</td>
<td>Associate</td>
<td>DC</td>
</tr>
<tr>
<td>Hobbs, Ken</td>
<td>Practice Support Analyst</td>
<td>DC</td>
</tr>
<tr>
<td>Ounthoriser, Beth</td>
<td>Practice Support Analyst</td>
<td>LA</td>
</tr>
<tr>
<td>Prout, Christopher</td>
<td>Partner</td>
<td>LN</td>
</tr>
<tr>
<td>Essrich, Christopher</td>
<td>Associate</td>
<td>SD</td>
</tr>
<tr>
<td>Ross, Paul</td>
<td>Associate</td>
<td>SD</td>
</tr>
<tr>
<td>Pace, Brandon</td>
<td>Associate</td>
<td>SD</td>
</tr>
<tr>
<td>Lidstrom, Shawne</td>
<td>Sr Automation Support Analyst</td>
<td>SE</td>
</tr>
<tr>
<td>Nelson, Bonnie</td>
<td>Securitization Assistant</td>
<td>SE</td>
</tr>
<tr>
<td>Liston, Blake</td>
<td>Associate</td>
<td>SE</td>
</tr>
<tr>
<td>Nikroush, Babak</td>
<td>Associate</td>
<td>SF</td>
</tr>
<tr>
<td>Bodner, Leslie</td>
<td>Sr Mgr Shareholder Recruitment</td>
<td>SF</td>
</tr>
<tr>
<td>Yabut, Jun</td>
<td>Library Assistant</td>
<td>SF</td>
</tr>
<tr>
<td>Andrew, Scott</td>
<td>Associate</td>
<td>SF</td>
</tr>
</tbody>
</table>
Case Study

From: WorkSite Update [mailto: servicesq2005@orrick.com]
Sent: Wednesday, February 06, 2013 10:11 AM
To: Ovies, Robert L.; Monfradi, Chuck; Isaacs, Leigh; Stevens, Michelle L.; Jimenez, Kathleen M.
Subject: WorkSite Security Daily Report for: 02/05/2013

WorkSite Security Daily Report for: 02/05/2013

<table>
<thead>
<tr>
<th>DATABASE</th>
<th>SITE</th>
<th>DOCUSER</th>
<th>FULLNAME</th>
<th>POSITION_TITLE</th>
<th>Count</th>
<th>ACTIVITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>USA</td>
<td>SF</td>
<td>KZJ</td>
<td></td>
<td>Data Management Administrator</td>
<td>208</td>
<td>Changed Profile</td>
</tr>
<tr>
<td>USA</td>
<td>SF</td>
<td>1AP</td>
<td></td>
<td>IP Docket Clerk</td>
<td>57</td>
<td>Changed Profile</td>
</tr>
<tr>
<td>USA</td>
<td>SF</td>
<td>D52</td>
<td></td>
<td>IP Docketing Specialist</td>
<td>31</td>
<td>Changed Profile</td>
</tr>
<tr>
<td>USA</td>
<td>WH</td>
<td>2JE</td>
<td></td>
<td>Legal Secretary</td>
<td>114</td>
<td>Changed Profile</td>
</tr>
<tr>
<td>USA</td>
<td>DC</td>
<td>ELP</td>
<td></td>
<td>Legal Secretary</td>
<td>102</td>
<td>Changed Profile</td>
</tr>
<tr>
<td>USA</td>
<td>SF</td>
<td>NKB</td>
<td></td>
<td>Associate</td>
<td>2782</td>
<td>Export</td>
</tr>
<tr>
<td>USA</td>
<td>SV</td>
<td>6JP</td>
<td></td>
<td>Associate</td>
<td>43</td>
<td>Mail</td>
</tr>
<tr>
<td>USA</td>
<td>SF</td>
<td>DH3</td>
<td></td>
<td>Associate</td>
<td>25</td>
<td>Mail</td>
</tr>
</tbody>
</table>

Activity Threshold:

- Copy > 25
- Mail > 20
- Print > 30
- Export > 25
- Change Profile > 25
- Change Security > 5
Case Study

DAILY DISTRIBUTION REPORTS
Mail Distributions
Case Study

FILE TRANSFERS & DISPOSITION
Case Study – Transfers/Disposition
Slicing and Dicing Data
## Case Study

### FILE CREATION REQUESTS

**New Label Request / Update Form**

- **Date:** 8/26/2013 3:40:35
- **Requested By:** [Name]
- **Extension:** [Extension]
- **Sign Files(s) Out To:** [Employee ID]
- **Deliver To:** [Location]
- **Email To:** nyrecords@jerrick.com
- **Please enter the e-mail group name:**

#### Client Code
- **Client Code:** [Client Number]
- **Matter Code:** [Matter Code]

#### Additional Information
- **Container Type:**
  - **Title:**
    - [Correspondence/Memo]
    - [Pleadings/Update (See Attached)]
    - [Documents]
    - [Client Documents]
    - [Research]
    - [Notes]
    - [Due Diligence]
    - [Blue Sky Filings]
    - [Transcript]
  - **Green Folder w/Label**
  - **Expandable w/Label**
  - **Label Only specify form**
  - **Folder**
  - **Box**
Case Study

FILE SHARE REMEDIATION
## File Share Management

### Server Shares >> Share: common

**Server:** DCFILE01  
**Share:** common

**Description:**

<table>
<thead>
<tr>
<th>Folder Name</th>
<th>Full Name</th>
<th>File Count</th>
<th>Total Size (MB)</th>
<th>Client Matter</th>
<th>Matter Status Last Time</th>
<th>Resp. Atty</th>
<th>Legal Hold</th>
<th>Retention Date</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Incoming from Patton Bogg 9999.15074</em></td>
<td>VDCFILE01\common_Incoming from Patton Bogg 9999.15074</td>
<td>1239</td>
<td>0.0336MB</td>
<td>8888: Personal/Admin Files &amp; Personal Charges ----- 15074: Ward, Haven G.</td>
<td>Open ----</td>
<td>---</td>
<td>Apr-11-2013 Update Client Number, Matter Number, Notes, Archive Location, Data Analyst</td>
<td></td>
</tr>
<tr>
<td><em>Schnaidropst</em></td>
<td>VDCFILE01\common_Schnaidropst_</td>
<td>7</td>
<td>0.001MB</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>2013 Quarterly Extraterritorial Review (1-3127963)</td>
<td>VDCFILE01\common\2013 Quarterly Extraterritorial Review (1-3127963)</td>
<td>15</td>
<td>10.87MB</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>337-TA-769 Barnes &amp; Noble</td>
<td>VDCFILE01\common\337-TA-769 Barnes &amp; Noble</td>
<td>37540</td>
<td>53554.9MB</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>TJH</td>
<td>VDCFILE01\common\TJH</td>
<td>80</td>
<td>0.008MB</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>AOC 9999.14446</td>
<td>VDCFILE01\common\AOC 9999.14446</td>
<td>42</td>
<td>0.004MB</td>
<td>8888: Personal/Admin Files &amp; Personal Charges</td>
<td>Open ----</td>
<td>---</td>
<td>Apr-11-2013 Update Client Number, Matter Number, Notes, Archive Location, Data Analyst</td>
<td></td>
</tr>
</tbody>
</table>
File Share – Retention/Tracking
ENHANCED SYSTEM REPORTING
Case Study

DATA IMPORT TOOLS
Case Study

DATA EXPORT TOOLS
Assessment

Information Governance Assessment

- Identify an organization’s risks
- Measure the severity of those risks
- Track deficiencies and gaps by principle and overall score
- Formalize or refresh a records management program
- Assess the sufficiency of training and documentation
- Monitor the progress of risk mitigation efforts
- Establish baselines and benchmarks; ensure accountability

Assessment

55
Resources & Contact Information

• Forbes Article
• Technology Transformation
• CIO Review
• Deloitte Article

Leigh Isaacs
Director of Information Governance
lisaacs@Proskauer.com
LinkedIn: linkedin.com/in/leighisaacs
Twitter: @leighisaacs
Questions?