



STAFFING EFFICIENCIES AND RECRUITING STRATEGIES IN A COVID-19 WORLD



2020 LAW FIRM INFORMATION GOVERNANCE SYMPOSIUM

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INTRODUCTION

In this involuntary age of change, the Information Governance (“IG”) practitioner must consider how to evolve in the profession. This includes having the flexibility to work remotely and the ability to adapt to a mixed state of remote and “in-the-office” work to best support their firms. Staff must remain vigilant in their pursuit to remain valuable to the firm taking into account on-premises staffing in most office locations will become less essential over time.

Working remotely presents substantial opportunities to realize increased efficiencies and economies of scale through centralization and the deployment of functional teams to support broader service delivery. Enhanced business processes and expanded skill sets, relying on technologies that support increased digitization, are key to supporting these changes. Finally, firms must attract a more technically skilled and educated IG Practitioner. This approach will become the model of the future.

IN THIS INVOLUNTARY AGE OF CHANGE, THE
INFORMATION GOVERNANCE (“IG”) PRACTITIONER MUST
CONSIDER HOW TO EVOLVE IN THE PROFESSION

OPPORTUNITIES FOR EFFICIENCY WITH A MIX OF REMOTE VS. ON-PREMISES STAFF

The 2020 global pandemic has led to dynamic and rapid changes in today's workforce. We believe that IG is at the forefront of working in this new reality. The almost instant transition to a remote, distributed workplace has aggressively shifted organizational focus to a reliance on digital documents, matter workspaces and technology for client service and remote work support. It has required management to hastily come up with new strategies and embrace new tools to support our clients, manage staff and keep them productive and motivated. This new reality is an opportunity for law firms to harness the benefits of a solid IG program.

Many roles under the IG umbrella can be performed in a remote work environment. Other roles, such as a Records Clerk may need to be onsite to manage physical files personally, whether in a full or part-time capacity. Work volume and the firm's level of desired support should dictate the decision as to staff location. When onsite, all staff should follow mandated safety protocols related to the current pandemic.

MANAGING REMOTE STAFF

Managing remote staff and their productivity may require some changes in a firm's management style and manager's level of involvement. Remote working policies and protocols must be established to ensure staff remains focused on their duties and assignments. A great first step is to establish a regular communication and accountability cadence to promote trust within the team. Some best practices in managing people remotely are:

- Set clear expectations. Employees should know what is expected of them. Hours of activity, levels of flexibility on hours and communication should be formally documented and discussed
- Be connected and communicate. Do not rely solely on email. Use multiple channels for communication including video conferencing tools such as Zoom, MS Teams, Web-Ex, etc. to check in with team members. Video conferences are a great communication method that helps teams feel connected on a personal level.
- Take advantage of growth opportunities. Task teams with new activities that stretch and grow their skill set. Take advantage of any available time to address database clean-up efforts or work on structuring unstructured data dumped in file shares.
- Manage at the accomplishment level, not activity. Micromanaging to the minute is a very ineffective way to keep a team on task. Focus on setting goals and deadlines, and set your expectations accordingly. It helps to celebrate accomplishments and encourages completion of tasks. This becomes a great motivational tool when accomplishments are shared and efforts are recognized.
- Connect on a personal level. Interject some fun into weekly or regular meetings. Making such group activities a part of touch-base meetings adds a level of positivity, so the focus is not always on tasks.

Embracing new technologies is also a necessary step to manage remote teams. Remote environments pose challenges that are different from on premises workstations. Teams must have all the tools they need to succeed, including access to the appropriate level of hardware and a secure connection. Firms may be able to provide a basic setup for employees who may not have a workable solution at home once the decision has been made to transition the role to a remote environment. Access to video conference equipment is also a necessity to facilitate communication within small groups or large, such as firm-wide webinars. Make sure that all workstations, whether virtual or firm hardware, are equipped with all the applications and access rights team members need to perform their activities. Investigate new technologies that could assist a team if there are gaps in their ability to deliver work, and make a strong business case for purchasing any new tools to improve workflow.

EVOLVING IG SKILL SETS IN A POST COVID-19 ENVIRONMENT

Law firm IG professionals have advocated for their firms to embrace electronic matter file (“EMF”) systems for many years now. While some firms have made substantial progress in this regard, most firms are still far from being fully electronic when it comes to their client/matter files. The 2020 COVID-19 global pandemic has exposed substantial gaps and lost productivity caused by both not having a comprehensive EMF and the inability to function in a digital manner.

Firms do not have a choice but to embrace an EMF since access to physical content has been made more challenging for remote matter teams. They must move toward a fully electronic matter file and fully embrace the ability to operate digitally sooner rather than later; however, this requires that the IG team has the adequate skills and perspectives to support this transition.

There are four critical skill sets IG professionals must have in order to adapt:

1. Ability to advance the EMF;
2. Technical skills to manage other information repositories (e.g., network file shares, client collaboration tools, e-Rooms) and related digital applications;
3. Basic knowledge of core IG compliance for data privacy and data security; and
4. Communication skills necessary to perform end-user training and education.

The organizational principles are no different - knowing where to file a piece of paper in a physical file is no different than filing an electronic document into an electronic folder. However, there are several distinctions between managing physical and electronic matter files including:

- Deep understanding of the capabilities of the document management system, such as:
 - » Understanding how workspace folders are provisioned based on matter type, practice group or area of law;
 - » Recognizing the role metadata plays in classification and its impact from capture to retrieval;
 - » Having knowledge of access rights management and matter-based security; and
 - » Knowing alternative approaches to filing email into folders
- Ability to engage with the legal practitioners to vet business requirements supporting the digitization of paper.
- Exploring considerations to identify and vet legal and business requirements for keeping select portions of the matter file in paper form.
- Implementing and administering e-signature and other automation platforms.
- Developing workflows and deploying additional tools to support automation and distributed processing of work product and firm business records.
- Managing unstructured data by applying organizational classification to facilitate retrieval.
- Understanding increasingly complex security and privacy regulations and requirements, especially as they relate to the management of electronic data.

The bottom line is that, in this new environment, it is imperative that IG professionals hone their skills and find ways to remain viable to the firm. In parallel, IG leaders must assess their current team to understand where their skills and capabilities are best leveraged. It is essential to determine if current staff or new hires can work comfortably in a somewhat isolated fashion moving content behind the scenes versus working directly with lawyers and matter teams to support the transition to a predominately digital world.

This may also be a good opportunity to address long-standing projects (previously considered as “low importance”) such as cleaning up network file shares and eRooms or partnering with IT to develop defensible disposition processes for unstructured data.

Since end-user engagement is key to the success of any program, the IG leader must also develop a marketing and sales skillset to promote good IG practices across the firm, even in a more digital environment. While COVID-19 has spurred the transition to digital, it is important to build and maintain relationships, unearth pain points, and help “sell” the solutions. Having the skillsets to develop a long-term IG marketing strategy that includes a targeted communication and awareness plan is critical to the success of a holistic IG program.

Granted, these strategies and skill sets are not new. What is new is the heightened importance they now demand in most law firms given the fundamental shift to a work from home environment.

RECRUITING STRATEGIES IN A POST-COVID 19 ENVIRONMENT

Data management and lifecycle support requirements are changing faster than ever because of the pandemic. In recent years, the advent and acceptance of the electronic version as the record copy have also realigned the management of client and business operations information. For most firms, the system of record has evolved into an accepted hybrid arrangement where the client/matter file is comprised predominately of electronic documents complemented by physical documents.

Until recently, mid-sized to larger firms had gravitated towards a divided workflow approach combining myriad physical records management tasks with electronic data management relative to IG principles. Those have included, but not been limited to, policy-driven data acceptance and release activity (matter mobility) and legal holds management. These also include data collections related to internal investigations and subpoena response, and, retention and disposition actions. The pandemic has increased remote work, and, as a result, brought focus on the principle of Accessibility, and the need for on-site physical records management is waning.

All of these factors have resulted in firms evaluating their business models and consequently their support models - including IG. What types of individuals are needed for this re-balancing of responsibilities, and how should firms go about conducting a reorganization strategy?

One approach being adopted by firms is the hybrid IG organizational/functional model. Physical records management is - and always has been - recognized as an important service function firms include as part of their professional responsibility to their clients. However, in most practice groups, the electronic documents are the core and essential part of the system of record for the client matter - especially email.

This dynamic presents an opportunity to modify the make-up and ratio of full-time employees and consideration of alternative staffing options i.e. outsourcing (or, sourcing) for physical records management service lines. For the purposes of this report, let us consider the records and information support structure as part of the IG department, whether staffed by full time employees (FTE) or sourced personnel.

Most physical records management functions can be supported by staff who have experience in this business line, and in a majority of cases by staff who have performed this work for many years. However, what has happened in the legal IG space is that these core competencies align with a necessary service area within an IG operation - albeit a limited one. The valued-added IG service lines focus on data and align more so with governance, technology, and compliance service lines, and may require a different caliber individual than a career physical records practitioner.

Rather than promote from within for core IG practitioners and technologists, which traditionally have been linked to back-office functional areas like office services, firms are opening up their recruiting strategies by looking outside for a different kind of recruit that brings a different quality and talent. For instance, a recent college graduate with a degree in English literature, history, engineering, communications or social behavioral sciences brings a fresh perspective as a candidate for a core IG operation. Further, managing a typical college workload and the related deliverables and constant balance of demands on time would align with established time management skills and completion of project work in the legal IG department. All college students possess technical capabilities that can easily be expanded with learning new applications used in the legal industry.

How these candidates are recruited and convinced that this type of career opportunity is appealing and promises rewarding potential is the big question. After investing in an undergraduate degree and contemplation of graduate or law school as a next step, there is some risk in attracting such a person to join a firm as an IG subject matter expert. One approach during the interview process is to advertise the candidate's potential exposure in the law firm environment and the opportunity to foster relationships with all levels of practitioners. Other approaches may include the promise to work within the IG department for two years to establish themselves while building relationships for other advancement and opportunities within the firm. Colleges often speak of legal careers only in terms of lawyers and paralegals while failing to mention the many lucrative and rewarding careers that are available in the management of information in a law firm.

Key components to success for recruiting include a strong collaboration with the HR department and C-Suite decision maker/sponsors, well-written job descriptions, good marketing and position advertising, and offering a competitive compensation package that can be incentive laden to pique interest.

CONCLUSION

COVID-19 has presented law firms with both challenges and opportunities. It has shone a bright light on the importance of working collaboratively and managing remote teams while presenting opportunities for firms to build efficiencies with a targeted blend of on premises and remote work. Information Governance leaders will benefit from evaluating staffing and recruiting strategies needed to sustain the law firm of the future keeping in mind the necessary skills to assist lawyers and staff with the use of technology required to manage the electronic matter file. Although these concepts are not new, the time for Information Governance, supported by a firm's digital transformation, is now.

This report is the 2nd in a series of 4 that address Information Governance topics related to the surge in remote workers as a result of the COVID-19 pandemic.

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