SELLING TO END USERS

When selling to end users, it's important to stress how IG programs will generate value for everyone – from lawyers, secretaries, and directors to managers and legal support professionals. It is also important to remember that implementing an IG Program can create confusion, as well as the perception of adding extra work for end users. Change is intimidating by nature, so messaging is important. Success depends on communicating the ways that IG will make their jobs easier and create value. Users will be looking to IG for ways to increase their efficiency, create value for clients, solve problems, and improve productivity (see Figure 9).
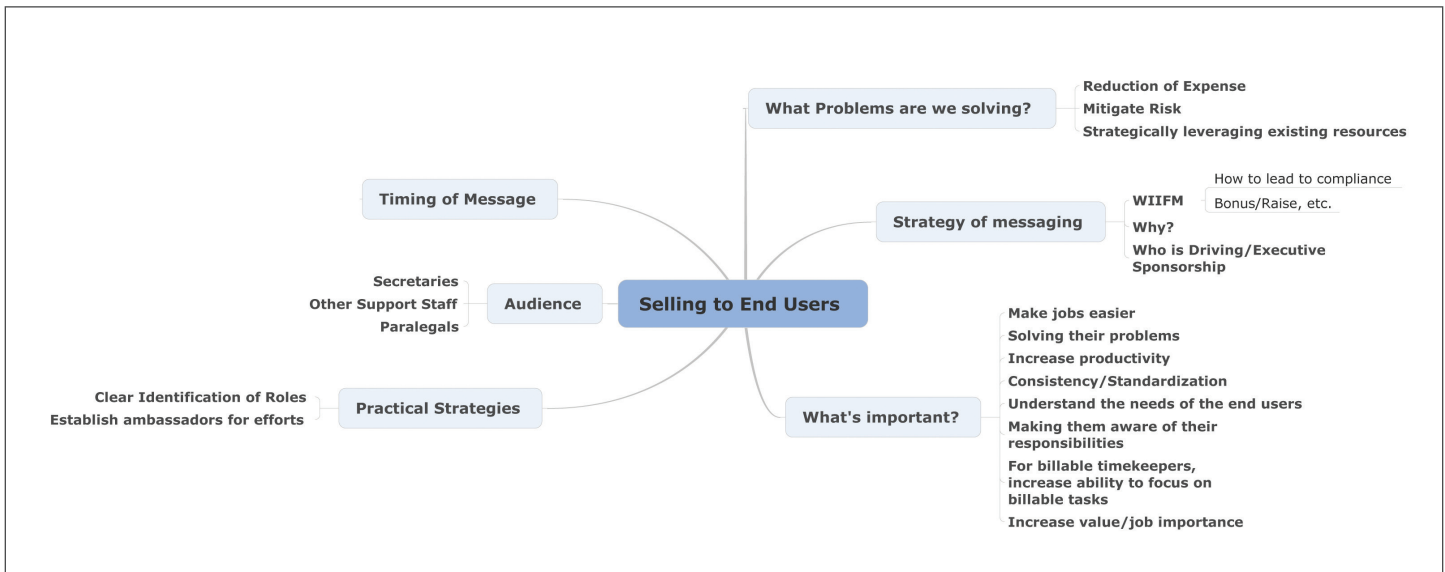

Figure 4.9: A map illustrating the various elements that should be considered when selling to end users.

4.5 COMMUNICATIONS

Communications within a law firm can be challenging for a variety of reasons, not the least of which are firm politics and culture. As a result, those charged with sending the message may be either too busy or reluctant to do so for other reasons. In addition, the organizational structure of some firms makes clear, top-down communications challenging at best. Bridging communication gaps is crucial to the success of the program. However, the effort must be strategic, organized, and comprehensive to effectively reach all people at all levels within the firm. An effective communications strategy will vary from firm to firm, so it is important to not only develop a careful strategy as to what will be communicated, but also who is best equipped to deliver the communication.

SETTING EXPECTATIONS

There is always a fair amount of fear and uncertainty when initiating an IG Program, so it is critical to set the expectations early and ensure the plan is communicated effectively to both internal and external stakeholders.

For your internal stakeholders, it should be made clear that this is a partnership with reciprocal properties (i.e., IG will do this, and in return you are expected to do this, and as a result we will mutually benefit). An ideal program will leverage opportunities to make the life of the end user easier. It is also important to communicate what can and will be measured, how it will be monitored, how it will be enforced, and the repercussions for non-compliance. These same expectations must be established with external stakeholders, as well, including existing clients, new firms, acquisitions, and incoming and departing lawyers. Various factors play a role, such as personnel resources, budget, and service-level expectations.

There will be resistance to the effort, and many of those reservations will stem from such concerns as changes to day-to-day practices, budget, and upfront expenses. However, the present value of the effort is worth more than the time and money that will be spent on the same effort in the future. The proliferation of information in law firms continues to grow. That said, it is impractical and impossible to attempt to "boil the ocean" by addressing all IG issues at once. An incremental approach is recommended, and, once decided, plans and expectations should be communicated appropriately. The longer a firm waits to act, the greater the negative impact will be down the road (see Figure 10).
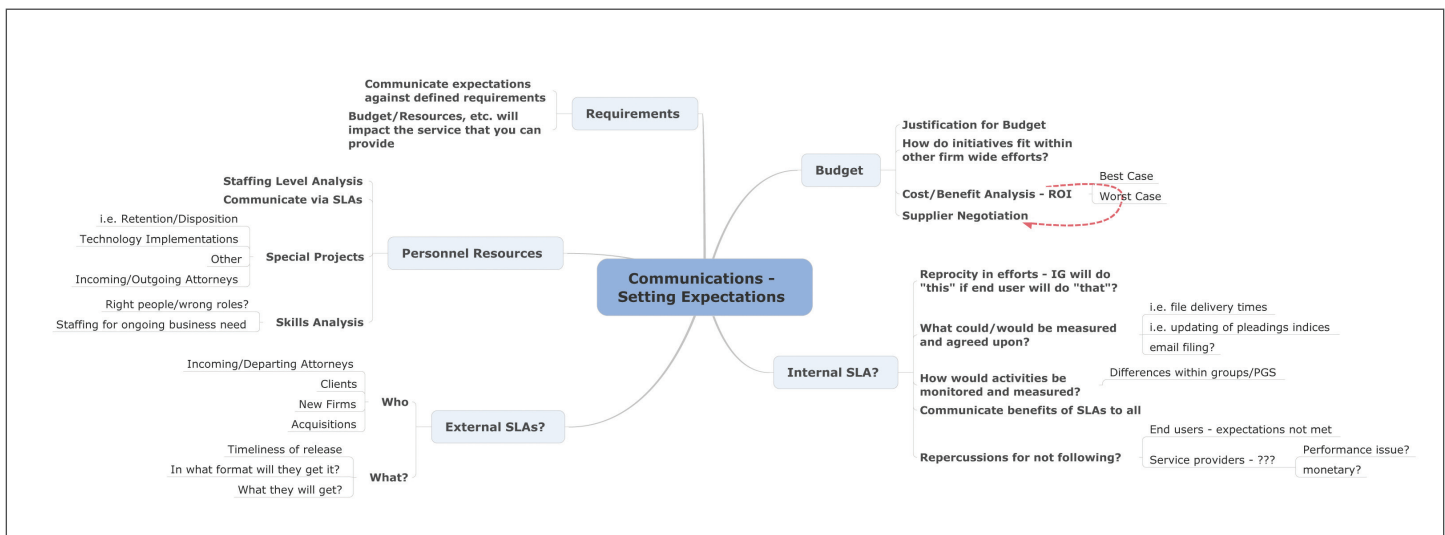

Figure 4.10: A map illustrating what should be considered when communicating the expectations of the IG Program.

MESSAGING OF IG PROGRAM

Poorly communicating about your IG Program can yield worse results than not communicating the plan at all. For this reason, investing time to develop short, concise, and targeted messages that are tailored for individual segments of the firm is essential. Communications that are effective for one group may not resonate with another. Also, keep in mind the "What's in it for me?" mentality of the various groups, and be sure to demonstrate the net gain of their investment — in time, resources, and budget — by presenting a strong business case for the IG effort.

Although the message will take on a slightly different tone depending on what practice or administrative group is being addressed, it is important to consistently emphasize the expected universal benefits. These include reducing expenses, increasing efficiencies, meeting compliance, sharing knowledge, and mitigating risk. It is critical to back up these benefits with metrics that demonstrate progress and incremental improvements. The next section covers metrics in more detail, but keep in mind that, regardless of audience, the who, what, when, where, why, and how of IG must be clearly articulated and consistently emphasized.

A law firm's first priority is serving its clients; therefore, it is important to keep the focus on delivering value to the client. In the end, the IG effort is as much about practicing law as it is fulfilling an ethical and fiduciary duty to protect clients' information. A properly designed IG program can reap benefits in many areas (see Figure 11).
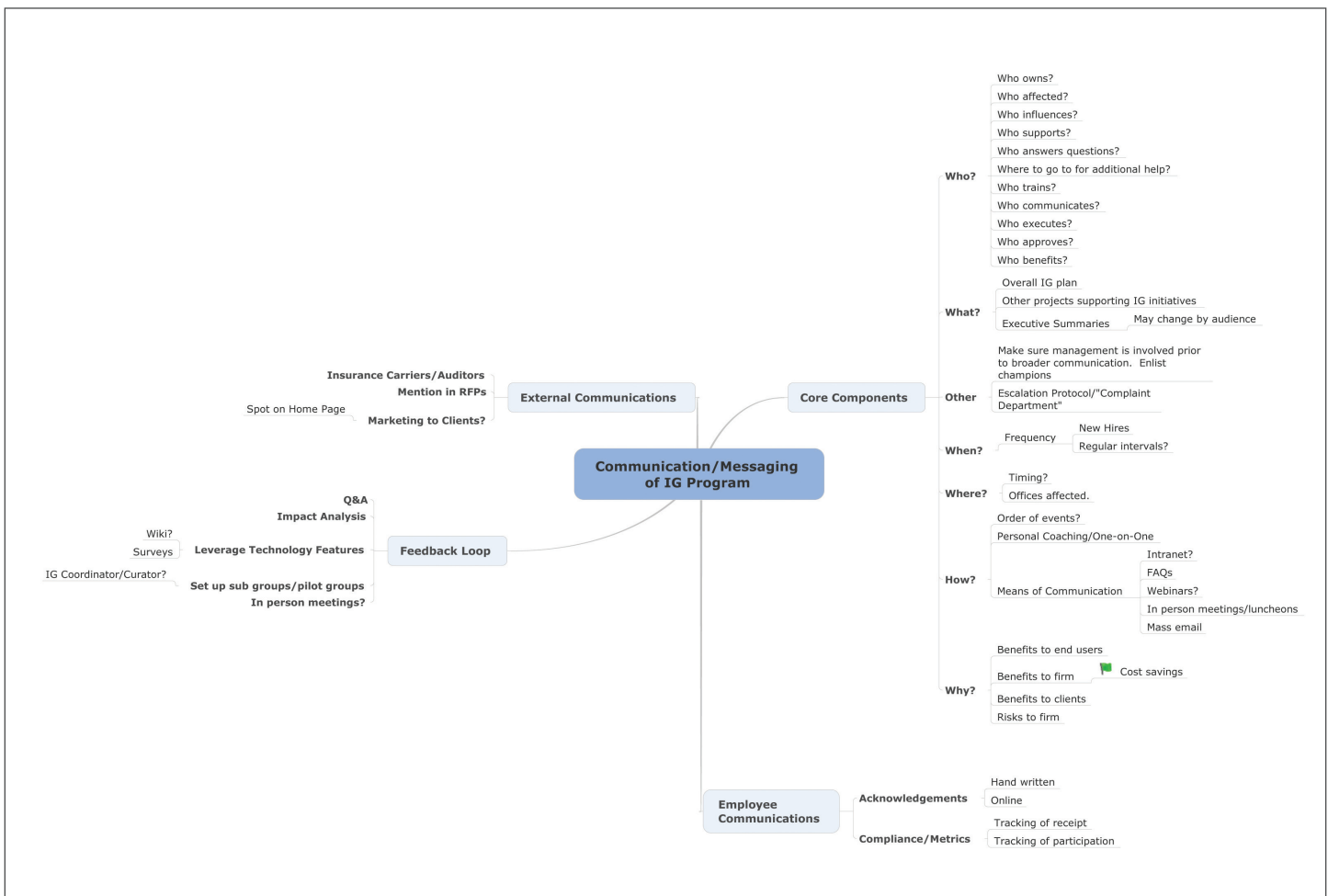

Figure 4.11: A map illustrating the critical elements of messaging the IG Program.

4.6 METRICS

Metrics are the backbone of a successful IG initiative. Whether you are capturing cost savings or performance information, the ability to gather meaningful information and generate reports that demonstrate the program's progress and successes is, perhaps, the most important element of the overall program. Without metrics, the initiative will never grow legs or retain the support required – from senior leadership or end users – to sustain it, leaving it ultimately sidelined by other more immediate initiatives. As mentioned previously, development and maintenance of an IG program are not "one and done" tasks. Careful analysis of metrics allows for informed, calculated decision making to support necessary changes to the program and the continued reiteration of the value IG brings.

Capturing the information, however, is a huge undertaking and requires a deliberate and strategic approach – not to mention buy-in and cooperation from every level of the firm.

HOW ARE WE DOING IT NOW?

In order to implement an effective IG Program (future state), it is necessary conduct an "as is" assessment to determine exactly how you are managing your efforts now (current state) – a challenging task that must involve input and participation from the entire firm.

The difficulty in mapping your current state is the sheer number of moving parts that must be identified and then quantified as a baseline. This effort includes everything from technology, system usage, and help desk tickets to processes, policies, and storage. Once you have identified strategic goals and objectives, determined what you need to measure, and accurately captured how you are doing it today, you will have a framework for demonstrating the success of the IG effort. It is important to note that no two firms are in the same stage of development, nor do they have the same priorities. As such, each firm needs to perform an individual analysis and evaluation to chart their own course. Often, a strategy of first identifying and addressing "low hanging fruit" to gain momentum and prove incremental results will garner support and buy-in for additional IG efforts (see Figure 12).
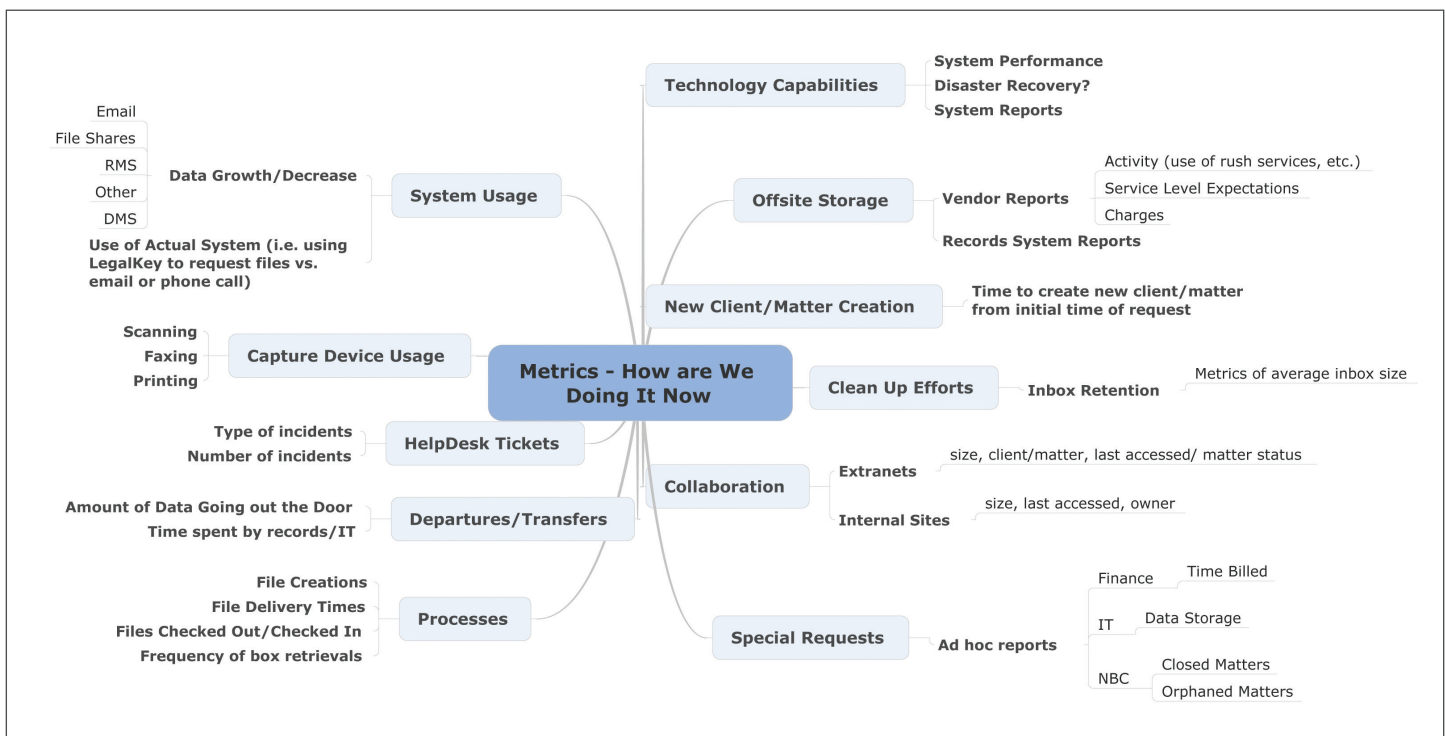

Figure 4.12: A map illustrating the components to consider when assessing your current state.

VALUE OF METRICS

The value of metrics can't be overstated when establishing an IG Program. By benchmarking at the onset of the program, firms provide a baseline against which future metrics will be compared. It is essential that the application of an IG program can show both reduced costs and risk to the organization. With this information, one can justify how vital an IG program is to the firm and demonstrate that value to other users and stakeholders within the organization.
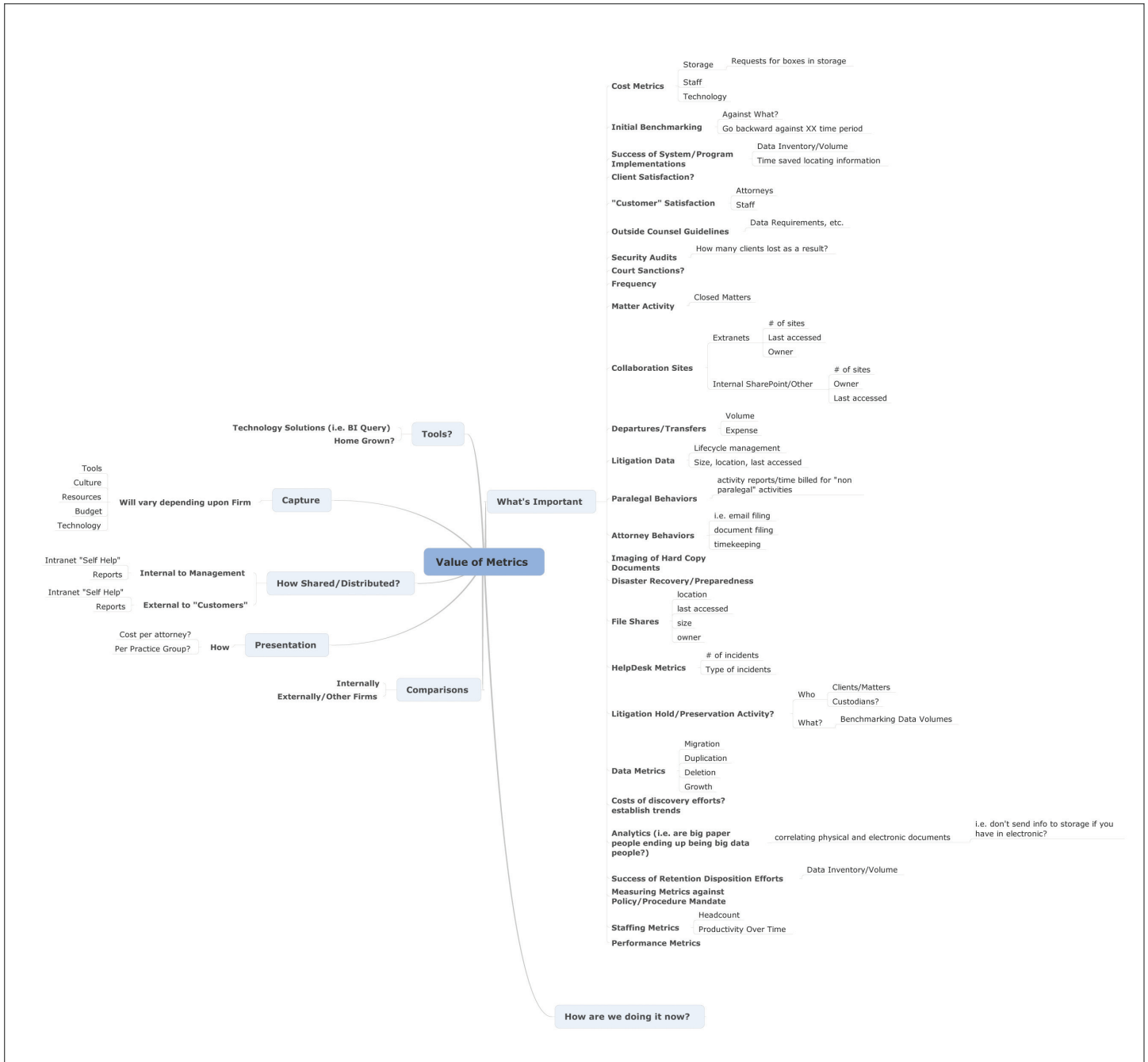

Figure 4.13: A map illustrating the various components that must be considered to maximize the value of metrics.

Various examples of valuable metrics may include:

- Systematic records of number of emails filed

- Number of file share folders created

- DMS monitoring to determine questionable user behavior

- Volume of extranets created and/or decommissioned

- Closed matter reports reconciled with timekeeper reports to give insights as to proactive matter closing activity

- Number of physical records and growth over previous periods

- Yr/Yr physical and electronic storage cost trends

- Compliance with retention/destruction schedules

- Service level deliverables such as the amount of time that lapses between the request for information to its delivery

- Number of records processed (i.e. created, indexed, disposed of) over specified periods of time

- # weeks/months/years to integrate lateral hire files into the program

- Size of electronic repositories to be added to the IG program and growth trends over previous periods

- # information security breaches/inadvertent disclosures

We have previously stated that IG is the glue that connects information silos. Metrics are the energy to propel your IG program going forward. They provide the useful insight to make program adjustments — from policy, procedure, and technology perspectives —and enable informed decision-making. Once measurable improvements are realized, metrics simplify the communications effort by determining what to promote — and to whom (see Figure 13).

As with other components of an IG Program, the value of metrics will vary from firm to firm. It is important to identify what, specifically, is of value to your firm. This will help guide in determining what should be measured.

Conclusion

There is no doubt that Information Governance (IG) is a moving target. As technology changes, policies evolve, and the line between what does and does not need to be governed continues to move, firms must be committed to not only implementing sound IG policies, but also auditing and updating them on a regular basis. It is the belief of this Steering Committee that the proposed IG framework set out in this report represents a comprehensive IG foundation upon which firms can build over time.

That said, we recognize that, due to the scope of IG and its transformational nature, no single document on the subject can ever be all-encompassing. As such, we close with a request to the broader legal community: Please use this framework as a catalyst for strategic discussions at your firm on how to build an IG program that fits your needs. In addition, we welcome comments on this body of work, as we will continue to refine the framework through the Work Groups and an annual Symposium.

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