

2013 | 2014 INFORMATION GOVERNANCE BENCHMARKING SURVEY FOR LEGAL SERVICES



The State of RIM and IG in *Legal Services*

Cohasset Associates is pleased to complement its recently published, eighth biennial survey white paper with these industry-specific analyses of survey outcomes of Records and Information Management (RIM) and Information Governance (IG). The impetus for this study was driven by Iron Mountain and its desire to identify drivers and differences with industry practices. This white paper supports the Iron Mountain Law Firm Information Governance Symposium publications on standards and practices for building IG in *Legal Services*. This study explicitly addresses the *Legal Services Industry*, contrasting its survey results to the overall results, which span many types of organizations. You will find:

- Incisive and comprehensive measures of the current state of information governance practices.
- Details on successes, obstacles and opportunities for more effective information lifecycle management.
- Insightful actions that will modernize information governance to meet today's challenges.

Survey results provide evidence that:

1. Overall, RIM and IG programs are more prevalent, better-designed, and inclusive of electronically stored information (ESI). However, many essential implementation elements are *not* being addressed.
2. Effective IG is increasingly recognized as an imperative for compliance and risk mitigation. Coordination and integration is on the rise.
3. While improvements are reported in the management of some ESI, information governance must modernize or forever be losing in a game of *catch-up*.
4. Legal Hold processes are more commonplace in the *Legal Services Industry*, but over-preservation is an immense challenge to the implementation of effective information lifecycle controls, thereby contributing to future risk and complexity.

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Survey Overview and Research Methodology

SURVEY OVERVIEW

Modern Records and Information Management (RIM) programs are evolving through formal relationships with information governance (IG) disciplines. This in-depth study of the state of RIM and IG specifically pertains to the *Legal Services Industry* – identifying its strengths and opportunities.

With the industry-specific knowledge, presented in these survey results, you can:

- Assess the state of your organization's records and information management programs, as well its broader disciplines of information governance
- Identify your strengths and weaknesses, and measure your progress against the outcomes identified by both your industry peers and by those from *All Organizations* participating in the survey
- Develop communications that highlight your program's accomplishments and its opportunities for improvement
- Formulate an action plan for modernizing your program, by leveraging the recommended actions presented in the survey highlights

THANKS TO:

Cohasset Associates wishes to express its appreciation to Iron Mountain for identifying the need for these industry-specific measures and for its financial support.

Gratitude also is extended to the over 1,400 participants, completing this year's survey and to ARMA International and AIIM for co-sponsoring the survey.

RESEARCH METHODOLOGY

The research was conducted using a web-based survey tool. Over 1,400 survey responses were received between November 2013 and February 2014. The 2013 | 2014 biennial white paper reflects the initial 1,300 survey responses. The metrics in this white paper are based on the over 100 responses from the *Legal Services Industry*, as a subset of over 1,400 total responses received. The invitees included:

- ARMA International members
- AIIM members
- Recent attendees of Cohasset Associates' Managing Electronic Records (MER) Conference
- Iron Mountain customers
- Records Management LISTSERV members

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Survey Highlights

These Survey Highlights summarize the overall results, recommending actions for modernizing information governance. The four survey highlights and their respective implementation actions are detailed in this section, along with key benchmarking data from the survey. Respond to information governance opportunities by using this section to formulate industry-specific internal action plans and to develop communications highlighting your program's strengths and opportunities.

Survey Highlights	Recommended Actions
1 Overall, RIM and IG programs are more prevalent, better-designed, and inclusive of ESI. However, many essential implementation elements are <i>not</i> being addressed.	Compare the maturity of foundational IG program components to modern practices and create a plan to address program gaps Define an overarching IG implementation strategy that aligns implementation outcomes to business priorities Commit to ongoing communication, training and change management for all executives and employees Use meaningful metrics to monitor, report and improve implementation results
2 Effective IG is increasingly recognized as an imperative for compliance and risk mitigation. Coordination and integration is on the rise.	Align the cross-functional IG Advisory Board with risk management, compliance and other internal governance practices, and engage these executives in the IG implementation strategy Leverage compliance and risk management relationships and processes
3 While improvements are reported in the management of some ESI, information governance must modernize or forever be losing in a game of <i>catch-up</i> .	Refine the implementation strategy to modernize the approach to lifecycle controls for ESI Incorporate IG with application/system development and decommissioning Apply IG practices to disaster recovery media Define IG practices for newer storage locations and information types Leverage content analytics tools for management, retention and deletion of ESI
4 Legal Hold processes are more commonplace, but over-preservation is an immense challenge to the implementation of effective information lifecycle controls, thereby contributing to future risk and complexity.	Coordinate with Legal to terminate legal holds when matters are resolved Work with Legal, Information Technology and the practice areas to improve the precision of preservation actions

1

Overall, RIM and IG programs are more prevalent, better-designed, and inclusive of ESI. However, many essential implementation elements are *not* being addressed.

Defensible records and information management practices are founded on clear and consistent policies, retention rules, and training that result in systematic, repeatable and measurable implementation outcomes. Modern IG programs have adjusted their approach to address the realities of managing large volumes of electronically stored information (ESI).

Survey results uphold:

- Seventy-eight percent (78%) of survey participants who identify with the *Legal Services Industry* report the existence of a records and information management program in their organization. This trails the *All Organizations* result by nine points.
- Thirty-three percent (33%) of *Legal Services* survey respondents affirm that the development of a comprehensive strategy to guide future RIM direction is underway. Only 14% report a mature strategy.
- Just 12% of *Legal Services* survey participants report the mature use of metrics to guide RIM program assessment and improvement.

Survey participants report continued barriers to implementation. **Revitalize your organization's program by taking the following actions.**

Compare the maturity of foundational IG program components to modern practices and create a plan to address program gaps

- ☑ Perform a thorough current state assessment of both the policy-level requirements and the implementation results – be reasonable – be comprehensive (include all information and the full lifecycle) – differentiate between high-value information and ancillary (lower value) information.
- ☑ Use this comprehensive and candid current state assessment to identify strengths and recognize improvement opportunities.
- ☑ Refresh the policy, strengthen alliances with other governance programs, streamline and simplify the retention schedule, and in all cases, expand the program to address all information.

<p>Define an overarching IG implementation strategy that aligns implementation outcomes to business priorities</p>	<ul style="list-style-type: none"> ☑ Align the IG implementation strategy explicitly to support the organization's goals and priorities, including activities that provide both risk mitigation and business benefit. ☑ Engage cross-functional executives (particularly risk management, compliance, Information Technology and legal executives) in establishing priorities for the IG implementation strategy. Leverage the Symposium recommendations on how to infuse IG into key law firm operational processes.
<p>Commit to ongoing communication, training and change management for all executives and employees</p>	<ul style="list-style-type: none"> ☑ Establish regularly scheduled training for all employees, including strong emphasis on the benefits of IG to the organization. ☑ Target additional communications to middle management and executives, highlighting IG goals and achievements. ☑ Adopt a long range change management program to continuously build IG support and improve compliance.
<p>Use meaningful metrics to monitor, report and improve implementation results</p>	<ul style="list-style-type: none"> ☑ Collect metrics on the current state of the IG program components, as well as the information types and locations targeted in the IG implementation strategy. ☑ Measure both direct actions (e.g., number of users trained; volume of information retained, preserved for legal holds, and deleted) and derived measures (e.g., cost savings and other benefits, such as increased awareness). ☑ Measure and analyze results throughout implementation. ☑ Report IG achievements, highlight trends, and use gaps as the impetus to revise implementation strategy, if necessary.

2 Effective IG is increasingly recognized as an imperative for compliance and risk mitigation. Coordination and integration is on the rise.

The space occupied by Information Governance, and shared with Compliance, Privacy and Legal is defined by mutual purpose. This purpose – this integration – supports a harmonious, strong and interrelated whole. Information Governance (IG) is the fulcrum on which all of these disciplines tilt. Regulation, the threat of litigation and the uncertain cost of compliance place increasing importance on effective and efficient company recordkeeping and IG practices.

- With positive results exceeding 80%, survey participants who identify with *Legal Services* affirm active engagement and support in their organizations. In addition to their colleagues in legal (88%), compliance/regulatory affairs (84%) and in risk management (84%), those responsible for the information governance discipline of privacy and data protection (88%) are also strong information governance advocates.
- A strong business commitment by internal audit (74%) is also reported by *Legal Services Industry* respondents.

While the above responses exemplify collaboration, continuous improvement efforts benefit from the relationships between RIM and all levels of management, as well as other information governance disciplines. **Revitalize your organization's program by taking the following actions.**

Align the cross-functional IG Advisory Board with risk management, compliance and other internal governance practices, and engage these executives in the IG implementation strategy	<ul style="list-style-type: none"> ☑ Leverage the synergy among governance disciplines, such as compliance, risk management and ethics. ☑ Model the charter and procedures of the IG Advisory Board on those used by other important committees. ☑ Align IG goals with the organization's risk management goals and governance practices. ☑ Include IG topics, when feasible, on the agenda of risk management and other governance committees.
Leverage compliance and risk management relationships and processes	<ul style="list-style-type: none"> ☑ Establish cross-functional cooperation. ☑ Gain knowledge of key compliance and risk management operations. ☑ Consult the 2012 Symposium Work Group 2 Report: It Takes a Village: Managing Information Governance. ☑ Align language, streamline processes and harmonize communications to form a unified and consistent message for the organization.

3 While improvements are reported in the management of some ESI, information governance must modernize or forever be losing in a game of catch-up.

With the explosive growth of electronic information and the tendency for attorneys and staff to want to hold onto information, it is not surprising that survey results clearly show that most organizations struggle to delete information past its required retention.

- Forty-five percent (45%) of *Legal Services* survey participants affirm the automated deletion of email, instant messages, and electronic communications.
- Just 8% of *Legal Services* respondents indicate that their content/document management solutions have evolved to fully automate the disposition process.

Today, most organizations face new storage locations and formats for electronic information. They rely on cloud storage or services for significant classes of information. Many are integrating new media types, such as video, podcasts, blog posts and social media into business operations. Yet, survey results show that new media and locations (e.g., cloud services, tablets, smart phones, social media, and collaborative tools) are largely overlooked by information governance. By neglecting information in these formats, records management will increasingly be marginalized.

- With just 4% fully and 13% partially automated, *Legal Services* respondents report that outsourced (cloud) services data continue to lag far behind in automated deletion.

The ineffectiveness of current practices suggests that the profession must think anew. **Revitalize your organization's program by taking the following actions.**

Refine the IG implementation strategy to modernize the approach to lifecycle controls for ESI	<ul style="list-style-type: none"> ☑ Refine the IG implementation strategy to include comprehensive oversight of ESI in all its formats and locations. ☑ Promote IG value in the modern management of the organization's information.
Incorporate IG in application/system development and decommissioning	<ul style="list-style-type: none"> ☑ Make it a point to understand the tactical and long-range Information Technology objectives for systems implementation, redesign, and decommissioning and target important opportunities for RIM integration. ☑ Consult Symposium Report on IT Systems Administration governance practices. ☑ Incorporate retention planning and information lifecycle controls into the application development process and establish equivalent checkpoints in application decommissioning.

Apply IG practices to disaster recovery media	<ul style="list-style-type: none"> ☑ Address this high risk situation if past practices have resulted in commingling disaster recovery and archival media. ☑ Establish a <i>day-forward</i> policy and practice that separates disaster recovery media from archival media. ☑ Initiate a legacy back-up media clean-up to sort the historical files, retaining archived information that is required and deleting information that is eligible.
Define IG practices for newer storage locations and information types	<ul style="list-style-type: none"> ☑ Discover how your organization is using new technologies. ☑ Consult Symposium Reports on BYOD practices. ☑ Establish interdepartmental teams to develop and apply reasonable, workable IG practices to these new arenas.
Leverage content analytics tools for management, retention and deletion of ESI	<ul style="list-style-type: none"> ☑ Establish a close partnership among Legal, IG practitioners, Information Technology and the information steward (e.g., business area). ☑ Leverage enabling technologies to analyze data, identify high-value information, and clean-up outdated information.

4 Legal Hold processes are more commonplace, but over-preservation is an immense challenge to the implementation of effective information lifecycle controls, thereby contributing to future risk and complexity.

Faced with the fear of spoliation charges during litigation, the traditional risk-averse approach to preservation was to keep everything. The danger of this approach is that routine disposal can come to a screeching halt. This shutdown results in increased costs of storage, inefficiency and litigation complexities.

- It is encouraging that 73% of *Legal Services* survey participants report that their organization has a legal hold process.
- On the other hand, 63% of *Legal Services* respondents strongly and mostly agree that over-preservation of information occurs due to how legal holds are written or applied.
- Further, and consistent with *All Organizations*, only 63% of *Legal Services* survey participants confirm that legal holds are regularly and effectively terminated.

Effective preservation of information, to satisfy legal discovery obligations in the United States, is essential, but must balance all risks. **Revitalize your organization's legal hold processes by taking the following actions.**

Coordinate with Legal to terminate legal holds when matters are resolved	<input checked="" type="checkbox"/> Coordinate with Legal to improve legal hold termination processes. <input checked="" type="checkbox"/> Lead the effort to define the business process for reinstating retention and deletion/destruction activities for terminated legal holds.
Work with Legal, Information Technology and the practice areas to improve the precision of preservation actions	<input checked="" type="checkbox"/> Partner with Legal and Information Technology to make preservation practices more precise and minimize excessive preservation.

Survey Results

1 RECORDS AND INFORMATION MANAGEMENT (RIM) PROGRAM

Modern RIM programs are evolving. Through formal relationships with information governance disciplines, organizations are assembling Information Governance (IG) programs, with traditional Records and Information Management (RIM) components as a mainstay.

- Records and Information Management (RIM) is information lifecycle management – the management of information from its creation through its active and inactive phases and concluding with its final disposition.
- Information Governance (IG) is emerging as a comprehensive platform for managing information. Cohasset defines information governance as establishing the policy-level rules, investment priorities and accountabilities for managing the lifecycle of information.

Given the breadth of RIM and IG, as defined, it is unrealistic to achieve a flawless program. Accordingly, a modern program does not intend perfection. Rather, a modern program is one with robust components and strong interdisciplinary affiliation and cooperation.

In this *Legal Services* survey, Cohasset addresses both RIM and IG. For example, in this section, the questions are specific to RIM staffing and its reporting structure. Conversely, the Business Commitment questions in Section 2 pertain to multiple information governance disciplines.

Throughout this white paper, Cohasset uses information governance (IG) as reflective of the broader scope and RIM for the questions specific to traditional records and information management accountabilities.

1.1 Does your organization have a RIM program?

Modern IG programs define defensible information lifecycle practices, founded upon clear and consistent policies, retention rules, management practices and training that result in systematic, repeatable and measurable implementation outcomes.

Seventy-eight percent (78%) of survey participants who identify with *Legal Services* report the existence of a records and information management program in their organization. This trails the *All Organizations* result by nine points.

	Legal Services	All Organizations
Yes	78%	87%
No	22%	13%

Respondents with a RIM program were asked the remaining questions in this section; whereas those responding in the negative were directed to Section 2, Business Commitment.

1.2 Where does the enterprise (or central) RIM department/group report within your organization?

For *All Organizations*, a combined 28% of respondents assert that the RIM program reports to legal (21%) or compliance/regulatory affairs (7%). Affirmed by only 13% of survey participants, this reporting relationship is not prevalent in *Legal Services*.

Instead, 25% of *Legal Services* survey participants assert that their RIM program reports directly to the executive office. This supports the premise that as an industry, *Legal Services* deems effective IG a business imperative. The *All Organizations* result for this reporting relationship is a mere 10%.

	Legal Services	All Organizations
Administrative Services/Facilities ¹	28%	21%
Legal	11%	21%
Compliance/Regulatory Affairs	2%	7%
Information Technology	18%	18%
Executive Office	25%	10%
No one group has responsibility for the overall RIM program	4%	5%
Other	12%	18%

1.3 How many full-time equivalents are in your organization's enterprise (central) RIM department/group?

To better understand the staffing environment for the RIM program, the survey asked for the number of full-time equivalents (FTEs) assigned to the central program.

Respondents were explicitly requested to exclude file room and warehouse personnel, as well as the RIM network (e.g., records coordinators) to focus this FTE count exclusively on those individuals involved in governance and policy-related activities for the program.

	Legal Services	All Organizations
1 or less	28%	26%
More than 1 and up to 4	38%	39%
More than 4 and up to 7	11%	16%
More than 7 and up to 10	3%	8%
More than 10	20%	11%

Generally, the *Legal Services* responses related to staffing models of seven FTEs or less, parallel those affirmed by *All Organizations*.

- The nine point variance noted when comparing the staffing model category of more than ten FTEs is significant.

Survey participants who answered the preceding question by responding that: No one group has responsibility for the overall RIM program, bypassed this question.

2 BUSINESS COMMITMENT

In an era of limited organizational resources and increasing records and information management complexity, modern information governance requires a strong business commitment and interdisciplinary alliances.

This section of the survey evaluates the business commitment to the management of information over its lifecycle.

2.1 Are the following groups actively engaged and supportive of RIM?

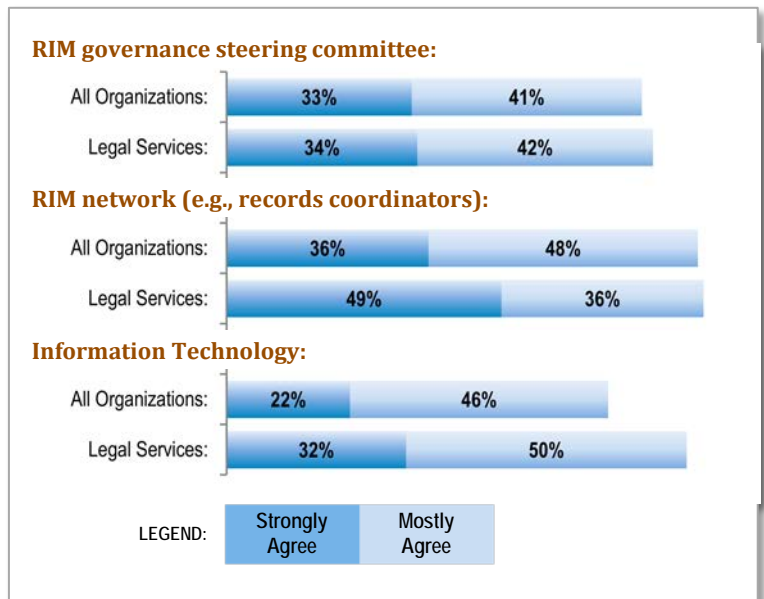
Organizational engagement, which engenders support, is critical to the achievement of effective information lifecycle management. This engagement is also a key indicator of the overall success and impact that the program can experience.

RIM Roles and Information Technology

The responses by *Legal Services* affirm its active engagement with both the RIM governance steering committee (76%) and the RIM network (85%). This collaboration is positive, supporting a strong and unified records management program.

A close interdisciplinary alliance with information technology (IT) is reflected by the *Legal Services* response of 82%. An active engagement with IT translates to an opportunity for RIM to have a “voice at the IT planning table.”

This alliance with IT is necessary when managing information through its lifecycle. Without this emphasis, new content will be created and managed without information lifecycle controls, increasing the mass of unattended information in the future.



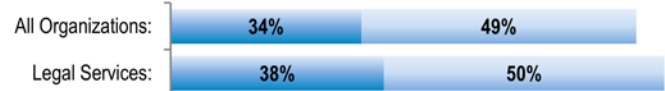
Compliance and Risk Operations

With positive results exceeding 80%, survey participants who identify with *Legal Services* affirm the active support of RIM in their organizations. Specifically, their colleagues in the following areas are reported to be strong information governance advocates:

- Legal (88%)
- Compliance/regulatory affairs (84%)
- Risk management (84%)
- Those responsible for the information governance discipline of privacy and data protection (88%)

A strong business commitment to RIM by internal audit (74%) is also reported by *Legal Services* survey respondents.

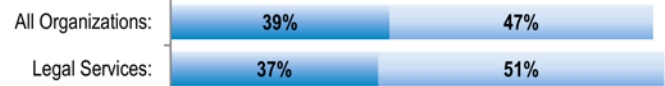
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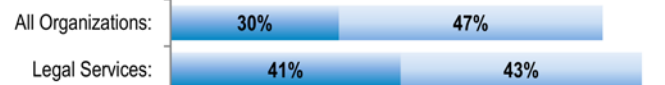
Compliance/Regulatory Affairs:



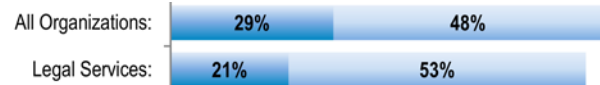
Privacy and data protection:



Risk Management:



Internal Audit:



LEGEND:

Strongly Agree

Mostly Agree

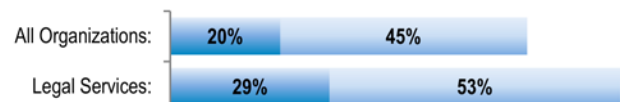
Positions (Levels) within the Organization

Correlating with the executive office direct reporting relationship result (25%), highlighted in Section 1.2, the *Legal Services Industry* affirms a strong commitment to RIM from its executive management (82%). The results for mid-level management (82%) and employees (76%) are also positive.

This strong employee (staff) result is particularly significant. Information governance practices often are heavily dependent upon individual accountability.

By comparison, the weaker advocacy reported for each level, by *All Organizations* will dampen information governance success.

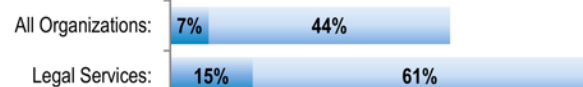
Executive management:



Mid-level management:



Employees/workforce:



LEGEND:

Strongly Agree

Mostly Agree

2.2 How frequently is RIM training completed?

While management support is a critical success factor, training is essential to achieving effective information lifecycle practices. Employees cannot make good information lifecycle decisions unless they understand what to do and why it is important.

	RIM Network		All Employees	
	Legal Services	All Organizations	Legal Services	All Organizations
Annually or more often	43%	39%	25%	23%
Every 2 years	8%	9%	8%	12%
Less than every 2 years	6%	10%	10%	12%
Only when role is assigned	33%	29%	38%	27%
None	10%	13%	19%	26%

- More than one-half (51%) of *Legal Services* respondents maintain that the RIM network receives training at least every two years, whereas only 33% of *Legal Services* respondents assert that same frequency of training for all employees.
- Further, 57% of *Legal Services* survey participants contend that employees never really receive any RIM training. This is problematic.

2.3 How mature are the following information governance components in your organization?

Modern programs address all information – regardless of format or location. Further, as the program matures, information lifecycle controls become transparent to employees as the controls are engrained into business-as-usual operations.

This survey question measures the maturity of various components of information governance in the *Legal Services Industry*.

Governance, Strategy and Metrics

The following chart depicts the maturity of three key RIM governance components:

- Cross-functional RIM governance structure
- Comprehensive strategy to guide future RIM direction
- RIM metrics for ESI to guide assessments and improvements

In addition to membership from information technology and from the RIM organization, a cross-functional RIM governance structure generally includes executive leadership from business operations and representation from policy-oriented business areas (legal, compliance, risk management and internal audit). The purpose of the cross-functional RIM governance structure is to provide:

- Direction and oversight
- Sponsorship for resources and funding
- Leadership to engender organizational buy-in

For the *Legal Services Industry*, the cross-functional RIM governance structure is identified as Mature only 6% of the time. (This is far less than the 35% result depicted for the protection of private, confidential and sensitive information). While this parenthetical data point illustrates a strong awareness of the need for cross-disciplinary balance, perspective and support, it also indicates that the execution of this type of governance is not easy.

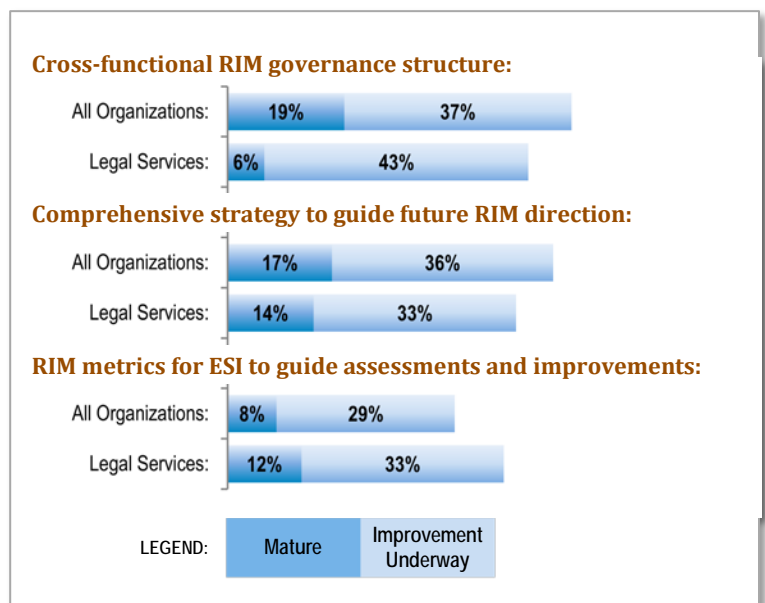
Recognizing that improvement is underway (33%), a Mature ranking of only 14% is reported by *Legal Services* and assigned to the comprehensive strategy attribute.

Regardless of industry, in this era of limited resources and increasing complexity, information governance requires a strategy that aligns with the organization's priorities and goals. The strategy must emphasize achieving the largest business value or most significant risk reduction.

A score of only 12% Mature is attributed to the use of RIM metrics for ESI in guiding assessments and improvements. This low score is alarming. Metrics are essential to:

- Document progress toward strategic goals
- Provide concrete proof of business benefit
- Signal when an implementation strategy is not achieving the desired outcome

Measuring success raises awareness and garners program support.



RIM Integration with Selected Information Governance Disciplines

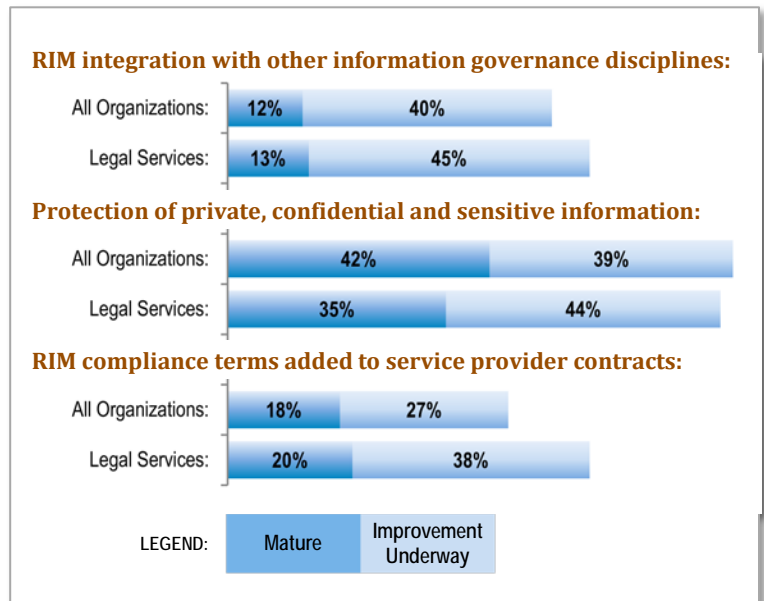
The chart to the right depicts the maturity of RIM integration with three selected information governance disciplines:

- RIM integration with other information governance disciplines
- Protection of private, confidential and sensitive information
- RIM compliance terms added to service provider contracts

Having a professional obligation to safeguard client information, not surprisingly, *Legal Services* respondents assign the highest Mature ranking of 35% to the protection of sensitive information; however, Mature results fade quickly:

- The addition of RIM compliance terms to service provider contracts is identified as Mature only 20% of the time.
- RIM integration with other information governance disciplines finishes last on the maturity continuum, with a Mature ranking of just 13%.

With Improvement Underway in most disciplines, *Legal Services* survey participants recognize the importance of imbedding information governance with the day-to-day management of information. Still, integration maturity is slow.



3 RETENTION SCHEDULE

Modern IG programs define the time period for keeping information, using a streamlined and simplified retention schedule that applies to all information – regardless of location or format.

This section of the survey focuses on retention schedules and opportunities for improving them.

3.1 Does your organization have a retention schedule?

This question establishes a baseline, identifying the percentage of organizations having a retention schedule.

Only 73% of survey participants who identify with *Legal Services* report having a retention schedule. When compared to *All Organizations*, this is significantly lower than the 92% result for 2013. This unfavorable comparison is very troubling.

	Legal Services	All Organizations
Yes	73%	92%
No	27%	8%

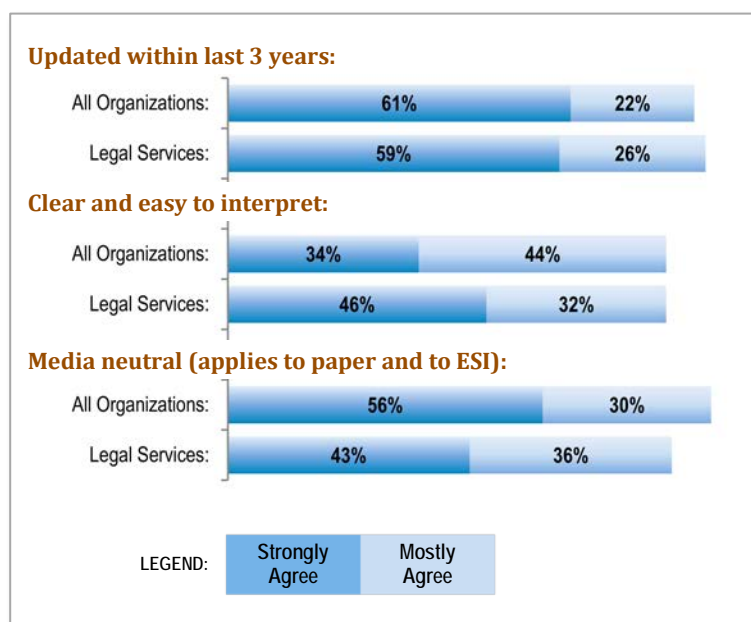
Respondents asserting the existence of a retention schedule were asked the remaining questions in this section; whereas those who responded in the negative were directed to Section 4: Deletion/Destruction.

3.2 Is your organization's retention schedule effective?

An effective retention schedule that applies to information – in all locations and formats – is the cornerstone of robust information governance. It is essential to retaining and subsequently deleting or destroying unneeded information, following consistent and systematic practices.

When in place, the retention schedules used by the *Legal Services* organizations are up-to-date (85%), clear and easy to interpret (78%) and media-neutral (79%).

As depicted, 86% of survey participants in *All Organizations* specify that their organizations' retention schedules are media-neutral; leaving only a 14% combined negative response.



In prior years, Cohasset's biennial survey explicitly asked if the retention schedule applied to ESI. The following table displays these results.

These historical measures depict continuous improvement, as more organizations apply the retention periods to all media, including ESI.

In total, a 33% gain has been realized over the last decade. This is strong evidence of the trend to modernize retention schedules.

Historical Survey Results for All Responding Organizations:

	2003	2005	2007	2009	2011
Yes	53%	57%	60%	65%	79%
No	47%	43%	40%	35%	21%

3.3 How many unique categories (e.g., record series, record titles, category codes) are on your organization's retention schedule?

The objective of most organizations is to formulate a retention schedule that can be easily and effectively applied to both paper records and to ESI. This has resulted in balancing:

- Fewer retention categories that can be applied to broader sets of information
- Sufficiently detailed retention specifications that direct users to a category for specific information (e.g., a form, document, database table, etc.)

	Current Number of Categories		Desired Number of Categories	
	Legal Services	All Organizations	Legal Services	All Organizations
Less than 25	27%	6%	33%	7%
25 to 49	38%	12%	39%	19%
50 to 99	19%	13%	10%	23%
100 to 249	9%	32%	12%	31%
250 to 499	2%	18%	2%	12%
500 or more	5%	19%	4%	8%

Broader categories (big buckets) are easier to apply to electronic information and easier to maintain than detailed retention schedules.

- Consistent with their responses regarding the **desired** number of categories, a combined 84% of survey participants identifying with *Legal Services* report that the **current** format of their retention schedule reflects 99 categories or less.
- Across all category number groupings, responses from *Legal Services* vary significantly from those reported by *All Organizations*.

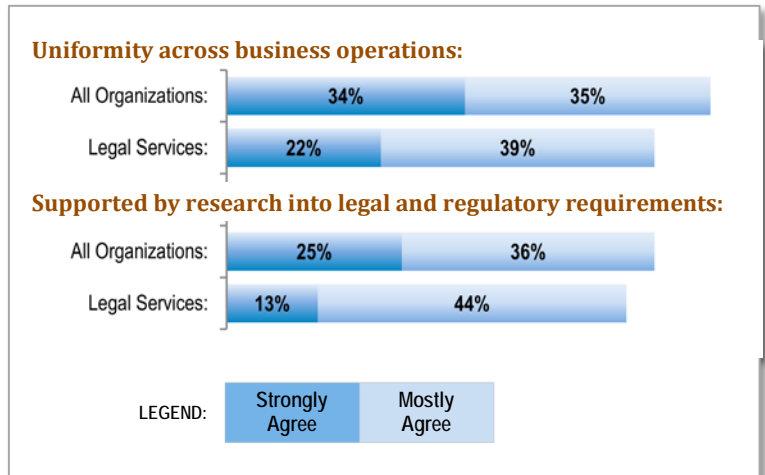
3.4 Would your organization benefit from the following improvements to its retention schedule?

The retention schedule must be regularly maintained to ensure it remains effective and appropriate for the organization.

Most respondents agree that their organizations' retention schedules can benefit from enhancements.

- Developing uniformity across business operations ranks highest at 61%.
- To some it may seem paradoxical that 57% of *Legal Services* survey participants affirm a need to improve its retention schedule through research into legal and regulatory requirements. Yet, this *Legal Services* result is generally consistent with the 61% result reported by *All Organizations*.

This data supports that regardless of the industry, the regular review and maintenance of a retention schedule requires expertise and takes time.



4 DELETION/DESTRUCTION

Modern IG programs utilize automated or partially-automated methods to delete eligible information (or identify physical records that are eligible for destruction), when the retention period expires, provided the information is not relevant to a legal hold.¹

4.1 Is the identification of paper records (e.g., boxes stored off-site, file stored on-site, etc.) that are eligible for destruction automated?

Automating the deletion/destruction process is essential to attaining consistent and systematic end-of-lifecycle processes, which may involve obtaining approval, particularly for content related to client legal matters. Manual processes, which are reliant on individual actions, often result in inconsistent and haphazard deletion/destruction outcomes.

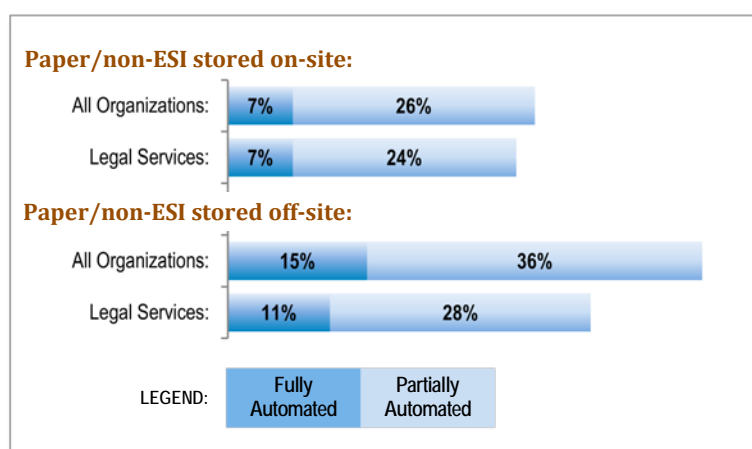
For these questions, respondents were provided the options listed in the table to the right. However, the legends presented with the charts in this section use the shorter descriptions, as depicted in this table.

Answer options in the survey:	Fully Automated process	Partially Automated; progressing to automation
Legend for this white paper:	Fully Automated	Partially Automated

Fully automated processes are found in organizations that systematically perform consistent and repeatable deletion. Organizations with partially automated deletion processes and those progressing to automation have made some progress in establishing automated and system-controlled deletion.

Given the maturity of systems designed to assign and manage the retention of paper records stored off-site, it is troubling that only 39% of *Legal Services* respondents select Fully Automated or Partially Automated. Clearly, this represents an opportunity to modernize foundational information governance components.

The results in the chart on the right focus on automated methods to identify paper and analog records that are eligible for destruction. The following questions pertain to the deletion of eligible ESI.



¹ Legal holds require ongoing preservation of the information for reasonably anticipated, threatened, or pending litigation, government investigation, external audit or other similar circumstances.

4.2 Is the deletion of eligible ESI automated?

Today, most information is born in diverse electronic forms, in volumes that exceed manual processing capabilities.

Survey results indicate that most organizations struggle with cleaning up and deleting ESI that is past the required retention and not needed for a legal hold. This is not surprising given the explosive growth of ESI and the tendency for employees to abandon ESI that is no longer useful.

Content analytics tools have matured and are now accepted as a defensible and practical method for applying lifecycle controls to large volumes of eligible information. These tools enable organizations to classify information, separate high-value information and delete unneeded information, mitigating the cost and risk associated with over-retention.

Survey participants were asked to declare the level of automation for their organizations' deletion of eligible ESI by type of system or repository. Responses from the *Legal Services Industry* and those in *All Organizations* indicate that eligible ESI is not regularly deleted using automated processes.

To facilitate comparisons, Cohasset divided these charts into sets of similar information types:

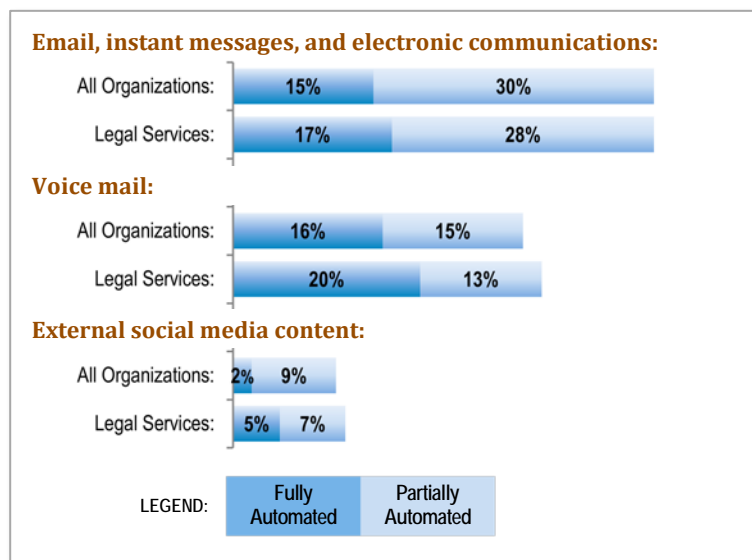
- Systems of Communication and Engagement
- Unstructured Content
- Disaster Recovery Media, Structured Data and Outsourced Data Services

Systems of Communication and Engagement

The results for systems of communication and engagement highlight the significant gap between more traditional communication tools (e.g., email) and newer tools (e.g., external social media content).

The level of automation for email, instant messages, and electronic communications in the *Legal Services Industry* is similar to that of paper records stored off-site, with only 45% identifying some level of automation (17% Fully and 28% Partially Automated). Given the maturity of email management tools, it is surprising that the *Legal Services Industry* has not addressed this important area. This represents a clear opportunity to modernize.

For voice mail, Cohasset expected a stronger response, since many voice mail systems automatically delete messages, following a predefined schedule. This lower rate of automation, which is problematic, could result from the implementation of digital voice mail systems having a larger storage capacity. It



may also reflect the implementation of unified voice mail systems, wherein voice mail messages are embedded in email messages sent to the recipient.

Unstructured Content

Unstructured content includes word processing, spreadsheet, presentation and other types of files generated by individual users.

Unstructured content is often organized by users or groups (e.g., on network drives). Less frequently, it is organized in accordance with a pre-defined structured data model (e.g., in an imaging or structured document management system).

Email and other electronic communications are also frequently defined as unstructured content; however, Cohasset addressed email in the prior section.

One of the goals of content/document management solutions has historically been to automate the retention, preservation and disposition of information, in addition to obtaining workflow improvements.

The survey results in the above chart establish that only 8% of *Legal Services* respondents indicate that their content/document management solutions have evolved to fully automate the disposition process.

Results in *Legal Services* for the other unstructured content types are also troubling. It is unlikely that any retention controls are applied if the process is manual.

Effectively automating the disposition process requires an organizational commitment, appropriate resources and a willingness of the organization to embrace change.

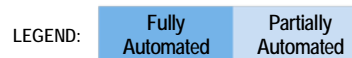
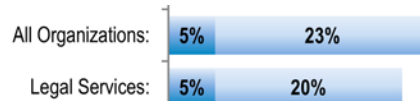
While information governance may drive the effort, involvement from information

technology (IT) and the support of business executives is a prerequisite for attaining desired levels of automation. The strength of the alliances developed by the *Legal Services Industry* with both IT and the executive offices (reported in Section 2.1) can support this modernization.

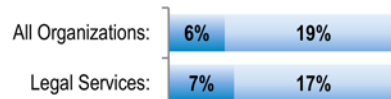
Content/document management (e.g., imaging, ECM):



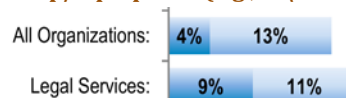
Collaboration tools (e.g., team/project sites, SharePoint®):



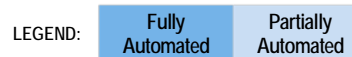
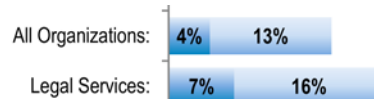
Network files (e.g., shared drives, file shares):



Desktop/laptop files (e.g., C:\drive):



Mobile devices (e.g., smart phones, tablets):



Disaster Recovery Media, Structured Data and Outsourced Data Services

In the early days of ESI, many organizations relied upon back-up media (disaster recovery tapes) as a means to retain records. This practice was quickly recognized as:

- Impractical
- Expensive
- Very difficult to retrieve the records
- High risk, because the entire set of back-up media may become targets of discovery

Accordingly, Cohasset urges *Legal Services* organizations to regularly rotate the media used for disaster recovery. This recommendation conforms to the ISO standard 17799, in which paragraph 10.5.1(c) states:

"the extent (e.g. full or differential back-up) and frequency of back-ups should reflect the business requirements of the organization, the security requirements of the information involved, and the criticality of the information to the continued operation of the organization"

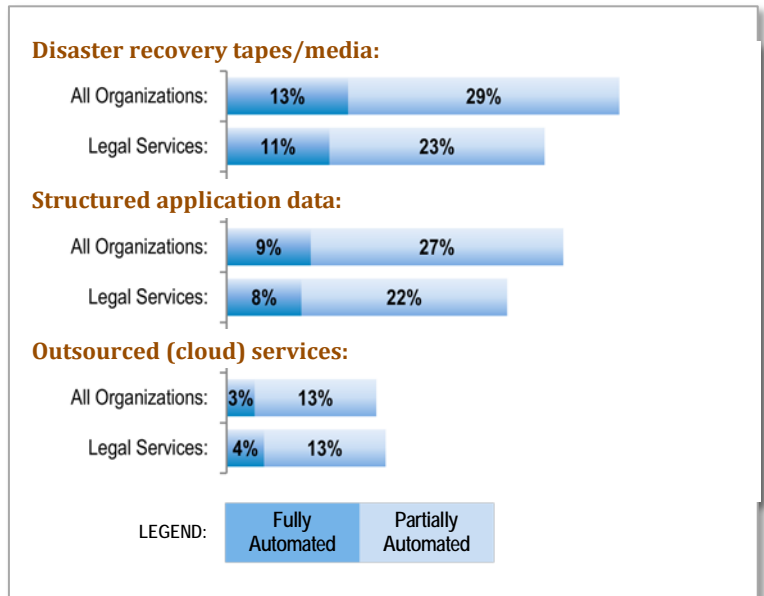
Better still, modern disaster recovery techniques often involve mirroring real time data to sites in disparate locations, significantly reducing the need for dedicated back-up media.

Given the fact that, in modern IG programs, disaster recovery tapes/media (back-up media) should be routinely rotated and not retained, it is surprising that only 34% of *Legal Services* respondents affirm that retention is Fully and Partially Automated. This creates a high risk situation that should be addressed:

- If past practices have created a situation where it is difficult to segregate the disaster recovery media from the archival media required to meet ongoing retention requirements, then a day-forward policy should be developed and put into practice.
- Thereafter, a legacy back-up media clean-up project should be initiated to sort the historical media and files. As a result, information is retained, in compliance with the retention schedule and legal holds, and is deleted when eligible.

This survey also demonstrates that the *Legal Services Industry* is making modest progress with automating the deletion of structured application data (8% Fully and 22% Partially Automated).

With just 4% fully and 13% partially automated, *Legal Services* respondents report that outsourced (cloud) services data continues to lag far behind in automated deletion. This result is consistent with *All Organizations*.



4.3 Do your organization's hardware and media disposal processes protect sensitive (e.g., confidential) information?

The secure destruction of information involves taking precautions and completing processes to ensure that the content is not recoverable.

For paper records, the process involves pulverizing or cross-cutting the media. For digital media, the process involves sanitizing the media to prevent it from being read. Section 4.4.2 of the Defense Security Service (DSS) Manual for the Certification and Accreditation of Classified Systems under NISPOM² stipulates that:

Sanitizing removes information from media to render the information unrecoverable by technical means.

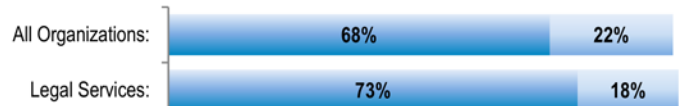
Further, Section 14.1.16 of this Manual contains the Clearing and Sanitization Matrix, which provides multiple methods of sanitizing various media types, including:

- Degauss magnetic tape or magnetic disk.
- A three-cycle process to: (1) overwrite all electronically addressable locations on the device with a pattern; (2) overwrite it again with the complement pattern; and then (3) overwrite it a third time with a random character.

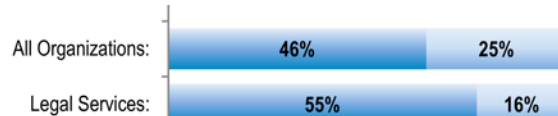
Over 90% of *Legal Services* survey participants Strongly and Mostly Agree that their organizations' deletion/destruction practices render sensitive paper information unrecoverable.

Responses from the *Legal Services Industry* for fixed media (68%) and for removable electronic media (71%), however, identify opportunities to define information lifecycle controls.

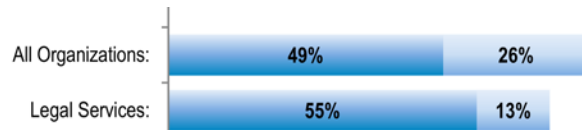
Sensitive paper is pulverized or shredded into crosscut pieces (not strips):



Removable electronic media (e.g., USB drives, computer tapes) are pulverized, degaussed or otherwise made unrecoverable:



Fixed media (e.g., hard drives) are sanitized, using appropriate technologies/tools, are degaussed or otherwise made unrecoverable:



LEGEND:

Strongly Agree

Mostly Agree

² <http://www.dss.mil/documents/odaa/ODAA%20Process%20Manual%20Version%203.2.pdf>

4.4 Overall, are improvements to the deletion processes for ESI a priority for your organization?

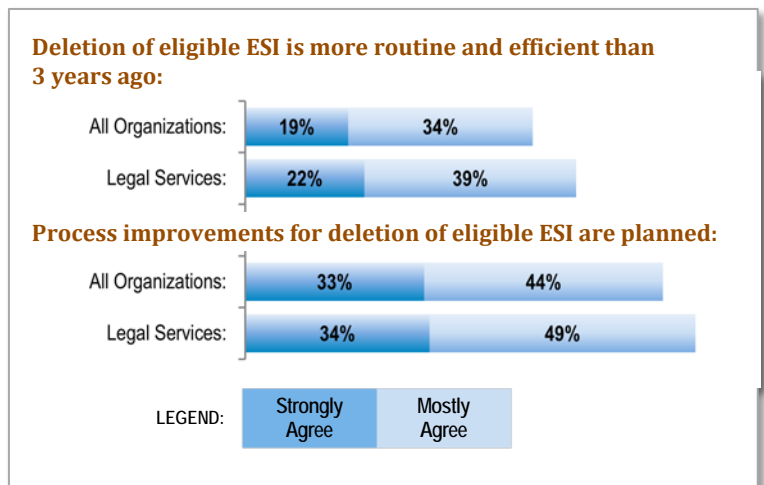
It is Cohasset's experience that unstructured ESI is growing at compounded rates of 40% to 60%, with structured content also growing, but at lower, steady rates.

The common barrier to clean-up and deletion of eligible ESI is: *Storage is cheap*. This barrier, while persistent, has been supplanted in organizations with modern IG programs.

Modern IG programs recognize that high volumes of ESI greatly increase the complexity of many IG practices, adding to unnecessary infrastructure cost. This emphasis on

modernization is clearly reflected by the *Legal Services* survey result:

- Eighty-three percent (83%) of respondents Strongly and Mostly Agree that process improvements for deletion of eligible ESI are planned.



5 LEGAL HOLDS

Modern IG programs, with operations in the United States, have established legal hold processes to preserve (or suspend destruction of) information relevant to reasonably anticipated, threatened, or pending litigation, government investigation, external audit or other similar circumstances.

Legal holds can have a significant impact on the implementation of routine retention and deletion of information; therefore, they are an important aspect of this survey. The full scope of discovery response is a very broad area and outside the scope of this survey. This section of the survey assesses legal hold processes and the effectiveness of preservation of information for legal holds.

5.1 Does your organization have a legal hold process?

To satisfy legal discovery obligations in the United States, a predictable and defensible legal hold process that preserves information is essential. While legal hold processes are much more prevalent than 10 years ago, only 73% of this year's *Legal Services Industry* survey participants report that their organization has a legal hold process. While consistent with *All Organizations*, this result is surprising low for the *Legal Services Industry*.

	Legal Services	All Organizations
Yes	73%	74%
No	27%	26%

5.2 Is your organization's legal hold process efficient and effective?

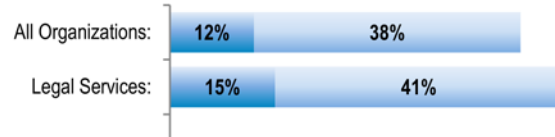
Establishing an effective and efficient legal hold process is vital to complying with legal discovery requirements in the United States.

Fifty-six percent (56%) of *Legal Services* responses Strongly and Mostly Agree that automated tools are used for the legal hold process. While low, this automation result still exceeds the percentages related to the use of automated tools for the deletion of any of the different types of electronically stored information; see Section 4.2.

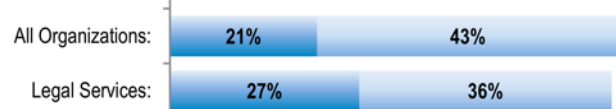
Consistent with *All Organizations*, only 63% of *Legal Services* survey participants confirm that legal holds are regularly and effectively

terminated. Keeping information related to resolved legal matters is the most wasteful type of over-preservation. Benefit is derived through coordination with the legal department to improve legal hold termination processes and the subsequent reinstatement of retention and deletion/destruction activities.

Automated tools are used to locate and preserve relevant information:



Upon the conclusion/closure of the legal matter, normal retention and deletion/destruction are effectively reinstated:



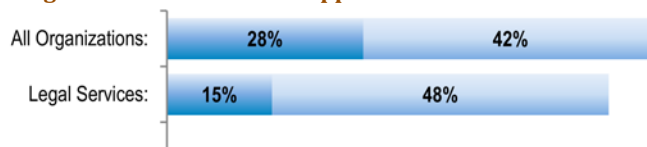
LEGEND: Strongly Agree Mostly Agree

Despite the use of automated tools in the legal hold process, 63% of *Legal Services* respondents Strongly and Mostly Agree with the statement: more information than is necessary is typically retained due to how legal holds are written or applied.

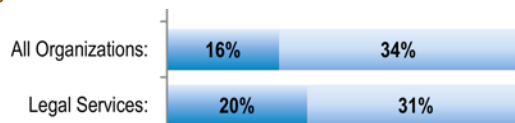
Further, 51% of *Legal Services* respondents indicate that there is a continued reliance on disaster recovery back-up media to satisfy legal holds.

Both of these results signify an over-preservation of information. The legal hold process in the *Legal Services Industry* merits modernization efforts.

More information than is necessary is typically retained due to how legal holds are written or applied:



Disaster recovery back-up media are preserved to satisfy legal holds:



LEGEND:

Strongly Agree

Mostly Agree

6 RIM PROGRAM MATURITY

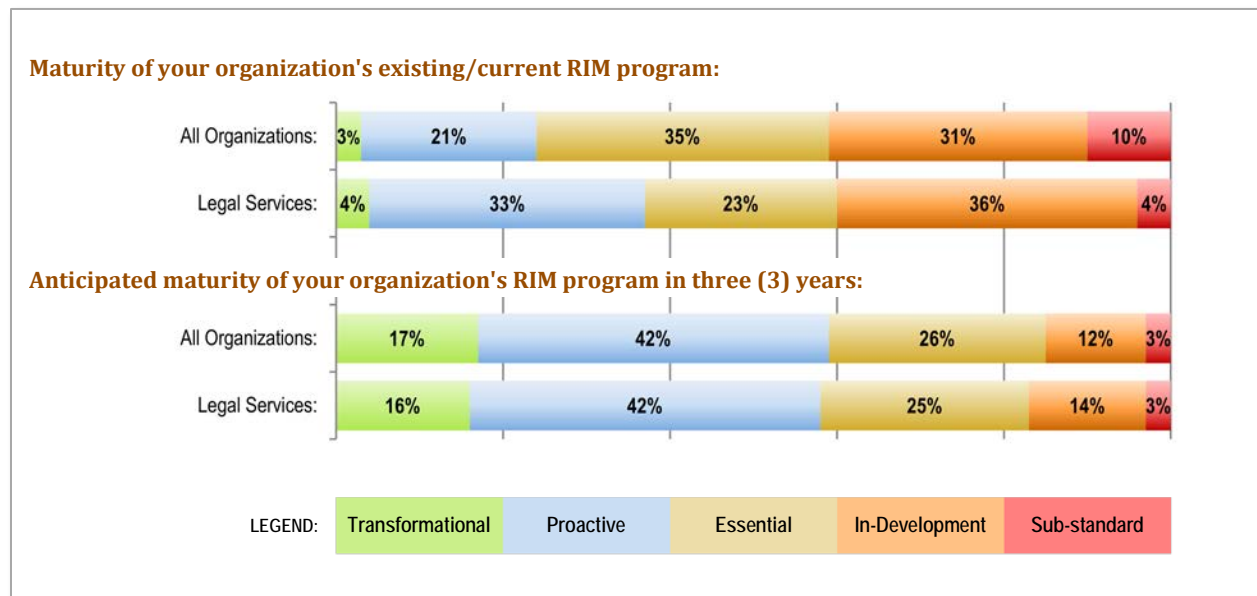
6.1 Considering ARMA International's Generally Accepted Recordkeeping Principles® how would you rate the maturity of your organization's RIM program?

ARMA International's Maturity Model for Information Governance is based on the Generally Accepted Recordkeeping Principles® (The Principles). The Model is based on ARMA International's eight Principles, as well as a foundation of standards, best practices, and legal/regulatory requirements. The Maturity Model goes beyond a mere statement of the principles by beginning to define characteristics of various levels of recordkeeping programs.

For each principle, the Maturity Model associates various characteristics that are typical for each of the following five levels in the Model.

Level 1: Sub-standard	Recordkeeping concerns are either not addressed at all, or are addressed in a very ad hoc manner. Organizations should be concerned that their programs will not meet legal or regulatory scrutiny.
Level 2: In Development	There is a developing recognition that recordkeeping has an impact on the organization, and that the organization may benefit from a more defined information governance program. However, in Level 2, the organization is still vulnerable to legal or regulatory scrutiny since practices are ill-defined and still largely ad hoc in nature.
Level 3: Essential	Essential or minimum requirements are being addressed in order to meet the organization's legal and regulatory requirements. Level 3 is characterized by defined policies and procedures, and more specific decisions taken to improve recordkeeping. However, organizations that identify primarily with Level 3 descriptions may still be missing significant opportunities for streamlining business and controlling costs.
Level 4: Proactive	Information governance program improvements are being initiated throughout the organization's business operations. Information governance issues and considerations are integrated into business decisions on a routine basis, and the organization easily meets its legal and regulatory requirements. Organizations that identify primarily with these descriptions should begin to consider the business benefits of information availability in transforming their organizations globally.
Level 5: Transformational	Information governance is integrated into its overall corporate infrastructure and business processes to such an extent that compliance with the program requirements is routine. These organizations have recognized that effective information governance plays a critical role in cost containment, competitive advantage, and client service.

Cohasset Associates' final survey question asks participants to assess their organizations' *current* program maturity compared to The Principles and their *anticipated* maturity in three years.



Based upon overall survey responses, significant improvements in the maturity levels of RIM programs are expected.

- Thirty-three percent (33%) of *Legal Services* respondents rank the maturity of their **current** RIM program as Proactive, surpassing the 21% Proactive ranking affirmed by *All Organizations*.
- In the upcoming three years, the RIM program maturity levels anticipated by *Legal Services* mirror the expectations of *All Organizations*, for each of the five maturity levels.
- Sixteen percent (16%) of *Legal Services* respondents and 17% of *All Organizations* establish a ranking of Transformational maturity as a **three-year goal**.

These results suggest a continued focus on information governance improvements and optimistic outlooks, despite the challenges being faced.

7 DEMOGRAPHICS

The following tables highlight responses to demographic questions, including those used to filter the responses by type and size of organization.

7.1 Which category best describes your organization's primary industry?

Financial Services and Banking	8%
Government: Federal, National	8%
Government: State, Province, Territory, Local	14%
Insurance	8%
Law Firms and Legal Services	8%
Life Sciences: Pharmaceuticals, Biotechnology, Medical Devices	7%
Manufacturing	5%
Oil, Gas, Mining	8%
Public Accounting, Consulting	5%
Technology, Communications, Media	4%
Utilities	7%
Other	18%

7.2 What range best represents the total number of employees in your organization?

	Legal Services Industry	All Organizations
Less than 1,000 employees	67%	35%
1,001 - 4,999 employees	20%	23%
5,000 - 9,999 employees	8%	11%
10,000 - 24,999 employees	3%	14%
25,000 - 99,999 employees	1%	12%
100,000 employees and over	1%	5%

7.3 What are your job responsibilities related to information lifecycle management? (Select all that apply)

	Legal Services	All Organizations
Enterprise RIM program (including international, if organization is global)	42%	48%
RIM program for operations in a country or region	17%	21%
RIM program in my operating unit (e.g., business segment or division)	24%	29%
RIM strategy definition	41%	47%
Implementing RIM technologies and tools	50%	51%
Management of RIM file room or electronic repository	62%	45%
Legal holds	40%	36%
Discovery for legal matters	18%	25%
Privacy and data protection	32%	29%
Information security	36%	26%
Business continuity/disaster recovery	26%	25%



Cohasset Associates, Inc. (www.cohasset.com) is one of the nation's foremost management consulting firms specializing in records management and information governance. Spanning 40 years and serving both domestic and international clients, Cohasset provides award-winning professional services in four areas: management consulting, education, thought-leadership and legal research.

Management Consulting: Working with multi-national clients, Cohasset develops information governance (IG) strategies and engages in IG implementation activities to achieve business goals, improve compliance and mitigate risk. Distinguished as the leader of the transition from records management to information governance, Cohasset held its first Managing Electronic Records (MER) conference in 1993. Cohasset's current and former clients include several winners of ARMA's prized Cobalt Award. Cohasset is proud of its reputation for attaining exceptional results.

Education: Cohasset Associates is renowned for its longstanding leadership in education on information governance and information lifecycle management.

Thought-Leadership: Cohasset regularly publishes thought leadership white papers and surveys to promote continuous improvement in the lifecycle management of information.

Legal Research: Cohasset is nationally respected for its direction on records and information management legal issues – from retention schedules to compliance with regulatory requirements associated with the use of electronic or digital storage media.

**For domestic and international clients,
Cohasset Associates:**

- *Formulates information governance implementation strategies*
- *Develops policies and standards for records management and information governance*
- *Creates clear and streamlined retention schedules*
- *Prepares training and communications for executives, the RIM network and all employees*
- *Leverages content analytics to improve lifecycle controls for large volumes of eligible information, enabling clients to classify information, separate high-value information and delete unneeded information*
- *Designs and assists with the implementation of information lifecycle practices that avoid the cost and risk associated with over-retention*
- *Defines technical and functional requirements and assists with the deployment of enterprise content management and collaboration tools*

Co-Sponsors:



ARMA International (www.arma.org) is a not-for-profit professional association and the authority on governing information as a strategic asset. The association was established in 1955. Its approximately 27,000+ members include information managers, information governance professionals, archivists, corporate librarians, imaging specialists, legal professionals, IT managers, consultants, and educators, all of whom work in a wide variety of industries, including government, legal, healthcare, financial services, and petroleum in the United States, Canada, and more than 30 other countries around the globe.



AIIM (Association for Information and Image Management) (www.aiim.org) is the global community of information professionals. The association mission is to ensure that information professionals understand the current and future challenges of managing information assets in an era of social, mobile, cloud and big data. Founded in 1943, AIIM builds on a strong heritage of research and member service. Today, AIIM is a global, non-profit organization that provides independent research, education and certification programs to information professionals. AIIM represents the entire information management community, with programs and content for practitioners, technology suppliers, integrators and consultants.

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