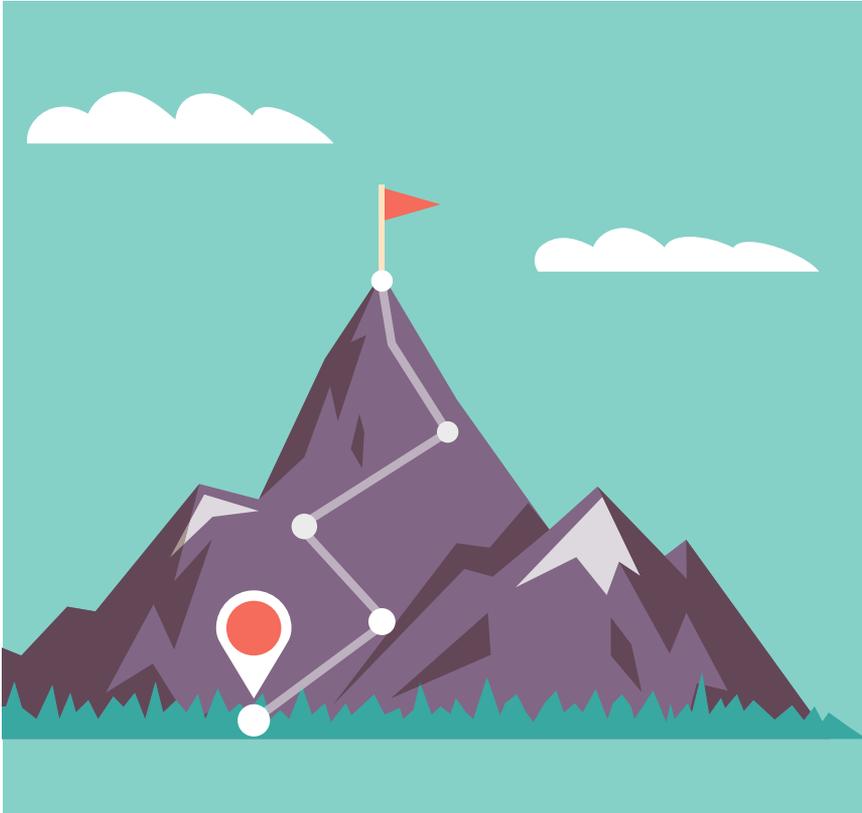


Skills You Need To Climb the Mountain of Data Challenges



by Sonia Cheng

Sound information governance (IG) procedures are critical to broader legal, compliance and IT strategies. IG helps maintain compliance, reduce e-discovery costs, streamline large data volumes and bolster cybersecurity. Strategic and documented IG can also be helpful in defending data retention practices against motions for sanctions during litigation.

First, though, it is important to know what skills attorneys need to get these programs off the ground and how to bolster their abilities to ensure successful projects. Here are some of the skills needed to address data challenges:

The initiative to secure collaboration across departments and among key stakeholders. IG initiatives require approval and implementation from stakeholders across the organization; their success

depends on creating an inclusive team that reaches far beyond the legal and IT departments. Establishing appropriate policies and controls can be complicated by the requirements of various regulations, large data volumes, the number of individuals accessing records, new data types and the varied applications found within most organizations.

Any legal professional looking to work toward proactive IG must first have the initiative to secure buy-in across IT, information security, risk and business stakeholders and to foster a collaborative cross-department team that can work collectively on building IG goals and programs. Once stakeholders are on board, getting these programs off the ground becomes much more realistic. Involving the board and senior management is key to securing resources and funding.

An understanding of security vulnerabilities and how to address them. Figuring out where data breaches happen is critical to preventing them. Employee negligence, a mobile workforce and hacking are the top causes for breaches. One third of all known breaches come from loss of personal devices — and consider how much easier it is for a criminal to steal a device rather than penetrate an organization's network.

Counsel must be aware of the range of risks and work with other IG stakeholders within the organization to manage employees and ensure they understand their dynamic role in maintaining data security. An ongoing program that includes regular training and awareness campaigns is key to educating employees on current threats and how they can modify their behavior to reduce the possibility of a breach.

The ability to manage change. Change is difficult for many people, especially for attorneys rooted in traditional methods and resistant to adopting unknown technologies. Understanding how to effectively manage and enable change is essential for anyone looking to drive IG. Writing a data security policy is one thing, but the ability to translate security requirements into operations requires a holistic approach involving people, process and technology.

To do this, ensure that business executives are represented on the program's steering committee, and have metrics and accountability visible at the board level. Sometimes this requires engaging risk

and compliance stakeholders to ensure you have appropriate fail-safes to help reinforce change.

The widely accepted Kotter Eight-Step Change Model can help with managing data challenges. Some of its key tenets include creating urgency, communicating the vision, identifying and eliminating obstacles, setting short-term realistic goals that foster a sense of achievement among those involved and making changes permanent by solidifying adoption and addressing opposition head on.

A sense of when to call in reinforcements.

Outside experts can help guide IG efforts and identify weak points in the overall compliance structure, so know when to call on them. The IG professional must also evaluate these outside providers and be familiar with what to expect from them. The experts' findings not only inform stakeholders of needed improvements, they could also help sway reluctant executives to invest the needed time and money into these efforts.

Holding outside providers accountable to budget estimates, timelines, deliverables and security standards will go a long way toward ensuring initiatives meet internal benchmarks.

A knowledge of sound budgeting practices.

There is an ongoing industry-wide struggle to control e-discovery and other data-related costs. Knowing how to achieve budget predictability is a critical skill that can have a lasting effect on the success of any matter. As the industry matures, more lawyers are turning to master service agreements to negotiate alternative billing models and achieve greater budget predictability.

Another way to control budgets is to recognize the ways technology can affect the time and cost of a project. Sophisticated legal teams are using analytics and predictive coding to identify sensitive information for IG purposes or to uncover key facts for legal or regulatory matters. This helps reduce the time spent wading through large volumes of information, reducing overall costs.

A solid grasp on technology capabilities and limitations. Technology provides a variety of solutions to assist in getting data under control. When kicking off any initiative to address data security, remediation, preservation optimization or modernizing storage, the wise professional will become educated on the range

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and costs of technology solutions offered and emerging innovations disrupting the *status quo*. Without a clear picture of how technology plays into IG, lawyers will continue to struggle in addressing security challenges.

Counsel must also understand the limits of the technology being implemented and plan for how to navigate around those restrictions. Do not let perfect be the enemy of good. Take the time to prioritize requirements and implement solutions that address the biggest areas of risk.

A global perspective. Data breaches are a global problem, and your firm must stay current on the latest regulations wherever it has operations. The passage of the EU directive on the Security of Network and Information Systems (NIS) requires companies operating in critical sectors to satisfy wide-reaching incident reporting obligations. This, coupled with the General Data Protection Regulation (GDPR), which allows fines of €20m or four percent of global turnover, is a reminder to global organizations that they need to evaluate their obligations and take steps to be ready when regulations come into force.

Skills To Climb the Mountain

We continue to see that the rapid evolution across the legal industry is being met with flexibility, creativity and innovation. Legal teams are acting nimbly in a changing environment and are working diligently to stay in front of data disasters. The successes — and the failures — we read about in the headlines are shaping best practices for data security, IG and technology implementation. By building the skills and knowledge outlined above, practitioners will be better equipped to climb the mountain of never-ending data challenges. **P2P**



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