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2024 Law Firm Information Governance Symposium

Changing Roles in Information Governance

Contents

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Introduction

As we previously defined in our Law Firm Information Governance Symposium (LFIGS) 2019 Report, 2.0-An Established Law Firm Information Governance Framework, the definition of information governance (IG) was updated as follows: IG in a law firm focuses on the management of client representation and business information by ensuring appropriate behavior in the valuation, creation, storage, use, protection, archiving, and deletion of information. It is an organization-wide framework for managing information throughout its lifecycle and for supporting the firm's strategy, operations, and ethical, legal, regulatory, risk, and environmental requirements. IG establishes the authorities, processes, capabilities, structures, supporting mechanisms, and infrastructure to enable information to be a useful asset in delivering client services while reducing liability to a firm. A well-defined IG program covers the entire lifecycle of information, from creation to disposal, and involves the coordination of various functions, such as records management, data privacy, cybersecurity, compliance, data governance, and risk management. IG aims to optimize the value, quality, and security of information, while minimizing the costs, risks, and liabilities associated with it.

Law firms rank among the most information-intensive organizations. They deal with large volumes of sensitive and confidential data from a variety of sources, such as clients, courts, regulators, and third parties. Law firms also face increasing challenges and pressures from the changing legal landscape, including new regulations, ethical standards, client expectations, and other competitive forces. These factors require law firms to adapt and adopt a more proactive and strategic approach to IG, and to redefine the roles and responsibilities of the key stakeholders involved in it.

IG requires adequate expertise and resources to be implemented, executed, and supported. Understanding the evolving roles within IG is crucial as it enables organizations to conform to dynamic technological landscapes, comply with ever-changing regulations, effectively manage vast volumes of data, and leverage their data as a strategic asset for innovation and client engagement initiatives. Comprehending and embracing these changing roles ensures efficient decision-making, risk mitigation, and protection of sensitive information, fostering a secure and compliant environment.

IG establishes the authorities, processes, capabilities, structures, supporting mechanisms, and infrastructure to enable information to be a useful asset in delivering client services while reducing liability to a firm.

The changing roles within law firm information governance

Traditionally, law firm IG was seen as a back-office function, mainly managed by the records management department, with limited involvement from other departments or senior management. However, this model is no longer adequate nor sustainable. Law firms need to align their IG with business objectives, client needs, and regulatory obligations. Law firm IG requires a more collaborative and cross-functional approach and as this model changes, so do the functions and tasks supported by an IG department. This evolution is resulting in new roles and leveraging new technologies (such as generative artificial intelligence (AI)) that are pivotal to realizing success. Those who fill these new roles require a much more diverse set of both hard and soft skills compared to the records manager of yesteryear.

Over the last few years, we watched legal operations at law firms expand from the traditional linear departmental functions such as IT, RIM (records and information management), Finance, Risk, Compliance, etc., to a more dynamic and data-driven operation leveraging innovative technology and advanced operational skillsets. This transformation has been instigated by client demand for quality engagements, regulatory policies related to data privacy and, of course, fast moving implementation of AI—all of which has actualized a change in the landscape as it relates to the type of talent and skill sets required to achieve a successful IG program. In addition to traditional information management and some general governing policies, certified subject matter experts in the space of training, business analytics, governance, and data science, along with other technical and business experts, are finding a home in the world of IG. In this report, we summarize the various aspects of the changing landscape and consider the new trends and technologies that now fall under the IG umbrella to outline the roles and expertise required to support these developments.

Starting at the beginning, we make the distinction between information governance and information management and provide an understanding of current foundational roles, the changing landscape, and how we must adapt to provide the best support. It offers insights into these new skill sets that are required by IG professionals, how they fit within the IG department and within the firm, and provides a glimpse into the future.

IG areas of focus

Historically, the information management function was staffed by more traditional records roles, such as records clerks, records coordinators, records analysts, and/or records managers. There was no reference to IG either within the role or the title. Records staff focused on paper file management that involved tasks like file room management, file creation and circulation, auditing, offsite storage management, and imaging. Information was managed, but not truly governed.

Today, however, the functions and expectations of the modern IG department have evolved greatly. Depending on the maturity of the program and the progression from records management into true information governance, the actual position titles may vary among firms, but the updated responsibilities have generally fallen within the same categories or areas of focus.

- **Matter mobility.** This activity includes file releases to other firms or organizations, intake of files associated with lateral hires, and the transfer of information back to clients or former lawyers. There is risk associated with managing matter mobility (for example, the inadvertent release of confidential data); thus, having an adequate level of specially trained staff who understand ethical requirements and firm policies and procedures is critical. There is often a sense of urgency associated with these activities as well, making it imperative to have a knowledgeable team who can handle those demands.
- **Lawyer/timekeeper data management activities.** Lawyers and other timekeepers are busy revenue generators. Even when systems and policies are designed to be as simple as possible, proper filing requires time and effort that can distract from providing client service. In addition to minimizing risk, the application of filing best practices helps ensure seamless collaboration across matter teams and preserves the client matter file prior to a lawyer departure or transition within the firm. IG teams are evolving to provide direct support to timekeepers for this function, and it requires trained staff that not only know firm systems and policies but also understand the business of law. For example, consider a firm that has established an IG Support function to assist lawyers with the filing of their emails. They serve as the liaison between the lawyer, legal support services, and IT to ensure optimal mailbox performance for the lawyer, while meeting compliance obligations to retain relevant emails as part of the client file. IG teams are becoming more and more embedded into the practice of law and are providing innovative services not previously offered.

- **Accessibility and security.** These are cross-functional tasks which include ensuring the availability of information to those with a need-to-know requirement while also working to protect information from improper internal access, nefarious actions, or inadvertent disclosure. For example, an IG professional may be tasked with designing a methodology for applying ethical walls to content management systems to ensure that client obligations are met, or support data loss prevention activities by monitoring import/export activities of end users. IG professionals often partner with teams in New Business Intake, Information Securities, and General Counsel to ensure the proper policies are applied to both firm and client information.

- **Core file management responsibilities.** An extension of the long-ago established records management responsibilities, these tasks can range from paper file management and secure shred operations all the way to automated retention review and disposition practices per your retention schedules. The team assigned these responsibilities also likely serves as an extension to your matter mobility and disposition efforts to execute on disposition of paper files.

- **Content governance and technology support**. More and more, IG departments are taking on the strategic ownership of overall content placement as they partner with IT teams and the business to design and implement new technologies with engrained IG principles. Many firms are now integrating IG into their vendor/solution offboarding process, with IG working directly with the business and Procurement teams to ensure that any new content systems comply with established IG policies and standards. IG professionals are working side-by-side with IT to develop systems and business requirements for making decisions about which systems to use, what content can be stored in them, and what happens to the data when no longer active.

- **Compliance.** Many IG teams are now empowered to write a variety of policies (and schedules) beyond that of records management. Such policies might include, for example, data classification policies, electronic signature policies, matter mobility policies, and departing lawyer policies. In addition, IG teams are tasked with enforcing these policies, keeping them up-to-date, and analyzing user activity to measure compliance. Also falling under compliance is the management and/or support of legal holds. Many firms are shifting ownership of legal holds from other departments such as General Counsel to IG, relying on IG to create and implement preservation tasks and escalate issues appropriately.

- **Auditing and reporting.** While file audits have always been a mainstay of any records department operations, IG professionals are now becoming more involved with various aspects of the auditing and reporting of information in general. As IG is typically responsible for managing the data, it is not uncommon to find IG teams working directly with IT to audit activity in content management systems and develop reports to gain insight into overall usage whether it be to measure compliance/adoption, unusual activity, or to apply standard IG principles such as retention and disposition.

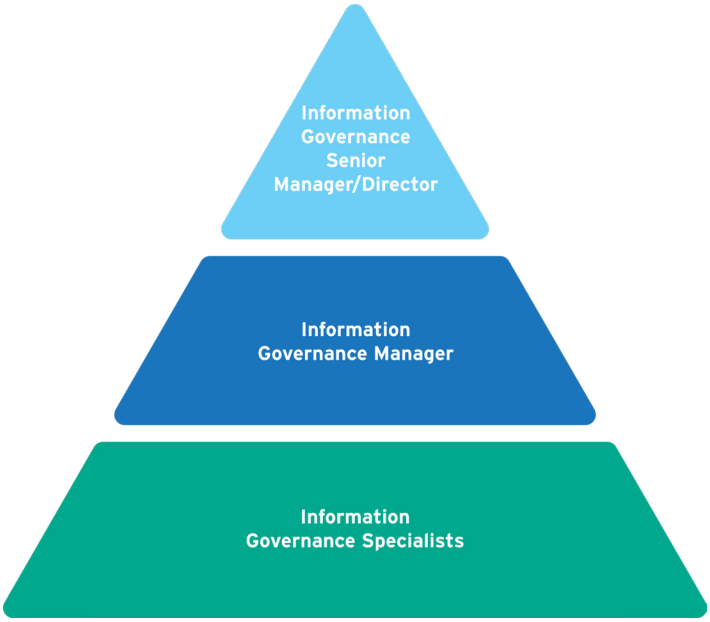
- **Training and awareness.** While most firms have an IT training team, they typically focus on ensuring the end users understand the fundamentals of how to use the applications available to them. That is only part of the picture, and IG professionals are now developing and delivering targeted training programs to both attorneys and support teams on their responsibilities regarding the do's and don'ts with managing and storing content in those systems.

Firms may have various levels of management depending on a variety of factors such as size of the firm, the depth of team expertise, and the responsibilities identified as being a priority. Oftentimes, especially in smaller firms, these responsibilities may be delegated among junior and senior specialists, concentrated on a single individual with a managerial title, or spread out across various departments.

Foundational roles

Further expanding upon the IG areas of focus, the three foundational roles described below are intended as examples of the typical gradients to expect within a law firm environment and the responsibilities typical to each level.

We start building our foundational role pyramid with the Information Governance Specialists and continue with the role of Information Governance Manager and finally complete our pyramid in the form of the Information Governance Senior Manager or Director role. Note that within these functional roles, specialty titles may exist based on area of focus, such as IG Compliance Analyst or IG Matter Mobility Specialist.



Information Governance Specialist

This role likely started years ago as a Records Clerk and has changed into more than that throughout the years. These are the members of IG teams who are the backbone of the department. This role supports internal initiatives and projects related to records and information management. These folks perform the daily tasks needed to keep the Information Governance function running smoothly. Their tasks may include electronic file management within the document management system, scanning, and destruction tasks. Depending on the firm's reliance on paper, it is likely that an IG Specialist is still engaged in paper file retrieval, delivery, and storage at some level.

Given their frequent access to a firm's data infrastructure, this role is uniquely positioned (given the increasing privacy and data protection concerns faced by all firms) to assist in the identification and mitigation of risks associated with information governance. The IG Specialist is a key support to attorneys, paralegals, and secretaries to provide guidance and support—and flag concerns to them or senior management—when materials are being stored in a manner inconsistent with the firm's retention guidelines and could result in a greater risk incurred by the firm.

However, they may also be engaged in activities that allow them to impart IG best practices to the firm, such as assisting matter teams with data collaboration, the lawyer departure process or scanning activities where accessibility and security of information raise concerns. The Specialist should be empowered to work with management and, in some cases, directly with the appropriate lawyer and support teams to address these gaps immediately to promote collaboration and eliminate unnecessary risks. Other responsibilities for the IG Specialist often include working with shred vendors for secure destruction, audits of file rooms/shelving, and performing quality control tasks for paper to electronic conversion projects.

Information Governance Manager

Individuals in the Information Governance Manager role oversee IG Specialists and tend to take on more Project Management responsibilities as they work to develop project plans, oversee execution, provide direction, and ensure that the work is completed on schedule and decreases the costs and risks incurred by the firm. IG Managers must have a thorough understanding of the daily tasks undertaken by the IG Specialist role to optimize workflows and report to upper firm management on team performance. While they often perform many of the same daily tasks as IG Specialists, IG Managers also have a greater exposure to senior staff, Partners, and firm leadership compared to other members of their team.

IG Managers conduct more complicated work assignments compared to IG Specialists, such as the implementation of litigation holds and ensuring compliant preservation of data. IG Managers play a crucial role as they work with both IG resources and other teams (e.g., IT, Risk Management, Litigation Support, etc.) to implement and enforce information governance best practices across the firm. For example, a strong IT relationship is all but mandatory to identify and govern the vast amounts of information found on your firm's network share drives (familiarly referred to as the "Wild West"). These tasks require an individual with a deeper level of understanding of information governance principles, surpassing that of an IG Specialist. They should also understand and appreciate the firm's culture to effectively navigate potential risks and determine when issues need to be escalated to firm leadership. This nuanced understanding and strategic coordination are essential qualities of a successful IG Manager.

The IG Manager should also be a key team member to help drive strategy and change in your information management workflow. This may include leading a team to determine how to reduce paper storage via defensible disposition, providing resources or time toward retention review practices, or serving as the chief communicator to junior lawyers and staff on the IG foundational principles within practice group meetings, administrative training sessions, or even partner retreats.

Information Governance Senior Manager/Director

The highest position atop the foundational role pyramid is that of the Information Governance Senior Manager or Director. While this role may be devolved into several layers, such as senior managers, associate directors, directors, and senior directors, these are the leaders of the Information Governance department who drive change to improve working practices and to better align with the firm's information governance strategy and are directly involved with members of firm leadership.

The IG Senior Manager utilizes their unique vantage point to identify gaps in the firms' IG program and recommend changes to improve the effectiveness of it. They are usually members of the IG team that communicate directly not only with firm leadership and the Office of the General Counsel but also firmwide to implement these changes. While many of an IG Senior Manager's projects may explore ways to better communicate the intended vision of the information governance program, there may also be operational projects that change the nature of how work is performed at a firm and thus require greater cross-collaboration with other business services teams to ensure success.

While much of this role is focused on driving change through projects, innovation, and change management, it would be remiss to overlook the important task of appropriate oversight, leadership, and mentorship of the other members of the Information Governance department. The IG Senior Manager sets the team's expectations, evaluates the performance of managers and specialists, and develops career pathing strategies. This "big picture" approach safeguards the firm by cultivating a culture where the IG department has the right resources (both people and technology) and continues to grow alongside the ever-changing privacy and IG landscapes.

These roles continue to evolve and develop to respond to industry needs and the rapid changes to the legal and regulatory landscape, client demands, and introduction of new technologies that require us to be at the forefront of understanding technology changes and developments, regulatory issues, ethical obligations, and client requirements.

Defining the changing landscape

The landscape of IG within law firms is undergoing significant transformation, driven by technological innovation, evolving legal and regulatory frameworks, and the increasing complexity and volume of data managed. This changing landscape necessitates a redefinition of IG's role, from traditional records management to a more holistic approach encompassing data security, privacy, and strategic data utilization. Technological advancements, particularly in AI and machine learning, are at the forefront of this shift, offering new tools for data analysis, risk management, and efficiency improvements but also introducing new challenges in terms of ethical considerations, bias, and compliance.

Regulatory changes globally have further influenced the IG landscape, with legislation such as the General Data Protection Regulation (GDPR) in Europe and the California Privacy Rights Act (CPRA) in the United States setting stringent requirements for data privacy and protection. These regulations mandate a proactive stance on data governance, emphasizing the importance of understanding, classifying, and securing data to ensure compliance. As a result, law firms need to prioritize the development of more robust IG frameworks so that they can adapt to regulatory demands while supporting the firm's operational and strategic goals.

Moreover, the growing recognition of data as a critical asset and potential liability has led to a shift in how law firms manage and leverage information. The need for efficient data retrieval for e-discovery, the importance of clean and accurate data for analytics, and the potential of data to drive business intelligence and strategic decision-making have all contributed to the necessity of a more sophisticated approach to IG. This innovative approach is characterized by a blend of technical expertise, strategic foresight, and a firm-wide commitment to data stewardship, underscoring the multifaceted nature of modern IG practices.

Considering the changing landscape of IG in law firms, the field is moving toward a more integrated, strategic, and technologically savvy approach. This evolution not only reflects the need to manage risks and comply with regulations but also the opportunity to harness the power of data as a driver of innovation and competitive advantage. As this landscape continues to evolve, law firms must adapt their IG strategies to meet the challenges of today while preparing for the opportunities and challenges of tomorrow. This section sets the stage for a deeper exploration of the implications of these changes for roles, skills, and organizational structures within law firm IG practices. The execution of this strategy requires a different level of skills and expertise of days past, and requires a forward-thinking, proactive, strategic team of individuals to accomplish it.

In addition to the focus areas and specialized skill sets discussed above, IG professionals need to hone other skills too. As previously noted in the LFIGS 2017 report on Creative Sourcing for Law Firm Information Governance, "there is a surprising amount of IG work that is subject-matter neutral, and which instead requires skills such as leadership, management, project management, and the ability to consistently perform highly technical and detailed tasks." Leadership and soft skills are becoming increasingly necessary for effective support of IG. Some skills listed in the 2017 report include: leadership, management, strategic thinking, critical thinking, project management, subject matter expertise, legal, communication, detail orientation, and technical skills. It is apparent that the skills of the "back-office" records clerk of yesteryear need to evolve to support the IG needs of today.

Collaboration with other departments has always been a cornerstone for the success of IG; however, as it continues to evolve, we see stronger integrations with other groups such as Knowledge Management (KM). Relying further on our prior LFIGS bodies of work, the 2016 LFIGS report on Deriving Competitive Advantage Through Knowledge Management, Information Governance & Data Analytics, data analytics, semantic technologies, and predictive and cognitive analytics are listed as skills needed for the competitive advantage in KM. While this is focused on KM, the evolution of technology strengthens the cross-over with IG. A natural extension of that requires that IG professionals now have at least a baseline knowledge of emerging technologies, how they are used, the potential impact to IG, and perhaps how they can even be leveraged as a benefit for IG.

The ongoing development of technology and changing landscape necessitates that organizations properly staff and support IG functions with skilled, curious, and forward-thinking professionals. As a result, and in addition to the areas of focus previously noted, certain, more subject-specific roles are emerging.

Developing roles within information governance

As the landscape changes, new roles and functions are beginning to appear within law firm Information Governance departments; earlier in the paper we discussed how the definitions of "foundational roles" and various areas of functions are evolving. While not an all-inclusive list, we now discuss some new roles within IG that are beginning to appear. Depending on the size of the law firm, some of these roles may be dedicated full-time, while in others, the responsibilities may be shared or covered by people in other departments. Regardless of who is performing the work, it is important that they be strategically woven into the foundation of the IG program.

Business Process Analyst

While certainly not a new job function within large organizations, we are beginning to see value in having designated members embedded in the IG department performing this function. A Business Process Analyst traditionally works for or within an organization to examine processes and works with business groups to improve those processes. Within the context of IG, the focus is not to determine how to improve the practice of law by attorneys but instead to review how that practice is evolving specifically regarding the information and data that is being ingested and managed by the business unit. As innovative technologies are developed, attorneys will begin to receive information and data in new formats and new repositories will arise. For example, when attorneys and clients began to leverage file-sharing sites to exchange substantial amounts of data, a gap became evident as those services were not traditionally managed by firms in the past. As this trend grew in popularity, law firm IG professionals began to advocate for tools and developed processes to manage and control the use of these repositories. Today, many law firms leverage matter-centric collaboration sites that are part of the document management system due to that advocacy. IG Business Process Analysts understand the data throughout its matter lifecycle and are uniquely positioned to establish and recommend workflows that leverage technology and improve the experience for the lawyers, making them more efficient and better enabling compliance with firm policies. An effective IG Business Process Analyst can also add value by understanding and translating business requirements to IT teams tasked with technology selection and implementation.

Project Managers

Project Managers in organizations are not new, but these roles continue to grow and are particularly invaluable to have within the IG department. Inevitably, any firm initiative—whether it be the introduction of new policies, new technologies, or new policies—will have an IG impact. A Project Manager with an understanding of IG can add a great level of value to ensure that the project not only is managed well, but critical IG considerations are woven throughout the initiative. Nearly anything IG requires some sort of change management, and this is another key area where Project Managers can help facilitate the transition from the old ways of working to the new. Matter Mobility activities are an example of where project management experience can add benefit. As previously noted, this activity needs to be executed in a timely fashion but can be fraught with risk. It relies on the support and participation of many different parties, from those who review, approve, gather, and assess data to those who disposition it and ensure a proper audit trail is maintained. All of these activities are often carried out by different individuals at different times, and an effective Project Manager can help keep everyone on track and on time while mitigating the risks along the way.

Technical Analysts

In the last few years, we have seen more blending of the IG and IT teams than ever before. Some IT department employees have opted to shift their focus to the data management aspect of their role rather than the actual support of technology itself. These team members are invaluable as they often have a greater understanding of the systems and those that support them. They can ask the right questions and make the right recommendations to ensure IG policies and principles are properly recognized and incorporated. Many in these roles are now playing an instrumental role in data remediation efforts and supporting the emergence of generative AI technologies. As our data continues to grow at rapid rates, these roles continue to rise in importance.

Leveraging data

As the sprawl of data continues to grow, having technical expertise within the Information Governance team or department at a law firm is becoming increasingly beneficial. As data visualization and analysis tools become more prevalent, understanding how to interact with and interpret that data is becoming increasingly valuable. Being able to work with data firsthand affords a greater understanding of the content which allows for better management, retention, and disposal of information. For example, when working on destruction programs, being able to analyze content directly from the document and records management systems can provide insight on collections of eligible content so that Information Governance departments can determine where to begin or where to get the most return on their investment, both financially and from a work effort perspective. In years past, retention eligibility analysis started with reports or exports from the records management system which would have been put into Microsoft Excel, where analysis would have been performed against a static copy of the system of record, a process that may have been performed repeatedly to provide updates over time. Today, modern data analysis and visualization tools allow for connections directly to source systems where retention calculations are coded directly into the records and the data is refreshed regularly. Learning how to work with these tools allows an IG professional to analyze the data more efficiently and more effectively. Partnering with the information technology or data analysis teams allows IG department leaders to determine what tools are available within the firm and whether an opportunity exists to update current technology to gain better insight into the firm's data.

Evangelization (promotion, training, awareness)

Evangelizing information governance involves highlighting its benefits and importance to stakeholders. To engage your stakeholders, you must understand your audience. This goes beyond merely knowing the members of the audience, you also must understand their work, their concerns, and their priorities. It is helpful to highlight the benefits of information governance to the organization, such as the ability to mitigate risks, improve compliance, enhance data quality, and lead to cost savings and competitive advantages. One way to highlight the benefits is to give real life examples of situations where other firms, or even divisions within your own firm, have successfully implemented an IG program. Another approach could be to relay the cautionary tales of peer firms who neglected IG and paid the price—literally in the case of some data ransom attacks.

To establish trust and inspire adoption, you must connect the dots and build the connection between an individual's workstyle and the value that information governance can provide. It is important to convey the concepts in a manner that ensures everyone is on the same page and allows you to connect the various divisions within the firm. Often, within firms, different practice areas view their work as separate and different from other practice areas—you must help them see the similarities and find the commonalities between their practice areas. To be successful in the establishment of IG, you need to reframe the thought process of individuals in the firm. The most common responses from your employees will be "we don't understand" or "we slow them down." Instead, you must enforce the idea that proper attention to IG helps you work smarter, not harder. To do this, it is important to have constant contact across the firm and share the benefits and efficiencies that practice groups have already realized through your efforts. This can come as regular newsletters, workshops and learning sessions, surveys, or short email campaigns. Informal competitions can provide a fun way to learn about information governance without requiring participants' time commitment.

It is equally important to understand the personalities of your audience and tailor your approach to account for them. For example, if you are early on in your establishment of IG, you may encounter individuals who are insistent on their use of paper. Rather than forcing them to adapt to a paperless environment, you can instead highlight the efficiencies of digital collaboration, especially in a hybrid work environment where you may be required to collaborate with someone across the country. It's nearly impossible to co-edit a document in paper format when your colleague is 3,000 miles away! Even then, individual colleagues may remain resistant—maybe citing computer glitches or crashes as a reason for the retention of paper. In cases like this, it's important to have a variety of elevator pitches ready to explain the improvement of technology over the years and the system redundancies in place to protect against data loss resulting from computer crashes. Establishing a steering committee and gaining buy-in from senior management can be a great way to win over employees; if the decision-makers within the firm support the establishment of IG, the rest of the employees tend to fall in line. Of even more importance is the adoption of IG by this senior group. If your boss is telling you to adopt an IG principle but doesn't do so themselves, you will be less inclined to agree. Finally, acceptance is often easier to achieve by collaborating with secretaries and support staff who have the ear of the practice employees whom you are trying to win over.

Change management tends to be the most challenging aspect of any IG initiative, so it is important to establish a transition plan at the start. As with any project, timelines may shift to accommodate workloads, financial needs, or other projects that may conflict with your priorities. Remain transparent with these changes, but try not to over inundate your employees with constant communication lest they lose interest. By keeping the lines of communication open and being agile in your implementation, you increase the engagement of individuals throughout the firm as they develop a sense of partnership with your team.

The role of AI within IG

Artificial intelligence is transforming various domains and industries, including information governance. There is much discussion about AI and its impact on IG. We have previously learned about the critical importance of a sound IG program. AI can enhance IG by automating tasks, improving decision-making, and generating insights from data. However, AI also poses new challenges and risks for IG, such as ethical, legal, and social implications, data quality and bias, and explainability and accountability of AI systems. Therefore, IG professionals need to adapt to the changing landscape and acquire new roles and skills to leverage AI effectively and responsibly. One key element is understanding where your data is and how it is structured. The IG professional likely knows where both structured and unstructured data is, and like most, is probably at some stage of working through addressing the unstructured. For those in the organization focused on AI, this unstructured data is an untapped potential pot of gold. In this example, any effort the IG team takes to bring structure to this data directly benefits those wanting to use AI to leverage it.

AI-related roles within IG

According to a recent report by the Information Governance Initiative (IGI) and highlighted in our 2023 report, Generative AI and Law Firm Information Governance, there are four main AI-related roles within IG:

- AI practitioners
- AI enablers
- AI users
- AI overseers

These roles are not mutually exclusive, and IG professionals may perform more than one role depending on their expertise and responsibilities.

AI practitioners are the ones who design, develop, and deploy AI systems for IG purposes. They have technical skills in AI, such as machine learning, natural language processing, computer vision, and deep learning. They also have domain knowledge in IG, such as data governance, records management, privacy, and compliance. And they have a depth of knowledge of the structure and requirements of your organization. AI practitioners work closely with other IG stakeholders to understand their needs and expectations, and to ensure that the AI systems are aligned with the IG goals and policies.

AI enablers are the ones who provide the necessary infrastructure, data, and tools for AI practitioners to build and run AI systems for IG. They may have skills in data engineering, data management, data quality, and data security. They may also have skills in cloud computing, DevOps, and IT governance. AI enablers ensure that the AI systems are scalable, dependable, and secure, and that the data used by the AI systems is accurate, complete, and consistent.

AI users are the ones who interact with and benefit from the AI systems for IG. They have skills in data analysis, data visualization, and business intelligence. They also have skills in critical thinking, problem-solving, and communication. AI users leverage the AI systems to perform their IG tasks more efficiently and effectively, such as data classification, data discovery, data retention, and data analytics. AI users also provide feedback and suggestions to the AI practitioners and AI enablers to improve the AI systems and their outcomes.

AI overseers are the ones who monitor and evaluate the AI systems for IG. They have skills in audit, risk management, ethics, and compliance. They also have skills in AI governance, such as AI ethics, AI explainability, and AI accountability. AI overseers ensure that the AI systems are compliant with the relevant laws and regulations, and that they adhere to ethical and social standards and values. AI overseers also identify and mitigate the potential risks and issues that may arise from the AI systems, such as data breaches, data misuse, data bias, and data errors.

AI can be used to transform the work we do to be more efficient, compliant, and accurate. Tasks such as policy development, retention and disposition, training and development, job descriptions, and internal chatbots can be leveraged to supplement the skills and experience of an IG professional; with that professional being mindful of the limitations and current perceived "weaknesses" of AI that still warrant human over-sight and fact checking.

AI is a powerful and disruptive technology that can enhance IG but also poses new challenges and risks. IG professionals need to acquire new roles and skills to harness the potential of AI and to address its implications. These four AI-related roles within IG require a combination of technical, domain, and soft skills, and a collaborative and adaptive mindset. By developing these roles and skills, IG professionals can ensure that the AI systems are aligned with the IG goals and policies, and that they deliver value and trust to the IG stakeholders and the organization.

Operational excellence

As IG roles emerge and evolve, the breadth of skills required continues to grow, and the individuals who hold these roles must continuously improve their abilities and processes. We next discuss a few skill areas where operational excellence is especially needed in a modern legal environment.

Project management

As noted previously, Project Managers focused on IG are becoming more common. According to the Project Management Institute, "a project is a series of structured tasks, activities, and deliverables that are carefully executed to achieve a desired outcome. They are temporary efforts to create value through unique products, services, and processes." These elements align closely with the needs of Information Governance professionals.

These projects are often technology-based and reflect the industry movement away from a paper-based discipline and into an electronic world where information is stored in the document management system, network shares, the cloud and beyond. With this shift comes new records management processes, approaches, and awareness campaigns—all of which require project management skills to succeed. Many law firms are expanding their recruiting campaigns to focus on candidates who not only hold credentials such as Certified Records Managers (CRM) or Information Governance Professionals (IGP) but also Project Management Professionals (PMPs) designations. This broadens the candidate pool to those outside of the legal industry while also bringing critical skills to their IG programs.

Technical skills

The role of technical analyst increased in demand as the movement toward electronic recordkeeping increased at a steady pace. And then the pandemic hit. With offices closed and employees working from around the world, IG departments needed to look at how they could get information to their customers in remote locations and without access to paper. This caused a rapid development in skills among IG professionals who had to quickly learn how to tap into new technical skills—from understanding developments in digital collaborative technology, to scan-on-demand projects when retrieving paper records from offsite storage, all the way to implementing automated retention systems that bring records management processes from the back office to the lawyer's email inbox.

Data analytics

Data Analytics is a new and exciting path for IG professionals. The challenging argument for institutional change remains in convincing senior leadership that investment is needed in the Information Governance department. Some of this reticence remains in outdated thinking of IG as the records clerks toiling away in the basement with dusty paper boxes. But a lot of the issues are also around data. How can we demonstrate that we need to grow our team, change our approach, implement new and innovative technology, or improve adoption of best practices without the data to support such claims? IG teams have had to leverage data and metrics to sell their ideas. This requires a strong partnership between IG and resources in IT, HR, and perhaps even the Managing Partner's office. IG professionals then need to take that data, pair it with the data from the document management system and/or the records system and paint that picture. Data analytics skills should not only focus on just getting the data but also in writing "the story" and using your marketing skills to tell it to the people who need to hear it most. Data should also be analyzed to address adoption issues or identify risk. For example, an employee may have saved all their client data in a personal workspace or moved a large volume of documents to their desktop. In addition, providing insights into each user's "data footprint," looking across all content repositories, helps identify training opportunities and conduct targeted outreach to ensure compliance.

Problem-solving

All of these skills would go nowhere if you cannot be flexible and think on your feet. The advent of the hybrid work schedule, digital collaboration, and new technologies has created as many problems as it has opportunities. How do you maintain data security when your employee is working from their kitchen counter or from an airport Starbucks? How do you ensure compliance with a preservation notice when your employees are co-editing an online document? The ability to solve problems is more than just being intelligent, it's about adapting to new situations and addressing problems in a timely fashion. That may mean the need to interpret data you've never seen before to conclude that you've never considered. It may be demonstrated in knowing how to work around an implementation issue with a technology change when your employees are facing an impending deadline and the lead on the project is out on vacation. Emerging roles in IG must deal with fires almost hourly, and the ability to problem solve will serve them and their teams by enabling them to produce creative solutions.

Strategic vision

Law firms are dynamic organizations that require strategic vision to see the big picture and operate with the end goal in mind. IG leaders require a unique skillset that can help navigate the complexity of information management, compliance, and data protection while considering future implications of their decisions. Next, we explore the essential skills that form the cornerstone of strategic vision in information governance:

- **Critical thinking:** Critical thinking is the foundational skill that enables information governance professionals to effectively analyze information, identify potential risks, and devise strategic solutions. In the context of a law firm, where stakes are high, the ability to scrutinize and interpret vast amounts of information is invaluable. Critical thinkers can distinguish between relevant and irrelevant information, ensuring decisions are based on accurate, timely information. They also foresee potential legal and compliance risks and can craft preemptive strategies to mitigate threats. Lastly, critical thinkers apply logical reasoning and creative analysis to solve complex challenges, thereby enhancing operational efficiency and data integrity.

- **Business acumen:** Several leadership skills are required throughout the legal vertical as it pertains to full exposure involving the importance and value of information governance. The ability to develop a narrative relatable to various audiences, from each class of lawyers to key individuals on operational teams, requires a high level of business acumen. This encompasses skills of both stakeholder awareness and self-awareness, organizational knowledge to include financial literacy, and the ability to link cause and effect. Having the talent to narrate a different message to achieve the same goal is situational leadership rooted by business acumen.

- **Leadership:** Leadership within information governance goes beyond traditional management roles as it really involves creating a vision and direction to steer law firms through the complexities of increased digitization. Effective leaders cultivate a culture of continuous improvement and innovation that encourages teams to strive for excellence in information management practices. Leaders in this area also need to possess the foresight to anticipate future trends and challenges and develop comprehensive strategies to address them. Finally, leaders in this new age must be able to facilitate communication and cooperation across different departments, ensuring that information governance policies are integrated seamlessly into all aspects of the firm's operations.

- **Change management:** The only constant in the digital era is change itself. Change management is therefore a crucial skill for information governance professionals, enabling them to navigate and manage the transition processes within their firms effectively. Change management skills require quick adaptation to innovative technologies, regulations, and workflows, ensuring the firm remains compliant and competitive. It is also about communicating changes effectively to all stakeholders, securing their buy-in and facilitating a smoother transition. Lastly, professionals skilled at change management can foster an environment of continuous learning, ensuring that the firm's information governance strategies evolve in line with technological advancements and best practices.

Innovation and adaptation (use of LLMs, learning agility, adaptability, and research skills)

In today's fast-changing IG industry, not being able or willing to innovate and adapt can quickly lead to becoming outdated.

The notion of change can be daunting. Yet, it is this very act of embracing change and staying abreast of technological and methodological advancements that guarantees your continued relevance and position in this field. To navigate this ever-changing environment and come out on top, IG professionals must focus on four pivotal areas: intellectual curiosity, learning agility, adaptability, and the strategic use of Large Language Models (LLMs). These elements are not just tools for survival but instead are the foundation for thriving in an era defined by its rapid pace of innovation.

Intellectual curiosity

Intellectual curiosity, in the context of the changing roles in modern Information Governance, is the deliberate and systematic pursuit of new knowledge, insights, and techniques to stay at the forefront of industry best practices and technologies. It is the fuel for innovation, providing the groundwork for informed decision-making and strategic planning. Intellectual curiosity plays a pivotal role in anticipating shifts in the marketplace, such as identifying new emerging technologies that solve industry problems. It also aids in recognizing new opportunities and proactively protecting your firm against potential pitfalls, including the latest common data breach techniques. However, the willingness to learn is not always sufficient. In an era where information is abundant and the pace of change is brisk, one's ability to comb through the bad information to get to the good and apply these findings is what distinguishes a great IG professional.

Learning agility

Learning agility is the ability to efficiently and effectively learn, unlearn, and relearn skills, techniques, knowledge, and strategies to enable individuals to excel in a rapidly changing environment emphasized by updated privacy regulations and increasingly complex client demands. This goes beyond being flexible; it involves an initiative-taking approach to learning where curiosity and a hunger for knowledge drive continuous personal and professional development. It centers on an individual's use of both their successes and their failures as valuable learning experiences; fostering growth and enabling them to approach each new project with a fresh perspective. In today's fast-paced environment, cultivating learning agility is crucial for long-term success and sustainability.

Adaptability

Adaptability involves the seamless acceptance of change and the swift integration of emerging technologies and techniques into one's professional repertoire. While learning agility focuses on swiftly acquiring new skills or discarding outdated ones, adaptability centers on a professional's capacity to navigate immediate changes with finesse and resilience. This quality distinguishes the modern IG professional, enabling them to not just cope with but rather excel in the face of the constantly shifting legal landscape. It involves an intuitive grasp of the latest trends, an openness to changing traditional methods, and the versatility to shift gears when the situation demands it. Individuals practicing adaptability do not react to changes; they anticipate them and adapt their approach accordingly. In addition, this capacity to "go with the flow" transforms potential disruptions into areas of advancement (ever heard the saying: "never let a good crisis go to waste"?), allowing an individual to thrive where others may stumble. Given that change is an inevitable part of the world today, it makes sense that the ability to effectively adapt to such change is not just beneficial, but essential.

Large language models (LLMs)

LLMs, such as GPT-4, represent the pinnacle of advancements in artificial intelligence, offering unprecedented capabilities in natural language understanding and generation. There is a lot of fear that the adoption of LLMs represents the potential loss of human jobs. However, an effective IG professional recognizes it as a powerful tool that, when wielded with insight and strategy, can significantly amplify human creativity, efficiency, and decision-making. Embracing LLMs requires a shift in perspective: viewing them as collaborators that can manage vast amounts of data, generate innovative ideas, and automate routine repetitive tasks, thereby freeing individuals to focus on higher-level strategic thinking and problem-solving. It is essentially like having a team of tech-savvy interns at your fingertips. However, LLMs are not without their limitations. To effectively harness them, they require professionals to navigate several key considerations, including crafting precise prompts, interpreting and refining resulting outputs, and seamlessly integrating these insights into existing workflows. Incorporating LLMs into IG not only safeguards against the fear of being replaced by AI, but also positions individuals at the forefront of innovation and progress in their fields. In truth, the proper use of LLMs enables the modern professional to leapfrog traditional limitations and redefine what is possible in their careers.

Stakeholder engagement

Stakeholder engagement is an essential component of IG, as it involves identifying, communicating, and collaborating with stakeholders interested in proper management of organizational information. Stakeholders can include both internal and external groups, such as employees, clients, and vendors.

Establishing an internal Training, Promotion, and Awareness service area helps target the appropriate stakeholders, develop training curriculum, and create metrics to track the adoption of each initiative.

The required skills and core competencies listed below will enhance engagement between your team and stakeholders.

Collaboration

In the field of IG, the skill of collaborating well and productively with stakeholders is essential to setting the goals and boundaries of the stakeholder involvement and making them align with the vision of IG. Collaboration involves identifying and understanding the needs and expectations of stakeholders, which in turn, helps build trust and a mutual understanding among the stakeholders.

Emotional intelligence

Emotional intelligence requires a leader who can empathize, listen, and communicate effectively while being aware of and regulating one's own emotions. The art of anticipating the reaction or response of stakeholders is a key attribute to allow the leader to prepare for multiple scenarios and outcomes.

Communication skills

Communication skills references the ability to convey clear, concise, and compelling messages, and to listen actively and respectfully to the stakeholders. Ensuring that there are effective communications skills within the team is paramount when articulating best practices, policies, and workflows to stakeholders. Knowing your audience and their level of understanding of those topics ensures minimum misinterpretation which decreases the probability of conflict or confusion.

Leadership

The ability to make informed decisions is another component of effective stakeholder engagement. Strong leadership involves managing the expectations and demands of various stakeholders without causing conflicts between both parties. By recognizing and addressing possible risks and problems that affect information management, the leader can reduce the probability of liability. The leader needs to be alert, progressive, and communicative to deal with the fast-paced and competitive market that has complex and uncertain legal and regulatory aspects. They collect and prioritize feedback from important stakeholders to evaluate how effective and how often they engage with them.

In summary, engaging stakeholders in a transparent and collaborative manner achieves positive results, numerous benefits, and ensure sustainability.

Where does IG align within an organization?

A common question asked by many, especially those who are just beginning IG departments is "where should IG be aligned within the organization to be successful? Where is it most effective? What are the pros and cons of each option?"

In short, there is no right or wrong answer. Given that IG is strongly driven and supported by internal firm culture, there is no right or wrong answer. The best alignment for IG depends upon your firm and the ability to provide the resources and support needed. To execute IG properly, it requires a "look under the hood and in the closets" of every organization within the firm. The person leading your IG program understands the importance of the IG program, supports all involved who are responsible for all facets of the program, and is empowered to bring change across the organization.

Placement of IG under any C-Suite management

Where should IG reside in your firm and who should have the responsibility for making sure your IG program is successful? As with most things IG and records management, it depends. It really depends on your firm and the ability to provide the resources needed. The person needs to understand the importance of the IG program and is willing and able to support all involved that are responsible for all facets of the program. Simply said, IG should be aligned under the C-Suite that is positioned well enough politically to help navigate through the inevitable challenges and resistance to change that will occur.

While most IG leadership positions are Senior Director/ Director or below, having a C-Suite member govern your IG program has some merit. Having senior leadership's support, sponsorship, and understanding of IG is instrumental in starting and sustaining the firm's IG initiatives.

In sampling various firms, we find that IG position often falls under the Chief Information Officer (CIO), General Counsel (GC), Chief Information Security Officer (CISO), or the Chief Operating Officer (COO). In some lesser instances, IG has been aligned with Legal Support Services or e-discovery team. In short, as noted, IG can be aligned almost anywhere. While it's important for IG to have a direct report, the truth is, to be successful, IG must have strong dotted lines to all other departments. IG in some organizations falls under a Chief Information Governance Officer (CIGO). In addition, some position IG under the Chief Data Officer (CDO) or the Chief Knowledge Officer (CKO).

Each alignment comes with its own pros and cons. For example, a CIO may have the responsibility of IG and the technical resources and knowledge of the data and information systems but have no knowledge of IG. A GC will understand the need for IG to manage legal, risk, and compliance to help reduce risk but knowledge may fall short on technical systems.

A CISO is cognizant of risk and is focused on ensuring that the firm and its information is protected against compromise, threat, or attack. Since there is much cross over in areas of focus and in theory, CISO's understand where the data is; however, they may not fully understand IG or basic disposition principles.

A COO is typically the most senior executive who is responsible for all day-to-day operations and financial management of the firm. Aligning IG with the position can certainly offer authority to execute many initiatives; however, they may not fully understand all the moving parts required for a successful IG department.

In summary, the question of who IG should report to cannot be answered in the same way for every firm. Where the program resides and who has responsibility for administering the program are both key questions that must be answered early in the development of your IG program. IG best practice indicates that somebody must drive IG while reporting to a part of the organization that is committed to the activities required to be successful.

Conclusion

To summarize the exploration of IG in law firms, it's clear that the field is undergoing a major transformation. This change isn't just about adopting new technologies or expanding regulatory frameworks; it's a fundamental shift in how law firms view, manage, and use information as a strategic asset. The journey from foundational roles through the integration of AI and the identification of new, essential skills underscores a critical narrative: the future of IG is both a challenge and an opportunity for law firms. The challenge lies in navigating the complexities of an increasingly digital, data-driven legal environment. Law firms must grapple with the dual pressures of regulatory compliance and client expectations for security, privacy, and efficiency.

The traditional roles within IG are expanding and evolving, necessitating a workforce that is agile, technically proficient, and strategically minded. The advent of AI and other technological advancements, while promising to streamline and enhance IG processes, also introduces ethical, bias, and compliance considerations that must be carefully managed.

Conversely, the opportunity presented by this shifting landscape is profound. Law firms that successfully adapt their IG strategies can achieve operational excellence, mitigate risks more effectively, and gain a competitive advantage through enhanced data analytics and strategic decision-making. The development of new roles within IG, such as Business Process Analysts, Project Managers, and AI practitioners, signifies a broader recognition of the value of information as a key asset. Furthermore, the emphasis on skills such as critical thinking, adaptability, and stakeholder engagement reflects a holistic approach to IG that transcends traditional boundaries and fosters a culture of innovation and collaboration.

As law firms contemplate the future of their IG programs, several considerations emerge as paramount. First, the placement of IG within the organizational structure must reflect its strategic importance, with clear support and direction from senior leadership. Whether under the CIO, GC, CISO, or another executive role, the governance of IG must be aligned with the firm's overall strategic objectives. Second, the continuous development of the IG workforce, through training, mentorship, and exposure to cross-functional projects, is essential to building the necessary competencies for future success. There should be careful consideration of the types of roles necessary to support the IG program. Finally, law firms must remain adaptable, ready to reassess and realign their IG strategies in response to emerging technologies, regulatory changes, and shifts in the competitive landscape.

In conclusion, the changing roles within law firm Information Governance represent both a significant challenge and a remarkable opportunity. By embracing a strategic, collaborative, and technologically savvy approach to IG, law firms can not only navigate the complexities of the digital age but also harness the power of information to drive innovation, efficiency, and competitive advantage. The future of IG is bright, and law firms that adapt, innovate, and lead in this space will undoubtedly set the standard for excellence in the legal industry.

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