Legal Information Governance Best Practices to Overcome Data Challenges

The most valuable asset for a legal team lies in the vast quantity of sensitive data held regarding clients and case matters. Poorly managed, however, that data can create a major liability. Effective legal information governance drives productivity, improves case outcomes and strengthens both regulatory compliance and client relations.

Law firms deal with several challenges unique to the legal profession. In the first place, they work with significant amounts of highly sensitive information from a broad range of clients and cases. Managing the storage, distribution and destruction of that data requires close attention to numerous regulations.

In addition to laws and industry regulations, legal teams must also adhere to outside counsel guidelines (OCGs) for handling client data. These OCGs may include detailed specifications relating to how that data is stored, transferred, accessed, and destroyed.

Remote work and BYOD policies further complicate matters. According to the American Bar Association, 87 percent of lawyers work remotely at least part of the time. And most use a variety of business and personal devices in their work. While this flexibility delivers significant benefits for law firms, it also makes it difficult to ensure the security of critical data.

The following information governance best practices will help legal teams address these challenges.

Build and Maintain a Data Map

To gain control of information assets, the firm first needs to create an information inventory or data map. This involves conducting an information audit to identify and document all the data sources in the firm. For each data source, the inventory should indicate information such as the location, owner, format, sensitivity, value, and retention period.

A data map helps the firm gain visibility into critical data, as well as identify redundant or trivial information. It also plays an important role in classifying data according to legal relevance, risk level and other criteria. But building and maintaining a data inventory manually can prove prohibitively time consuming and resource intensive.

Using the right technology will streamline the process. For instance, AI-enabled data discovery and mapping software scans and catalogs data across the firm's network and cloud environments. These tools can automate metadata management and data classification, helping firms monitor and manage their data assets more effectively.

Update Retention Policies to Meet Regulatory Requirements

A growing number of privacy laws and industry-specific regulations govern how law firms store, manage, and retain or destroy information. OCGs and client expectations add to the complexity. Thus, retention requirements may vary according to the type, source and purpose of the data, the jurisdiction or industry involved, and client contracts.

A data retention software solution will help legal firms create customized data retention policies and apply them to different types of data across various platforms and devices. It will monitor and track the status and location of data throughout its lifecycle, automatically generating reports and alerts. And it will delete or archive data securely at the end of its lifecycle.

Regularly Audit and Strengthen Data Security

Because law firms capture and store large amounts of sensitive data, they become an attractive target for hackers. Thus, data security plays a critical role in achieving regulatory compliance and maintaining customer trust. Firms must guard against threats such as business email compromise (BEC), ransomware, data leaks and cyber security malpractice allegations.

To ensure information security, legal teams should evaluate and update their basic cyber security practices. This includes ensuring that all employees receive regular, quality security awareness training. It also includes updating access controls and backup procedures, strengthening file encryption, and creating or updating formal cyber security policies.

Implement an Effective eDiscovery Solution

Legal matters frequently hinge on digital evidence involving thousands of documents, emails, text messages and other data. With tight deadlines and huge caches of data in numerous formats and locations, legal teams need quick, secure, and effective eDiscovery technology.

The best eDiscovery tools optimize the process with powerful search features that run complex searches across multiple platforms in seconds rather than hours. They help the team identify and review relevant data before collection, reducing the amount of data to hold and process. And they reduce the risk of sanctions while maintaining a constant chain of custody.

Partner with Legal Information Governance Experts

Successful legal teams build solid information governance strategies, supported by the right technology and training. The legal information governance consultants at Messaging Architects will help design and implement the right governance framework for your firm.