

# The New Role of Record Coordinators: The Connection to Discovery

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## CGOC Discovery Lunch Series

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## Today's Talking Points

### ■ How Do You Build An Effective Records Coordinator Program?

Choose RCs that:

- Have a broad understanding of:
  - The role(s) of their department,
  - The functions within the department,
  - The business in general.
- Are well-organized.
- Are able to get the attention of department members – from senior management on down.
- Can understand the records management process and the implications of poor records management.

### ■ How Do You Develop An Effective Records Coordinator Program?

Once you have RCs in place:

- Train them thoroughly on the role of the RC and “super train” them on records management.
- Train them on relevant legal issues (i.e., discovery).
- Empower them through senior management.
- Make the RC position a position of honor, not an extra burden. It should be part of each RC's job description, responsibilities and accountabilities. Credit should be given on the performance appraisal (and in the \$) for a job well done.

### ■ RCs: The Connection To Discovery

Well-trained RCs can be involved early on in the discovery process to:

- Maximize efficiency by leading litigators to the “right” records and people.
- Help ensure all relevant records are located.
- Put context behind records that might otherwise be unclear.
- Schedule interviews with department members when appropriate.
- Prevent duplication of efforts when there are multiple firms working on one case or where there are multiple cases.
- Keep the litigation from taking over the business.

# From the Discussion

Four themes emerged from the working lunch session. The rich dialogue between retention and litigation execs from the financial services, consumer products, and healthcare industries highlighted the increased attention to retention and legal holds.

## 1. Communications between legal, records coordinators, and IT

With the standards set by Zubulake, communications and coordination between the litigation group, records and IT has become very important. It is particularly critical to have an open dialogue about where information is stored, what backup and archiving protocols and data management strategies are employed. “Companies need active participation and close coordination,” according to John Woods. Rob Feigenbaum of FTI Consulting pointed out that communications are critical as information is collected for litigation.

## 2. Importance of records management liaisons across the business

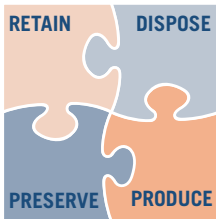
Attendees highlighted the emerging practice of appointing records management liaisons across business units and departments to distribute retention and preservation responsibilities throughout the enterprise. Jean Mahon from Computer Associates and other attendees indicated that these liaisons are chartered by the executive staff, operate at all levels of the org chart, and have personal knowledge of their department or divisions’ information processes.

## 3. Rigorous and consistent processes for legal holds

Legal holds issues are increasing as companies realize their obligations to preserve and produce information are significant and complex. John Woods identified a standard and consistent approach as critical stating, “companies need to show the exact steps and exact process – even step by step documentation – of who they notified, what they collected, and what was done when by whom.”

## 4. Accountability through auditing

A number of companies at the luncheon and all of those with mature records initiatives indicated that their internal audit or quality organizations audit compliance with the retention policy. These audits are conducted as a part of companies’ overall governance and controls processes, and underscore the importance and responsibilities for adhering to the retention policy and schedule.



# PSS provides the interlocking elements in its AtlasIPM solution



## Litigation Communications and Collections Solution

Based on the emerging *Zubulake V* and Delaware standards for preservation and production, the Litigation Communications and Collections solution enables companies to automate and repeat hold notifications, identify and log interviews with affected parties, and plan and thoroughly execute document collection.

## Retention Policy Management Solution

To address the difficulties in reconciling diverse business and oversight needs, the Retention Policy Management solution enables companies to coordinate and synchronize corporate retention policies and division retention schedules, ensuring local control and corporate oversight.

## Retention and Litigation Agent

To bring defensibility and feasibility to corporate policies, the Retention and Litigation Agent maps applicable retention rules and legal holds to individual employees, automatically tagging information at the point of creation, automating and ensuring proper retention, disposition, holds, and collection as required.

The three Atlas solutions integrate seamlessly with each other to form the AtlasIPM Suite. By using the solutions in concert, you can synchronize information retention, disposal, preservation, and production, thereby reducing legal and IT costs by retaining and collecting only what is needed. Nothing more, nothing less.

**For more information on how PSS Systems can help optimize your retention and collections processes, call Virginia Dickson at 650.961.1717, x144.**

## Don't miss the other sessions in the CGOC Discovery Lunch Series!

### Monitoring for Departing Employees in Active Litigation and Discovery

September 26, 2005

Astra, 979 Third Avenue, New York

Co-hosted and moderated by litigation partner Meredith Kotler.

The discussion will address whether litigators should routinely monitor for departing employees, the implications of doing so, and modern approaches for monitoring.



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### Accelerating the Dialogue between Legal and IT: Distributing Discovery Responsibility without Losing Control

October 20, 2005

Astra, 979 Third Avenue, New York

Co-hosted and moderated by Matt Cohen, Skadden counsel and noted electronic discovery expert, and Kevin Brady, Connolly Bove counsel and frequent e-discovery speaker.

This session will tackle the role IT should play in collecting information and how to delegate without abdicating control. Modern monitoring approaches will be discussed.

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