



**2014 CLM Annual Conference**

**April 9, 2014 – April 11, 2014**

**Boca Raton Resort  
501 E. Camino Real  
Boca Raton, FL 33432**

**Roundtable 2: Thursday, April 10, 2014 (11:30 am – 12:30 pm)**

**“E-Discovery and ESI—The Practical and Legal Issues Associated with Transitioning to the World of Electronic Documents”**

- Tips for effectively implementing and using Electronic Data Management
  - Make electronic data management a business initiative, supported by corporate leadership with buy-in from all stakeholders, and incorporate it into the organization’s culture.
  - Create clearly documented, applicable policies and procedures that:
    - Include all components of data management, including creation, access, storage, indexing/searching/analysis, legal holds, life cycle, mandatory reporting requirements, etc.
    - Are workable and allow the business to operate efficiently.
    - Take advantage of the software tools available.
    - Take into account applicable statutory and regulatory requirements, particularly with regard to audit trail and access control.

- Set out best practices for protecting your data and responding to a data breach.

- Log data archiving and destruction.
- Document each manner in which various types of data can enter and leave the organization.
- Ensure the appropriate insurance coverage is in place.
- Train all employees of all affected business units, as well as employees who need knowledge of the systems and procedures, such as IT, HR, legal, etc.
- In addition to procedures for responding to a litigation hold, discovery request, or data breach, designate the stakeholders for each scenario, such as inside counsel, outside counsel, HR, business unit management, and the various IT staff involved. The system for implementing and revising data destruction procedures should be simple to revise or suspend.

#### ■ Components of Managing Electronic Records

- IT Systems
- Database Administration
- Types of Records
- How Records are Created
- How Records are Received
- Retention Decisions
- Information Management, Search, and Retrieval
- Mobile Devices

- Third-Party Custodians
- Third-Party/Remote Access
- Information Security
- Records Disposal
- Matter Lifecycle
- Organization's Intellectual Property
- Compliance and Regulatory Environment
- Policies and Employee Adherence
- Business and Operational Needs
- Changing Technologies
- Organic Changes to the Organization
- Legal Hold Capabilities

■ Additional resources

- The Sedona Guidelines for Managing Information & Records in the Electronic Age (11/2007).
- [www.ama.org](http://www.ama.org)
- [www.himms.org](http://www.himms.org)