

# The Changing Role of the IT Professional

Information technology professionals in today's law firms hold strategically important positions that are vital to everyday operations.

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Regardless of firm size or area of practice, professionals tasked with recommending, installing, and supporting their law firms' technology have experienced profound changes in their roles during the past few years. Information technology professionals in law firms are no longer "the computer guys/gals;" nowadays, they hold strategically important positions that affect client-facing services. This article explores just a few of the challenges confronting today's legal IT professional.

### **SLAYING THE E-MAIL DRAGON**

Not so long ago, the IT manager's chief concern was keeping the e-mail system running; today, important business issues related to the use of e-mail – storage management, records retention, content filtering, and compliance – affect the job responsibilities of IT professionals. As the volume of e-mail has increased exponentially, with e-mail often becoming the preferred method of communication between attorneys and clients, protecting that critical information store, ensuring optimal performance and high availability, and creating efficient taxonomies for these new "records" are all tasks that fall to the technology manager.

Todd Corham, Chief Information Officer of Lowenstein Sandler PC, made the following observation in his introduction to ILTA's 2006 E-Mail Survey:

"In order to perform our jobs competently, we must increasingly work closely with groups such as our records management staff, the telecommunications team, those in professional liability and, of course, the attorneys themselves. Although we have always been asked to resolve e-mail issues with our clients, we are increasingly interfacing with them in a consulting capacity, as well."

The modern-day IT director must strategically plan for, and ensure, tactical success in the following areas of e-mail management, and, as e-mail becomes one of the "core" applications for law firms, the list grows each year:

#### **Configuration and Policies Affecting the Data Store**

- Setting size limits on mailboxes;

- Implementing archival/deletion policies and processes; and
- Balancing server loads for increased throughput.

#### **Security/Business Continuity Planning**

- Improving processes and technology for virus/spam/malware filtering;
- Applying metadata scrubbing techniques to e-mail messages and attachments; and
- Ensuring an "always on" environment.

#### **Compliance/Risk Management**

- Establishing/enforcing e-mail retention policies; and
- Integrating e-mail content with the firm's document management or records management systems.

Putting the right technology in the right place at the right time can make or break your firm's ability to recover from disruption or disaster.

In addition to e-mail management, issues of security, business continuity, compliance, and risk management are pervasive and formidable in law firms. The IT professional must be a strategic thinker, able to wear many hats and work in concert with other professional strata within the firm for successful deployment of those strategies.

## FOR THE RECORD

The voluminous store of electronic content – internal and external documents, e-mail messages, voice messages, and more – is mounting by the minute. With this explosion has come the increased responsibility to classify and make accessible those records that conform to a firm’s retention policies and compliance standards.

IT professionals, working alone or in partnership with records managers/directors, help to define policies and retention schedules, and they develop and implement procedures

They are critical in translating legal rules and procedures into practice, consulting on crafting preservation orders as well as planning and supervising data collection. They perform a critical role evaluating competing electronic solutions to ensure that the legal team has a solution that provides features appropriate and necessary for the matter and is cost-effective and efficient. These responsibilities will continue to drive the technical team into



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and workflows to support those policies. A great interdependency exists among systems and professionals within the firm to achieve successful records management initiatives.

### E-DISCOVERY: EGADS!

While the challenges of developing, implementing, and enforcing records retention policies have been daunting, recent changes in the law have ratcheted up the role of records managers and IT professionals a few more notches. In 2006, the U.S. Supreme Court approved amendments to the U.S. Federal Rules of Civil Procedure. These amendments impact the storage and maintenance of electronic records, and law firm technologists and records professionals must understand the new rules and provide guidance to attorneys in how clients’ data are maintained.

The technologists and records managers are ideally suited to work alongside attorneys during electronic discovery and can provide the critical interface between a litigation team and the client’s technical personnel. In their article titled “The New Role for Technical Teams in E-Discovery” from ILTA’s March 2006 white paper, *Litigation Support: Tools and Techniques*, David Bayer and Michael Simon, Esq., of Stratify Inc. noted the importance of professional staff in the e-discovery process:

“The role of the technical team is becoming increasingly important in electronic discovery.

assuming a leadership role in the discovery process in the years ahead.”

### IT’S A SMALL WORLD AFTER ALL

In the midst of this expanding role from technical tool-toter to business strategist, the IT professional in today’s law firm faces issues of globalization. The world is getting smaller as our communications tools are commoditized.

Telecommunications technology has enabled firms to expand globally, providing “always on” communication systems. Whether servicing clients across the street or across international borders, providing fast, stable voice and data transport technology falls to IT. And the technology is leveling the playing field, allowing small firms to compete with large firms in the global economy.

Aaron Franko of Bakke Norman, South Carolina, wrote the following in ILTA’s February 2007 white paper focused on voice and data communications issues:

“Ultimately, law firms of every size embrace technology in order to provide the best client service possible. Products such as IP telephony, video conferencing and remote access are available to any firm. Therefore, determining what technology is available to maximize productivity and client service is elementary. After deciding what to implement, a much more

critical decision is how to support and effectively use technology. Despite a similar rationale for product selection, the strategy used by a small firm after this point will require considerable creativity and resourcefulness. Using these guidelines, any small firm can effectively implement technology once reserved for large firms.”

### BEING PREPARED FOR ANYTHING

We need not look beyond the daily headlines to understand the urgency in developing a business preparedness/disaster recovery plan. In addition to satisfying the needs of your internal stakeholders, your firm’s ability to recover rapidly from business disruptions is prone to examination from external sources.

According to Atlas Lee, former Director of Business Continuity at Shook, Hardy & Bacon LLP, now a senior consultant with eSentio Technologies:

“More and more clients are requiring that their legal counsel have a current, workable, tested contingency plan in place. They are also looking at information system security best practices and policies, proven adherence to and audits of those best practices and policies.”

Putting the right technology in the right place at the right time can make or break your firm’s ability to recover from disruption or disaster, and the firm needs an IT professional who can make the case for the business imperative and lead the firm toward a solid plan.

Savvy IT professionals also know that disruptions and disasters are spawned by “internal” threats as well as the usual external suspects: acts of God, careless or malicious acts of mankind, etc. The potential for disaster lurks in the metadata that your firm creates and transmits, in network security breaches, and in lost or stolen laptops and PDAs. There is a wealth of information to be secured, monitored, and accounted for; your clients demand it, and the owners of your firm’s intellectual property deserve it.

### MANAGING RISK

The job of managing risk is a delicate balancing act. The IT professional must make information available and accessible to those who need it, and he/she must guard that same information from inappropriate access or corruption/loss. In his article in ILTA’s December 2006 white



paper *Cracking the Code on Security*, John Hall of Integration Appliance wrote:

“With the right approach, tools and education, firms can have it both ways. They can lower barriers to information access while improving protection of sensitive information. Interestingly, and perhaps counterintuitively, controls that keep information out of the wrong hands are often enthusiastically welcomed by attorneys. In an environment where new tools make it possible for people to search out or stumble upon information they shouldn’t see, attorneys often live with unsettling uncertainty. The unintentional breach of an ethical wall is not a daily experience for most firms, but for those who are involved, the repercussions are not easily forgotten.”

### PEERLESS PEER SUPPORT

Today’s IT professionals in law firms bear little resemblance to their predecessors 20 years ago. The many hats worn by a contemporary Chief Information Officer include business strategist, compliance expert, records manager, risk mitigation specialist, security auditor, telecom advisor, global market analyst, and litigation supervisor. They might have to be skilled technologists, as well.

Finding support systems, strong peer networks, targeted educational resources, and a knowledge base to support

those many roles is critical to all professionals in law firms. The organizations that are represented in this magazine and support the annual Professional Legal Management Week are the framework from which a successful law firm professional builds a solid career.

More than 20 years ago, the International Legal Technology Association created some promotional text to describe the value proposition of the organization, and that verbiage is as relevant now as then and is still displayed on the association's Web site:

“No staff, let alone individual, has the bandwidth or resources to keep up with and learn all there is to know about the ever-changing technical, strategic and management issues related to the use of technology; and so, networking with

one's peers to exchange ideas with those who have 'been there, done that,' has never been more essential.”

The power of peer networks cannot be overstated; connecting with professionals whose hats look awfully familiar has never been more essential. ♦

*Note: Source materials referenced in this article are available for view/download from ILTA's Web site, [www.iltanet.org](http://www.iltanet.org), under the "Communications" tab.*

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## ABOUT ILTA



The International Legal Technology Association (ILTA) is an entity-based professional association comprising 1,100 law firms and legal departments (7,000 professionals). Founded almost three decades ago, ILTA began as a users group focused on a single product and has expanded internationally in its breadth and exponentially in its depth, now providing peer-networking opportunities and educational resources to all professional strata in the legal environment. As technology has touched all areas of support to the legal profession, so, too, has ILTA expanded its reach.

#### ILTA's Membership Benefits

- A substantive magazine, *Peer to Peer*, published quarterly
- A nationally recognized survey of technology trends, published annually
- White papers on many topics of interest expressed by ILTA members
- A regional network of member firms that meet to discuss issues of local interest
- Vendor- or topic-focused Peer Groups that provide forums for the exchange of timely information on products, services, and best practices
- Listservs, which are online discussion forums on a broad array of technology and management topics, providing immediate responses to questions and requests for information
- Webinars and teleconferences that provide educational content without leaving the office

ILTA's Statement of Purpose: ILTA is the premier peer networking organization, providing information to members to maximize the value of technology in the support of the legal profession.

#### ILTA's Core Values

- Maximize the value of technology in support of the legal profession
- Provide quality, independent, unbiased, and accurate information to our members about technology and the practice of law
- Maintain vendor independence
- Provide quality educational opportunities for our members and ongoing learning for navigating through change
- Foster, rely on, and celebrate volunteers for their real-world experience and their value as a resource for colleagues
- Recruit and retain the highest caliber of professional staff
- Act as a vehicle for meaningful peer networking
- Respect our colleagues
- Commit to the highest standard of professionalism
- Maintain a financially sound organization that provides full value for the members' investments
- Promote member advocacy with vendors regarding product development and support
- Recognize that ILTA is a volunteer-governed organization managed by a professional staff

For more information about ILTA, visit [www.iltanet.org](http://www.iltanet.org) or contact Randi Mayes, ILTA's Executive Director, at [randi@iltanet.org](mailto:randi@iltanet.org).