Teaching IT and Legal to Understand Each Other

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Whether they're getting ready for the Securities and Exchange Commission's XBRL filing requirement or trying to figure out what their document management and retrieval system should do to best comply with e-discovery requirements, IT and legal can no longer do their jobs effectively without each other.

Findings from the latest **Kroll Ontrack** report on trends in management of electronically stored information bear this out. For instance, 35 percent of survey respondents were giving primary responsibility for ESI (electronically stored information) policy development and enforcement to IT in 2008, up from only 18 percent in 2007.

"Responsibility for ESI strategy creation and enforcement must leverage the legal and technical expertise across the entire company – CEO, board, legal, IT, HR, finance and compliance," the report says. "An ongoing marriage between IT and the legal team – blessed by sponsorship from the board – is essential to ensure that the plans put in place are adequate, all encompassing and feasible."

But most of the time, IT and legal don't speak the same language. IT operates with charts, diagrams and technical jargon, while those in the law department are often best known as masters of "legalese." Moreover, notes **Kroll Ontrack** Director of Legal Technologies Michele Lange, the two don't often have similar interests. So how does one go about getting IT and legal around the same table and on the same page when it comes to ESI? Lange says her company, which provides ESI consulting computer forensics and other legal technology services, takes a three-pronged approach:

Helping IT understand what keeps legal up at night is key number one. Legal often says, "IT doesn't understand that this is the life of the company on the line here." The second is to help legal understand some of the technical complexities...We'll work with IT to pull a data map so that legal can understand what the architecture looks like from an IT perspective. The third is what we call a "tabletop drill" or hypothetical that we pose and then ask both groups to respond. It helps both groups to identify the gaps in communication.

There's no one answer that works for every company. Lange says the consulting work is customized. However, the company also offers two-day intensives on e-discovery to provide IT staffers with more depth of knowledge on the issues. **Kroll Ontrack**'s is just one approach, but it's an approach that works.