

Focusing on the Legal, Technical and Operational Issues of Managing Electronic Records

MIER²⁰¹⁰

Managing Electronic Records

C o n f e r e n c e

May 17 – 19, 2010
Chicago, Illinois

Pre-Conference Tutorials
May 16, 2010

Presented by



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Cohasset Associates, Inc. presents the 18th National Conference on Managing Electronic Records – MER 2010.

MER 2010 brings together the industry's best and brightest to provide learning and networking experiences that meet your needs!

The MER is a focused conference that addresses the issues and challenges of managing electronic records from three perspectives: legal, technical and operational.

With presentations by the foremost experts, the quality and originality of the MER learning experience is unsurpassed.

MER 2010 presents the latest on the key issues, trends and solutions relating to the life-cycle management of e-records.

Why you should attend MER 2010!

- **TOP QUALITY** – 97% of those who attended the MER last year said they would recommend this conference to others!
- **CUTTING-EDGE CONTENT** – MER sessions are renowned for being innovative, insightful and practical!
- **FOCUSED** – The MER is the only national conference on how to address life-cycle requirements for electronic records!
- **INCISIVE CASE STUDIES** – At the MER, you learn from real world case studies – from those who lead the implementations and integrations!
- **GREAT NETWORKING** – MER 2010 provides you with a unique opportunity to interact with 400+ peer professionals and the leading solution providers!
- **TRULY PERSONALIZED** – Experience the MER where attendance is limited!

REGISTER NOW!

Five Special Pre-Conference Tutorials

Sunday, May 16, 2010
10 am – 5 pm

Choose one of the five limited enrollment tutorials that provide special focus on important ERM issues: T1, T2, T3, T4 or T5.

T1. Assured Records Management (ARM)

Jackie Algon, PhD Hon. Ronald Hedges
Michael Haley Ronald J. Hedges, LLC
William Horn
Cohasset Associates

Assured Records Management (ARM) is a methodology that enables organizations to apply appropriate RIM performance standards in alignment with their business priorities – to “get it right where it matters most.” Roll up your sleeves for a hands-on, engaging workshop that will teach you how to facilitate your organization passing the all-important legal good faith test.

T2. AIIM Electronic Records Management Practitioner Certificate Program

Jesse Wilkins
Access Sciences Corporation

So many organizations successfully manage their paper, but not their electronic records. This “basics” e-records tutorial will address the components of the electronic records life-cycle and the key concepts/issues relating to e-records management. Attendees also will learn about metadata, security, retention, disposition, and digital preservation. Thousands have benefited from this AIIM Practitioner Certificate Program.

T3. SharePoint Content Governance – Best Practices

Karen Strong, Jeff Skiba & Brad Teed
Gimmel Group, Inc.
Marcy Zweerink, PhD
Cohasset Associates

SharePoint has become a strategic platform for team sites, portals, and ECM/RM. This interactive session will address a) key capabilities of SharePoint, including SharePoint 2010; b) critical ERM, IT, and Legal issues; and c) success factors: organizational readiness, governance, policies/rules, enterprise frameworks, lifecycles, retention, migration, and sustainability. Best practices from real-world experience!

T4. Advance Topics in Managing Electronic Health Care Records

Moderators:
Katherine Ball, MD – Holy Cross Hospital,
Trinity Health System
Deborah Kohn – Dak Systems Consulting

Participants:
Hon. Ronald Hedges – Ronald J. Hedges, LLC
Robert Hudock, Esq. – CISSP, Epstein Becker & Green
Linda Kloss – American Health Information Management Association
Sandra Nunn – Presbyterian Healthcare Services
Michael Slovis, Esq. – Cunningham, Meyer & Vedrine, PC.
Edward Zych, Esq. – Chief Legal Officer,
Geisinger Health System Services

For those interested in strategic guidance in health information management, this pre-conference tutorial provides a unique opportunity to learn from industry respected thought leaders. The focus is: a) addressing cutting-edge e-healthcare issues; b) sharing frontline experiences; and c) providing practitioners with an actionable vision of what they need to do to achieve success in e-health information management.

T5. A New Tool for RIM Professionals to Achieve a Higher Performance Standard and Meet the Needs of 21st Century Organizations

Cedric Tyler
BusinessGenetics, Inc.

Improving the way records are managed is critically dependent upon a thorough and comprehensive understanding of the organization's operations. Current tools, technologies, and techniques for gaining such an understanding are limited and inadequate. This tutorial presents a new framework and methodology for truly understanding all facets of an organization's operations – using an industry transforming technology.

**For full details on the
MER 2010 tutorials, go to
[www.merconference.com/
details/precons.php](http://www.merconference.com/details/precons.php)**

Conference Schedule

day 1

Monday, May 17

8:30 – 9:00 am

Conference Opening: MER 2010
Overview and Logistics

Christine Burns, Robert Williams &
Richard (Dick) Fisher
Cohasset Associates

9:00 – 10:00 am

1. The Action Imperative: The New Role of RIM Professionals in the Emerging World of Legal, Business, and Technology Confluence

Jonathan Redgrave
Nixon Peabody LLP

Today's trends in business and technology point towards a world enmeshed in social media and collaborative technologies. The legal constructs behind records and information management as well as legal preservation and production duties have struggled to keep pace. This session provides an overview of these developments and what it means to RIM professionals today.

10:00 – 10:30 am

Break

10:30 – 11:30 am

2. KEYNOTE: Content in the Cloud – Opportunity or New Risk for Records Managers?

Dan Carmel
SpringCM Inc.

As computing moves to the “cloud” so does content – and records management. This KEYNOTE will address: a) what are the “drivers” behind the shift to the cloud, b) why content is uniquely well suited to management in the cloud and c) what are the strategic implications – for cloud records management and today's records managers.

11:30 – 12:00 noon

Break

It's your choice.

You can attend:

- **A 1-day pre-Conference Tutorial**
- **The 3-day MER Conference**
- **Both a Tutorial and the Conference**

12:00 – 1:00 pm

3. CASE STUDY: Disposing of the Difficult: Legacy Data Management – The Missing Part of Most e-Records Programs

Anne Kershaw
A. Kershaw PC//Attorneys & Consultants

Most organizations accumulate vast volumes of data that are no longer needed – yet no one is willing to discard it. Learn about a legally acceptable and proven way to get rid of this legacy data. Guidance is provided for your organization to achieve both significant and immediate cost savings as well as tremendous risk reduction.

1:00 – 2:30 pm

Lunch

2:30 – 3:30 pm (choose #4, 5 or 6)

4. Leading the Way to Digital Recordkeeping

Laurie Fischer
Fischer Associates, LLC

Because records and information managers are so preoccupied with current e-records problems of volume and legal risk, they have had little time to focus on strategic ERM planning. This session will provide tools to help information professionals' transition from reactive, “supporting” roles, to proactive, “leading” roles in their organization's implementation of tomorrow's e-records solutions.

5. Structured Data Records – The ERM of Why, Which and What?

Richard (Dick) Fisher & Keith Lindsey
Cohasset Associates

This session addresses good practices for managing structured data (discrete data files, rows in databases, archive files, etc.) – both as general ESI and business records. Special focus is on why structured data is important for ERM, which types are records (it's all ESI), and what good ERM practices can be applied in the management process.

6. Are the Hatfield's (Business Records) and the McCoy's (Medical Records) in Fact Close Relatives?

Hon. Ronald Hedges
Ronald J. Hedges, LLC

Linda Kloss
American Health Information Management Association

Historically the management of business records and medical records was viewed like oil and water: definitely different. In today's world of e-records, do all records have common attributes, where business

For full details about every MER

and medical records are closely related with “DNA” bonds of commonality? Can improved management processes for one type of e-record apply to all types of e-records?

3:30 – 4:00 pm

Break

4:00 – 5:00 pm (choose #7, 8 or 9)

7. CASE STUDY: Tapping into the Cultural Keg: Bringing RIM to the Joint Venture of MillerCoors

Kathy Nielsen – MillerCoors
Kelly Twigger, Esq. – ESI Attorneys LLC
Carol Stainbrook – Cohasset Associates

Mergers, divestitures, and joint ventures create new issues for records managers in information governance. This is a case study of the RIM initiative at MillerCoors. The key RIM issues associated with this joint venture are detailed – together with how the unique opportunity to implement a new and improved information governance program was both understood and realized.

8. Cracking the “Content Conundrum:” A New Way to Apply Content-Based Retention Periods to Individual Unstructured e-Records

Bobbi Basile
Leap Advisory

Does your organization apply content based retention periods to individual unstructured records? The answer usually is “no” because traditional approaches fall short. These organizations are in a “content conundrum:” involving everything and keeping nothing. This practice adds significant risks and costs. This session provides an overview of a new, innovative approach to crack the “content conundrum.”

9. Electronic Records Management Case Law: The Latest News, Trends and Issues

Kenneth Withers, Esq.
The Sedona Conference®

In the last year, state, and federal courts have issued a record number of decisions on the preservation, discovery, and use of electronic records and data in lawsuits. This session presents an overview of the most important decisions and their impact. Special attention will be given to the issues of “legal holds,” privilege, and privacy.

5:00 – 6:30 pm

MER Networking Reception
at the Westin Hotel

day
2

Tuesday, May 18

8:30 – 9:30 am (choose #10, 11 or 12)

10. CASE STUDY: Business Unit or Corporate Centric: Which Approach Is Best for Enterprise Content Management?

Karen Ehrlich
Prudential Financial
Carol Stainbrook
Cohasset Associates

For most organizations, content management is not enterprise-wide. Business units, instead, have deployed content management solutions to support diverse business functions. Few of these deployments, however, include tools to manage the retention of the content. Learn what ARMA's 2009 Cobalt Award-winning records management program is doing to move to a comprehensive centralized electronic records program.

11. Content Assessment: The New Way for the "New Day" in Managing Electronic Records

Craig Rhinehart
IBM

Every organization struggles with growth in the volume, variety and velocity of their information. Much of their stored information is unnecessary; it is over-retained, irrelevant, or duplicative. Learn about a new generation of technologies, called Content Assessment, which can analyze dynamically organizations' information, decommission what is unnecessary, and preserve and exploit content that matters.

12. RIM Performance Standards: Achieving the Right Mix of Great and Good Enough

Galina Datskovsky, PhD – CA
Marcy Zweerink, PhD – Cohasset Associates
Hon. Ronald Hedges – Ronald J. Hedges, LLC

RIM principles and standards establish goals for excellence. Organizations, however, require focused excellence along with universal good faith. Learn how RIM tools for excellence, and specifically GARP and ARM, can be used to implement information governance and achieve the right mix of great and good enough, supporting the legal tests of good faith and reasonability.

9:30 – 10:00 am
Break

10:00 – 11:00 am (choose #13, 14, or 15)

13. CASE STUDY: Planning and Deploying an Enterprise e-Mail Management Strategy

Elizabeth Lambert & Janet Lichtenberger
HCSC

Managing business e-mails records is a priority for all organizations. This session presents an overview of how HCSC (a large health insurance provider) successfully implemented enterprise e-mail management; specifically, the challenges of: a) program funding, b) organizational change management, c) policy development, and d) technological implementation. From HCSC's experience, acquire practical suggestions and lessons learned.

14. CASE STUDY: Preventing Legal, Compliance and IT "Concerns" from Impeding New Business Records Technology

Jennifer Baker
JUB LLC, Consultant to Cohasset Associates, Inc.
Martha Mazzone, Esq.
Fidelity Investments

Its 2010: the revolution is not being televised – it's being digitized. Is your organization implementing technologies that adversely impact both users and ERM? Is your organization's effort to change, immobilized by Legal, Compliance, IT, or a fractured organizational structure? Learn about practical ways to incorporate legal and compliance perspectives in building or buying new technology.

15. Managing Your Discovery: How "Active" Is Your Active Management?

John Jessen
Daticon-EED, Inc.

Most organizations deal with their legal discovery in a reactive manner; they wait until litigation is initiated and then figure out what to do. This session will present a methodology for implementing overlaying active management – one that ensures both compliance with the discovery model and also one that facilitates defending the process.

11:00 – 11:30 am
Break

11:30 am – 12:30 pm (choose #16, 17 or 18)

16. The Imminent Demise of Records and Information Management – As We Know It

Jim Coulson
Huron Consulting Group

Cloud computing and social networking are major technology shifts that eliminate or move traditional control points beyond the organization – in contrast to conventional management of electronic records and information, which is predicated on controlling information within organizational borders. This thought-provoking session addresses the major strategy change the RIM profession must embrace to avoid becoming irrelevant.

17. The Revolutionary Implications of Search Processes on Electronic Records Management Programs

Mike Salvarezza – LRN
Julia Brickell, Esq. – H5

Incredible volumes make it increasingly difficult to find the "right" information when it is needed. The solution: well-formulated search processes which are now playing a crucial and growing role in building effective ERM programs. This session addresses the what, why, and benefits of search processes, with special focus on their revolutionary implications for records management programs.

18. CASE STUDY: Convincing the C-Suite: How to Persuade Top Management to Buy In to Records Management Initiatives

Laura Clark Fey
Daley & Fey LLP

Getting C-level management to buy in to new records management initiatives can be exceptionally challenging. Although case law calls for sound records management practices and efforts, the economic crisis makes it increasingly difficult to obtain approval for such endeavors. Learn how to approach and persuade C-level management to buy in to needed records management initiatives.

12:30 – 2:00 pm
Lunch

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Anytime... Anywhere

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Sample a free MER session at www.rimeducation.com/videos/2009/session16.php

2:00 – 3:00 pm (choose #19, 20 or 21)

19. TOWN HALL:

The Future of RIM As We Know It

*Jim Coulson
Huron Consulting Group*

Technologies, such as cloud computing and social networking, soon will radically change the conventional view of information and how it is managed. Does this foreshadow the imminent demise of records and information management as we know it? This Town Hall-style session is an interactive exchange between practitioners and records, privacy, security and technology experts.

20. CASE STUDY: Controlling Cost and Risk with SharePoint and NextPage at Grant Thornton

*Darren Lee – NextPage
Shawn Ivey & Craig Witty, Esq. – Grant Thornton*

Businesses annually create worldwide over 7.5 billion documents. Only 35% contain legally sensitive information. Amazingly, 80% are unmanaged; they are stored on users' hard drives and shared drives outside the control of centralized document repositories. Learn, from a legal and technical perspective, how Grant Thornton addresses the problem, manages its records better, controls costs and reduces risks.

21. The New Paradigm and Rationale for Cost-justifying Electronic Records Management: Privacy & Information Security Compliance

*Peter Sloan, Esq.
Husch Blackwell Sanders LLP*

There is a new paradigm and rationale for cost-justifying electronic records management: privacy and information security compliance. New laws and regulations make it a necessity to address the privacy and security of information. Learn how privacy and information security compliance can compel sound data management practices that also will help tame the uncontrolled expense of e-discovery.

3:00 – 3:30 pm
Break

3:30 – 5:00 pm (choose #22, 23 or 24)

22. CASE STUDY: Converting Enterprise-wide to Digital Records – Bank of America's Experience

*Dawn Davis Bryan Ford
Susan Goodman Carl Rice
Dave Uitermarkt
Bank of America*

Bank of America mandated an enterprise conversion to a digital records starting with unstructured records – unless it was prohibited by law. To accomplish this, the bank developed a unique, comprehensive program to ensure both trustworthy records and trustworthy record-keeping systems. Benefit from the experience, strategies, governance, partnerships, structure challenges, training tools, and lessons learned.

23. Managing Electronic Records Using SharePoint 2010

*John Holliday
John Holliday & Associates, Inc.*

SharePoint 2010 introduces several new features that collectively represent the next generation of document management capabilities for the SharePoint platform. This session examines these new features in the context of electronic records management to show how they can be applied to solve traditional ERM problems such as record authentication, data validation, and document retention.

24. Social Media & Records Management: Operational Benefits and Legal Challenges

*Jesse Wilkins
Access Sciences Corporation
Sara Meaney
Comet Branding
Hon. Ronald Hedges
Ronald J. Hedges, LLC*

Although many organizations are using Web 2.0 tools, few have taken steps to determine whether the tools might be creating records, and fewer still have put processes in place to manage them appropriately. This session provides an introduction to Web 2.0 tools and how records managers can apply best practices to manage them as records.

5:00 – 6:30 pm
MER Networking Reception at the Chicago Yacht Club

day 3
Wednesday, May 19

8:30 – 10:15 am

25. KEYNOTE ADDRESS: The New Legal Realities for Electronic Records Management

*Keynoter – Hon. Nan Nolan
United States Magistrate Judge
Northern District of Illinois
Moderator – Steven Tepler, Esq.
KamberEdelson, LLC*

Records management and electronic records are no longer just about a "record." Accordingly, our legal system now focuses on electronically stored information. This radical transformation is the result of changing from tangible to content-centric records and from readily visible to virtually invisible processes.

The electronically stored information revolution is precipitating a veritable sea change in the law. How will these legal changes impact the processes by which electronically stored information is managed? What should RIM professionals do to meet the challenge of the changing legal world? What are the legal and business consequences of RIM process failures?

This Keynote addresses the new legal realities for managing electronically stored information – from the perspectives of a presiding Federal Judge as well as plaintiff, defense and in-house counsel.

Special focus is on being successful in the ever-changing new world of records and information management.

10:15 – 10:45 am
Break

10:45 – 12:00 noon

26. Painting the Future of ERM: Perspective and Proportion

*Kenneth Withers, Esq. – The Sedona Conference®
Robert Thibadeau, PhD – Wave Systems Corp.*

In the history of art, the adoption of perspective and proportion by the Renaissance masters was considered revolutionary. Likewise, the adoption of perspective and proportionality in ERM in response to social, technological, legal and regulatory change will be considered revolutionary. This session will explore the future of ERM as challenges mount and international barriers dissolve.

12:00 noon
MER 2010 Adjourns

Conference Overview

day 1
May 17

day 2
May 18

Time	Title (Speaker)
8:30 am	Conference Opening: MER 2010 Overview and Logistics (<i>Christine Burns, Robert Williams & Richard [Dick] Fisher</i>)
9:00 am	1. The Action Imperative: The New Role of RIM Professionals in the Emerging World of Legal, Business, and Technology Confluence (<i>Jonathan Redgrave</i>)
10:00 am	Break
10:30 am	2. KEYNOTE: Content in the Cloud – Opportunity or New Risk for Records Managers? (<i>Dan Carmel</i>)
11:30 am	Break
12:00 pm	3. CASE STUDY: Disposing of the Difficult: Legacy Data Management – The Missing Part of Most E-records Programs (<i>Anne Kershaw</i>)
1:00 pm	Lunch
2:30 pm	4. Leading the Way to Digital Recordkeeping (<i>Laurie Fischer</i>)
	5. Structured Data Records – The ERM of Why, Which, and What? (<i>Richard [Dick] Fisher & Keith Lindsey</i>)
	6. Are the Hatfield's (Business Records) and the McCoy's (Medical Records) in Fact Close Relatives? (<i>Hon. Ronald Hedges & Linda L. Kloss</i>)
3:30 pm	Break
4:00 pm	7. CASE STUDY: Tapping into the Cultural Keg: Bringing RIM to the Joint Venture of MillerCoors (<i>Kathy Nielsen, Kelly Twigger, Esq. & Carol Stainbrook</i>)
	8. Cracking the "Content Conundrum:" A New Way to Apply Content-Based Retention Periods to Individual Unstructured e-Records (<i>Bobbi Basile</i>)
	9. Electronic Records Management Case Law: The Latest News, Trends and Issues (<i>Kenneth Withers, Esq.</i>)
5:00 pm	Networking Reception at the Westin Hotel

Time	Title (Speaker)
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	11. Content Assessment: The New Way for the "New Day" in Managing Electronic Records (<i>Craig Rhinehart</i>)
	12. RIM Performance Standards: Achieving the Right Mix of Great and Good Enough (<i>Galina Datskovsky, PhD, Marcy Zweerink, PhD & Hon. Ronald Hedges</i>)
9:30 am	Break
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	14. CASE STUDY: Preventing Legal, Compliance and IT "Concerns" from Impeding New Business Records Technology (<i>Jennifer Baker & Martha Mazzone, Esq</i>)
	15. Managing Your Discovery: How "Active" Is Your Active Management? (<i>John Jensen</i>)
11:00 am	Break
11:30 am	16. The Imminent Demise of Records and Information Management – As We Know It (<i>Jim Coulson</i>)
	17. The Revolutionary Implications of Search Processes on Electronic Records Management Programs (<i>Mike Salvarezza & Julia Brickell, Esq.</i>)
	18. CASE STUDY: Convincing the C-Suite: How to Persuade Top Management to Buy In to Records Management Initiatives (<i>Laura Clark Fey</i>)
12:30 pm	Lunch

Time	Title (Speaker)
2:00 pm	19. TOWN HALL: The Future of RIM As We Know It (<i>Jim Coulson</i>)
	20. CASE STUDY: Controlling Cost and Risk with SharePoint and NextPage at Grant Thornton (<i>Darren Lee, Shawn Ivey & Craig Witty, Esq.)</i>
	21. The New Paradigm and Rationale for Cost-justifying Electronic Records Management: Privacy & Information Security Compliance (<i>Peter Sloan, Esq.</i>)
3:00 pm	Break
3:30 pm	22. CASE STUDY: Converting Enterprise-wide to Digital Records – Bank of America's Experience (<i>Dawn Davis, Bryan Ford, Susan Goodman, Carl Rice & Dave Uitermarkt</i>)
	23. Managing Electronic Records Using SharePoint 2010 (<i>John Holliday</i>)
	24. Social Media & Records Management: Operational Benefits and Legal Challenges (<i>Jesse Wilkins, Sara Meaney & Hon. Ronald Hedges</i>)
5:00 pm	Networking Reception at the Chicago Yacht Club

day 3
May 19

Time	Title (Speaker)
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10:15 am	Break
10:45 am	26. Painting the Future of ERM: Perspective and Proportion (<i>Kenneth Withers, Esq. & Robert Thibadeau</i>)
12:00 pm	MER 2010 Adjourns