2008 Florida Gulf Coast ARMA Chapter Seminar

"Elevating Records Management from the Basement to the Board Room"

Track 1	Elevating Records Management
Track 2	Legal & Digital Issues & Florida State Schedule

SAFETY HARBOR, FLORIDA **April 3-4, 2008** www.fgcarma.org

Track 1 Speakers

Session #1 ***"E-Discovery Today: Federal and State Rulemaking and Records Management"***
Thomas Y. Allman

The explosive growth of electronic discovery has been channeled by the Federal Amendments of 2006 and is now the subject of an intense debate across the country as records managers, lawyers and IT professionals scramble to catch up! Clearly, some of the emerging issues require a more nuanced approach than heretofore - and experience suggests that improvements in functional cooperation are the key. Tom Allman, a former General Counsel and keen participant in both the "best practices" and rulemaking movements, will discuss current developments - including the impact of the Second Edition of the Sedona Principles, which he helped edit - at the heart of this new paradigm. You will walk away well prepared to reinforce positive change and provide effective leadership in the e-discovery and records management challenges ahead of us.

About Tom: *Tom served as Senior Vice President, General Counsel and Chief Compliance Officer of BASF Corporation from 1993 to 2004 and subsequently as Senior Counsel to Mayer, Brown, Rowe & Maw, LLP. While at BASF, he helped advocate amendments to the Federal Rules of Civil Procedure to achieve e-discovery reform and was a leader in the formulation of the Sedona Principles. He currently co-chairs the E-Discovery Committee of the Lawyers for Civil Justice and serves on the Steering Committee of the Sedona Conference® Working Group One and on the Advisory Board of the Georgetown Law Center Advanced E-discovery Institute. He is an Editor of the Sedona Principles (Second Edition) and writes and speaks widely on e-discovery, corporate compliance and information management. Mr. Allman resides in Cincinnati and New York City and received his J.D. from Yale Law School.*

Recent publications: *"Defining Enough (Columbia Pictures v. Bunnell)," 8/07 Law Tech. News 37 (col. 1); "Managing Preservation Obligations after the 2006 Federal E-Discovery Amendments," 13 Rich. J.L. & Tech. 9 (2007)," "Addressing State E-Discovery Issues Through Rulemaking," 74 Def. Couns. J. 233 (July 2007), "Rule 37(f) Meets its Critics: The Justification for a Limited Safe Harbor for ESI," 5 Northwestern J. Tech. & Intell. Prop. 1 (2006), "Defining Culpability: The Search for A Limited Safe Harbor in Electronic Discovery," 2006 Fed. Cts. L. Rev. 7 (2006), and "The Impact of the Proposed Federal E-Discovery Rules," 12 Rich. J. L. & Tech. 13 (Spring, 2006).*

Session #2 ***"Marketing Records Management"***
Tara McLoughlin

Join us for an interactive workshop on how to effectively craft, articulate, and deliver key messages to decision makers in your organization. Whether you want to launch a formal communications plan, lobby for more resources, or simply raise the profile of your records management program, this workshop will give you effective strategies and tactics for getting your point across. Be sure to come to the workshop ready to share your greatest successes and biggest challenges in the area of communications.

About Tara: *Tara E. C. McLoughlin has served as the Communications and Marketing Specialist for the Federal Records Centers of the National Archives and Records Administration since 2003. At the National Archives, she has* *launched a successful re-branding campaign for the FRCs, developed marketing materials on agency services for customers, and conducted trainings in media relations, customer service, branding, and market research. Before joining the Federal Government, she served in a number of public affairs and outreach positions at several private sector and non-profit organizations, including the American Physical Society, the American Association of University Women, and the European Union Delegation to the United Nations. She holds a Master's Degree in International Politics from New York University.*

Session #4 "Taking the Lead in Customer Service"

JoAnn Constantini

All of us who are in the work place today are in the customer service business! How we deliver that service and to what degree we commit to making our customers happy is directly related to how successful our groups are perceived. Since service is a commitment and a focus that must remain in front of us at all times, this session suggests a variety of models for leadership in customer service.

This session is designed to help create and maintain a high degree of excellent internal and external customer service. Customer service requires modeling behavior. Employees need support, modeling and leadership, to ensure that the service levels are consistent and quality service is clearly a desired goal.

This session is intended for management staff who wish to create an organizational culture with a high focus on customer service. We will look at opportunities to develop awareness for motivating, training, and enabling staff to strive towards the delivery of excellent customer service. Come prepared to participate in a fast paced and stimulating session.

About JoAnn: *JoAnn M. Constantini, MS, is currently the Director of the Official Records Division at Hillsborough County Clerk of the Court in Tampa. Ms. Constantini had been the principal of Constantini & Associates, an information management consulting group in business since 1988, until she accepted the position with the Clerk of the Court.*

As a practitioner and a consultant JoAnn designed and developed information systems, document control functions, written corporate Retention Schedules, corporate records management programs, developed, implemented and managed document management systems and imaging solutions for a variety of companies and groups within the US. She has also been responsible to develop user documentation and to develop user methods for a variety of systems.

When she left NU in Connecticut in 1988, she was responsible for the Methods and Procedures groups, the corporate library, the Forms Management group and the Records Management function. JoAnn then worked for the Department of Energy thru Charles T. Main of Charlotte, NC and the Ralph M. Parsons Group of Pasadena, CA in Fairfield, OH. In 1991, she left there to join St. Johns River Power Park in Jacksonville, Fl in 1991.

*Ms. Constantini holds a BA from the College of White Plains, NY. She has done graduate work at Central Connecticut State University and the Harford University School of Business. In 1996, she earned a masters degree from Nova Southeastern University * School of Psychology of Ft. Lauderdale, Fl.*

Session #6 "Records Risk Management Reaches the Board of Directors"

Gordon Hoke, CRM

Until someone develops the perfect RIM program, records will always expose organizations to risk. Whether the risk comes from regulatory non-compliance, litigation exposure, operational ineffectiveness, or organizational dysfunction, RIM can help lower risks to acceptable levels. This session identifies potential areas of risks, suggests ways to measure the risk, and points to ways to bring the risk down to levels acceptable to the Board of Directors, the CEO, the General Counsel, and the Records Manager.

<u>About Gordon:</u> Gordon E.J. Hoke is a Certified Records Manager in KPMG LLP's multi-disciplinary Records Risk Management practice. Gordy began working with documents in 1989, and he has published over 250 articles, white papers, and case studies. His current challenge (working in tandem with KPMG's Howard Loos) is applying measurements and metrics to achieve excellence in RIM.

<u>Session #8 "Putting Together a Business Case for Records Management"</u>

Patrick Queen, CRM, CDIA

The Business Case is the most commonly used tool used to justify and approve a project. Project managers are well versed at developing a business case for their specific projects. Executive decision makers routinely approve business cases that show specific, measurable cost savings and return on investment.

The world of today's Records Manager has elevated from the basement to the Board Room. They now face an overwhelming challenge of understanding and building a business case that impacts all operations throughout their organization. Their programs now have major impact on the entire IT infrastructure and have direct impact on compliance, risk and litigation. Their business case often spans far beyond individual projects and many of their anticipated benefits are hard measure using traditional justification methods.

Patrick Queen, with over thirty years with experience developing records management programs for fortune 500 companies, will provide insight and direction to develop a solid business case for your records management program. Participants will take away valuable guidelines for business case development with a strong understanding of key elements that must be addressed. Current drivers that impact your organization and illustrations on how to determine big ROI from small numbers will be discussed. Attendees will be prepared to face the challenges ahead of them before opening the door to the Board Room.

<u>About Patrick</u>: *Patrick Queen is the Director of Records Business Development for Océ Business Services where he engages with clients on best practices in physical and electronic records management and design, development and implementation of enterprise-wide ERM and EDM systems. He has over thirty years of experience; he is a Certified Records Manager (CRM) and is a Certified Document Imaging Architect (CDIA). Prior to joining Océ, he was responsible for records management professional services for Xerox Global Services. He has developed and deployed enterprise-wide records management programs and document management systems for many Fortune 500 organizations. He was a member of the CRM exam development committee for fifteen years where he personally submitted over 1,000 questions to the CRM test bank. He has presented at thirteen conferences including ARMA, NIRMA and Internet World.*

<u>Session #10 "Value of Records Management" Question & Answer Panel</u>

Thomas Y. Allman
William Hamilton
Gordon Hoke, CRM
Bill Manago, CRM with CA MDY
Candice Odom
Donna Read, CRM with National Archives and Records Administration
Earl Rich, CRM with TECO

Everyone tells the Records Manager to show the value of records management to the organization. What exactly are those values and how are they communicated to others in the organization? What are some of the challenges to be overcome in taking this action?

This panel will be discussing the real value that records management brings to the table, like cost savings, business efficiency, management of electronic data, and risk management. We will be discussing the people in your organization who need to know this information, and how to show them relevance to their work. There will be a question and answer session at the end for the audience to participate.

Track 1 Speakers continued

About Tom: *Tom served as Senior Vice President, General Counsel and Chief Compliance Officer of BASF Corporation from 1993 to 2004 and subsequently as Senior Counsel to Mayer, Brown, Rowe & Maw, LLP. While at BASF, he helped advocate amendments to the Federal Rules of Civil Procedure to achieve e-discovery reform and was a leader in the formulation of the Sedona Principles. He currently co-chairs the E-Discovery Committee of the Lawyers for Civil Justice and serves on the Steering Committee of the Sedona Conference® Working Group One and on the Advisory Board of the Georgetown Law Center Advanced E-discovery Institute. He is an Editor of the Sedona Principles (Second Edition) and writes and speaks widely on e-discovery, corporate compliance and information management. Mr. Allman resides in Cincinnati and New York City and received his J.D. from Yale Law School.*

About William: : *Mr. Hamilton currently serves as co-chair of Holland & Knight E-Discovery practice and teaches Electronic Discovery and Evidence as an Adjunct Professor at the University of Florida's Levin College of Law. Mr. Hamilton is a participant in the Sedona Conference Electronic Discovery Working Group, and has written and spoken extensively on electronic discovery to bar, judicial and industry groups.*

Mr. Hamilton is Board Certified in both Business Litigation and Intellectual Property Law by The Florida Bar. His work includes complex business litigation in the areas software and technology disputes, intellectual property (copyright, trademark, and trade secrets law), e-commerce, data security, telecommunications, class action defense, and trade regulation and unfair trade practices.

About Gordon: *Gordon E.J. Hoke is a Certified Records Manager in KPMG LLP's multi-disciplinary Records Risk Management practice. Gordy began working with documents in 1989, and he has published over 250 articles, white papers, and case studies. His current challenge (working in tandem with KPMG's Howard Loos) is applying measurements and metrics to achieve excellence in RIM.*

About Bill: *Bill is the Records Management Technology Strategist at CA MDY, the provider of the FileSurf electronic records management system. Prior to joining CA MDY, he was employed by the US Department of Defense (US Army and Defense Information Systems Agency's Joint Interoperability Test Command) for 21 years, where he co-authored DoD5015.2-STD, the "Design Criteria Standard for Records Management Applications" and established the JITC's Records Management Certification Test Facility. Bill currently oversees the functional development of the FileSurf records management system and provides records management best practices consulting services to leading government, legal, and corporate organizations. Bill is a leading authority on electronic records management standards and technology. A major contributor to ARMA and AIIM records management standards and best practices committees. He has spoken at numerous AIIM, ARMA and related organizations and currently serves as a member of the AIIM Standards Board.*

About Candice: *Candice Odom joined the Florida State Archives in May of 2000, while attending graduate courses in Archives and Public History Administration at Florida State University. In 2001, she conducted records appraisal, arrangement, and description as Archivist for the State Archives. In 2002, she began developing individual Records Retention schedules for state and local public agencies in Florida. In 2004, Candice was appointed as Archivist by a legislative committee to develop an archives program for the Florida Legislature. In 2006, she rejoined the State Archives of Florida's as an Archives & Public Records Consultant, providing training and on-site consultation services to state and local agencies in public records management. She currently serves as Secretary of the Society of Florida Archivists.*

About Donna: *Donna's background includes being the project manager for the simultaneous implementation of an EDMS and RMA when the technology was very new. This project expanded to include managing the scanning and digitization of 500,000 historic documents, and other media for importation into the EDMS system.*

In June of 2002 she joined the National Archives and Records Administration as a Senior Records Analyst. In this role she travels in 8 states included in NARA's Southeast region and assists Federal agencies with their records management issues. Her work in the Federal community has included assistance to various agencies including, NASA, US Fish and Wildlife, NOAA, EEOC, OSHA, VA, DOE, US Department of State, US Courts, the National Park Service and other agencies. Donna obtained her CRM in 2005 and in addition to her records management consulting services provides records management training classes in the St. Petersburg area.

Track 1 Speakers continued

About Earl: *Earl grew up in the high mountains of Tibet where he scraped out a meager existence working as a nomadic goat herder for the local Tibetan monks. In the early '80s, Earl met the Dalai Lama himself walking along a dusty road, and was so moved by the experience, that he promptly relocated to Japan where he spent the next seven years being trained in the time-honored martial art of Sumo Wrestling. After leaving Japan, Earl toured Eastern Europe and enjoyed a short stint as the National Bratwurst Eating Champion of Estonia. After a humiliating defeat at the 1995 International Cabbage Eating Festival, and subsequent emergency surgery, Earl fled Europe and immigrated to America.*

Shortly after arriving in America, Earl had the good fortune to be trapped alone in a stuck elevator with the motivational speaker, Tony Robbins. Tony and Earl spent several hours discussing their life's journeys. Tony was confident that given Earl's life experiences and subsequent skill set, that he would make a perfect fit to become a records manager. Since that time, Earl has spent the last 10+ years managing the records for TECO Energy, Inc., an S&P 500 energy company headquartered in Tampa, Florida.

Today, Earl enjoys working with electronic, hardcopy, microform, and other facets of Records & Information Management. When Earl is away from the office, he enjoys traveling the country with Wiley Brooks (spiritual teacher / inter-dimensional traveler) speaking on the wonderful benefits of becoming a Breatharian.

Session #11 "Communicating with IT"
Dr. Timothy O'Keefe

- Why IT is records management's most significant stakeholder!
- IT/RM collaboration is now essential for the success of both!
- Problem: Most IT professionals have not studied and do not know RM!
- Why RM professionals struggle with IT relationships in their organizations!
- So let's change that:
  - Tried-and-proven strategies for communicating effectively with IT
  - Analyzing, understanding, and capitalizing on your communication style and others' communication styles
  - As an "IT guy," why I don't care when my non-IT wife thinks I'm a jerk
  - IT resources for RM professionals
  - RM resources for IT professionals
- Your reactions and questions regarding "Communicating with IT!"

About Tim: *Dr. Timothy P. O'Keefe, Ph. D., is Associate Professor, Chairman of Information Systems and Business Education, and MBA Director at the University of North Dakota. He is an experienced IT consultant and co-founder of a successful Internet services company. His research interests include electronic business and commerce, database design and optimization benchmarking, Internet business efficacy and assessment, and the relationship between the information systems and records management functions in organizations, among others.*

Dr. O'Keefe has published and presented at numerous national and international conferences as well as in journals such as The Information Management Journal, Communications of the ACM and the Journal of Forensic Accounting. Dr. O'Keefe has made presentations at the 2005, 2006, and 2007 ARMA International Conferences and has conducted seminars for many ARMA chapters. He focuses primarily on the RM/IT interface and strategies for creating a productive working relationship with IT and IT professionals.

Session #12 "Successful Strategies for Selling Records Management to Board Members & Senior Management"
Dr. Mark Langemo, CRM

The single most important variable affecting success or failure of records management programs is "BOARD AND SENIOR MANAGEMENT SUPPORT!" Attend this session and learn how to earn and achieve that support!

Track 1 Speakers **continued**

- Be a "RM executive" who thinks, plans, acts, speaks, and looks like an executive!
- Document "the current RM situation" in the organization!
- Remember that few senior leaders have ever studied or know RM!
- Why "the time for excuses is over" relative to organization-side RM!
- Revenue depends on customer service – and customer service often requires instant access to records!
- The "future of RM is primarily electronic" – but why most organizations aren't getting there!
- Build a "business case for RM" (as IT does so well for IT)!
  - Compliance (Sarbanes-Oxley, Federal Rules, HIPAA, others)
  - Security requirements (protection of vital info assets)
  - Economic reasons (stop wasting the money)
  - Operational requirements (what's necessary to operate)
  - Investments are necessary for IT – and also for RM
- Develop "A Strategic Plan for RM" for senior leaders (give them a plan)!
- Consider engaging "heavy hitters" to conduct executive briefings and consult!
- Provide examples of excellent RM programs to leave no doubt it can be done!
- Provide authoritative RM resources for senior management use!
- Never forget that it is a marathon – not a sprint!

About Mark: *Dr. Mark Langemo, CRM, FAI, is a Professor Emeritus in the College of Business and Public Administration at the University of North Dakota. He has over 40 years of experience as a professor of Records Management, IT, Office Systems Management, and related information management courses. He has been a records management seminar leader, consultant, or speaker in 45 of the Continental United States, Alaska, Hawaii, most Canadian provinces, Iceland, Jamaica, New Zealand, Singapore, Trinidad, and in Europe.*

Dr. Langemo's over 600 records management seminars and consulting engagements has involved work for the U. S. and Canadian governments; state, provincial, county, and municipal governments; major corporations, health care organizations, energy and power companies, accounting firms, banks, law firms, educational institutions, and the Kennedy Space Center. The author or co-author of five books and over 60 published articles. Dr. Langemo is a CRM and a member of ARMA's Company of Fellows. He has received The Emmett Leahy Award (the highest award internationally in the profession of records and information management).

Track 2 Speakers

Session #3 "Strategies for Preserving Records Born Electronically"

Bill Manago, CRM

Will you be able to access your Electronic Records in 5, 50, 500 Years? This session will introduce the issues associated with long-term access to electronic records, including both hardware and software compatibility issues. Strategies to ensuring the long term accessibility and usability of electronic records is largely dependent on how electronic recordkeeping systems are designed, implemented, managed, and migrated. A common misperception is that records in electronic formats will be available as long as the physical media used to store the records last. Preservation of media is only one element that ensures long-term accessibility to records. The key to maintaining usable electronic records for long periods is the ability to migrate records, access tools, and required system functionality between hardware platforms, software platforms, and storage media over time. This session will discuss appropriate policies, management procedures, and technology from the point at which a system is designed until it is redesigned or migrated, to ensure that long-term records are accessible for as long as they are needed. This means you must make a long-term commitment of resources to preserve the accessibility and usability of electronic records

About Bill: *Bill is a Senior Compliance Strategist at CA, the provider of CA Records Manager, formerly MDY FileSurf, a full featured electronic records management system. Prior to joining CA and MDY, he was employed at* *the US Department of Defense (US Army and Defense Information Systems Agency's Joint Interoperability Test Command) for 21 years, where he co-authored DoD5015.2-STD, the "Design Criteria Standard for Records Management Applications" and established the JITC's Records Management Certification Test Facility. Bill currently oversees the functional development of the CA Records Management system and provides records management best practices consulting services to leading government, legal, and corporate organizations. Bill is a leading authority on electronic records management standards and technology. Bill is a major contributor to ARMA and AIIM records management standards and best practices committees. He has spoken at numerous AIIM, ARMA, and related organizations and currently serves as a member of the AIIM Standards Board*

Session #5 "Florida State Schedules"

Candice Odom

Retention requirements of public records are established by the Florida Department of State, Division of Library and Information Services. An effective records management program requires an inventory of records maintained by an agency and the identification of existing retention schedules or the establishment of new retention schedules that can be applied to those records. Retention schedules identify agency records and establish minimum periods of time for which the records must be retained based on the records' administrative, fiscal, legal, and historical values.

This session will examine the process by which schedules are established and how they are applied to public records regardless of the physical form. In particular, the presenter will offer suggestions for managing public email records in accordance with the appropriate retention requirements and will suggest methods for educating general staff, management, and IT about records retention.

About Candice: *Candice Odom joined the Florida State Archives in May of 2000, while attending graduate courses in Archives and Public History Administration at Florida State University. In 2001, she conducted records appraisal, arrangement, and description as Archivist for the State Archives. In 2002, she began developing individual Records Retention schedules for state and local public agencies in Florida. In 2004, Candice was appointed as Archivist by a legislative committee to develop an archives program for the Florida Legislature. In 2006, she rejoined the State Archives of Florida's as an Archives & Public Records Consultant, providing training and on-site consultation services to state and local agencies in public records management. She currently serves as Secretary of the Society of Florida Archivists.*

Session #7 "The New Rules of Civil Procedure One Year Later: Is the Verdict In?"

William Hamilton

The electronic discovery amendments to the Federal Rules became effective December 1, 2007. Have the amendments accomplished their goals, or has the law of unintended consequences intervened? This session will address such hot topics as: Must ephemeral data be preserved? What must a document retention policy really look like to qualify for "safe harbor" protection – will you know it when you see it? Who is really bearing the brunt of the new ESI (Electronically Stored Information) burden: counsel or client? Is the big winner the booming ESI support industry? This session will take a hard look at where we have been and where we may be going.

About William: *Mr. Hamilton currently serves as co-chair of Holland & Knight E-Discovery practice and teaches Electronic Discovery and Evidence as an Adjunct Professor at the University of Florida's Levin College of Law. Mr. Hamilton is a participant in the Sedona Conference Electronic Discovery Working Group, and has written and spoken extensively on electronic discovery to bar, judicial and industry groups.*

Mr. Hamilton is Board Certified in both Business Litigation and Intellectual Property Law by The Florida Bar. His work includes complex business litigation in the areas software and technology disputes, intellectual property (copyright, trademark, and trade secrets law), e-commerce, data security, telecommunications, class action defense, and trade regulation and unfair trade practices.

Track 2 Speakers continued

Session #9 "The Sedona Guidelines"- Riding the Electronic Discovery Train to Get Electronic Information Management on Track

Lori Ann Wagner

In this session Lori Wagner, a partner at Redgrave Daley Ragan & Wagner LLP, will describe the dialogue-based model of The Sedona Conference Working Group Series, the development of The Sedona Guidelines, and what effect electronic discovery is having on corporate records management initiatives.

About Lori: *Lori is one of the founding partners of Redgrave Daley Ragan & Wagner LLP, a botique law firm specializing in electronic discovery and information and records management. Lori is on the Steering Committee of the Sedona Working Group on Electronic Document Retention and Production, serves as a Co-Editor-In-Chief of The Sedona Guidelines: Best Practice Guidelines & Commentary for Managing Information & Records in the Electronic Age and as a contributing author to The Sedona Principles: Best Practices Recommendations & Principles for Addressing Electronic Document Production. She also serves on the Law.com Legal Technology Advisory Board, the Georgetown CLE E-Discovery Advisory Board and on the Editorial Team of the E-Discovery Advisor.*

Prior to joining Redgrave Daley Ragan & Wagner, Lori was a partner at Faegre & Benson LLP, where she served as a Technology Resource Partner and gained over 19 years of complex litigation experience in a wide variety of areas, including intellectual property, biotechnology, products liability, commercial, class action, environmental, civil rights, mass tort and business tort. She developed significant experience with the use of litigation and trial technology software applications, and extensive experience with mock trial work, fact and expert witness preparation, jury selection and trial exhibit design, and served as an advisor to the firm's Client Technology Services department and E-Team. Lori played major roles in two oil spill trials—In re the Glacier Bay and In re the Exxon Valdez Oil Spill—for which she shared the 1995 Trial Lawyer of the Year Award from the Trial Lawyers for Public Justice with other members of the plaintiffs' trial team. Lori has been named a Minnesota Super Lawyer since 2005.

Lori received both her undergraduate and law degrees from the University of Wisconsin where she was Phi Beta Kappa and Order of the Coif.