Editor's note: The story has been updated to include the name of one of the panelists on the "Information Governance and the 'Not-Me' Conundrum: The Nuts and Bolts of Building an Effective IG Program" panel.

The era of Big Data is firmly in place and we might as well accept—and even embrace—it.

That was the prevailing theme during the first day of the "Informational Governance Track" at the 2013 Georgetown Advanced eDiscovery Institute. Taking place in McLean, Va., from Thursday to Friday, the institute marked its tenth anniversary by introducing a three-part information governance track to go along with its traditional e-discovery and judicial panels.

With more and more data being generated on a daily basis, companies are in a difficult position of having to deal with more information than can process. While Big Data makes litigation much more challenging, the panelists that spoke on Thursday maintained that this wasn't necessarily a bad thing. "The more data you have, the better your decision making process will be," said Distillery chief scientist Claudia Perlich, who spoke on the Big Data panel alongside Lisa Sotto, managing partner of Hunton & Williams' New York office and Joshua Wood, director of the Office of Litigation Support for the Civil Division of the
Department of Justice.

The two IG panels on Thursday then discussed how companies can properly design an IG program that can protect the company before and during litigation, as well as provide value to the company. The panels argued that corporate, legal and information technology executives at the top levels of a company must work together to articulate a companywide policy concerning everything from document retention to compliance. (The third IG panel will take place on Friday.)

"It's very important that once information governance objectives are set out, those objectives are supported with the necessary resources they need to achieve their goals," said Tim Hart, principal solution architect at McKesson Corp. in San Francisco, who served on a panel entitled "Information Governance: Why It's Important for eDiscovery and How to Build a Business Case" alongside Jason R. Baron, of counsel at Drinker, Biddle & Reath (and the former director of litigation at the National Archives), and Jeane Thomas, co-chair of Crowell & Moring's e-discovery and information management group. Conor Crowley, of Crowley Law Office, served as moderator. Hart emphasized that IG programs must be independent from the whims of one particular officer or department so that decisions can be made with the best interests of the entire organization in mind.

That sentiment was echoed by a second IG panel, entitled: "Information Governance and the 'Not-Me' Conundrum: The Nuts and Bolts of Building an Effective IG Program." The panel featured Lynn Dummett, director and senior counsel at Allianz Global Investors U.S. Holdings; Charles Ragan, principal of Ragan Law Firm; and David Walton, a labor and employment partner at Cozen O'Connor. "Assuming you have the backing of senior executives, you must make sure that you bring in people from different disciplines
throughout the company," said Dummett, who suggested records managers, chief information officers, IT officials and human resources officers.

Both IG panels maintained that having a strong IG program in place can also create value, especially in the e-discovery realm. A defensible deletion policy, combined with use of technology assisted review, can reduce documents by up to 40 percent, argued Hart, saving companies embroiled in a major litigation hundreds of thousands, possibly millions, of dollars. A defensible deletion policy is also important to mitigate future risk. "The regulatory state is getting bigger, and we are holding onto things longer than ever before," said Baron, who predicted that the use of TAR and other predictive coding type programs would soon be prevalent in the IG sphere. "Coming to an agreement on what is a relevant document is actually harder than coming to terms with auto-categorizing documents as to whether they're important or should be deleted."

Dummett concurred, saying that TAR could help a company "flesh out some of those harmful documents that are not subject to a litigation hold and could be disposed of in line with a defensible document retention principle." Additionally, the panels cited other economic benefits of having a strong IG program, including greater employee efficiency and institutional prestige.

Despite all of the benefits of having a strong IG program cited by the various panels, the panelists acknowledged that institutional inertia has prevented many of these initiatives from getting off the ground. "There's the tendency to see any kind of governance as onerous," said Hart. "It's most important to phrase IG programs as enabling. It's like a seat belt for your lovely new car."

The need for strong IG programs at companies also ensured that technology won't cause humans to become obsolete anytime soon. "These conferences illustrate a tension between humans
and technology," said Walton. "While I personally believe there's a lot of promise in the use of predictive analytics, it doesn't change the fact that a strong and effective IG program begins and ends with people. We can't ever lose sight of that."

Victor Li is a staff reporter with Law Technology News. Email: vli@alm.com. Twitter: @victorli_alm.