

Expanding the Legal Team to Save Costs?

By: Susan Rogers

With cost containment being the current mantra for inside counsel and their outside law firms, there is a developing trend for firms and their vendor partners to establish an expanded Legal Team to assist with various aspects of the discovery process. It may seem a bit odd to expand the team to reduce one's costs, but the end result has proven this to be the case.

Many General Counsel offices have added Litigation Managers, Project Managers, IT Specialists and Law Firm Liaison personnel to their staffs. Along with the Lawyers managing the cases, these professionals work with their law firms, counterparts and vendors to reduce the unnecessary steps which could occur without a consistent set of procedures in place.

Clients are frequently asking for pre-litigation advice on how to position themselves to mitigate risk and leverage a known business cost into a preparedness response. Counsel are increasingly finding benefit in asking well seasoned vendors to participate in some of these discussions to share experiences and craft customized response plans. The savvy GC Team wants to make sure that everyone at the "Planning Table" contributes to the discussions and are well advised to monitor the departmental input to be aware of the impact of their decisions on an internal investigation or litigation matter.

Some decisions are just updated functions of tried and true support departments. For example, people responsible for records management still are. So perhaps there are no longer thousands of boxes of paper offsite, but they may be imaging records or sending off backup tapes or database copies to their offsite storage provider.

The beauty of the expanded team is that with one meeting all of the departments can become aligned on the project details. Suggestions as to how the Client can limit the impact of the litigation's can be directly discussed and dealt with. At the end of the day, the Client wants their people to get back to the business at hand, namely running the business. The General Counsel wants to have a clear plan of what needs to be done and the outside law firm and their vendor partner will know what needs to happen to deal with the discovery tasks ahead.

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What types of people need to belong to this expanded team? From the Client perspective there are a few key people they should consider including. This starts with the IT person(s) who can answer how the data is stored and what it will take to get the appropriate data out of their systems. Second is the Records Management person who can talk about what information the company has both on-site and off-site and what type of time will be needed to get the required information back from storage or collected internally. A Facility Manager, who could offer options for “housing” the information collected and equipment needed to access the data, should also be considered.

The outside law firm usually has non-lawyer professionals who collaborate with the team to provide best practices. Rather than reinvent the process if it’s already been proven to be effective, it is more effective to tailor the situation to the needs of the specific project.

As for the vendor partner, carefully choose one that brings enough experience to the table where they can help you get over the shock that terabytes of data and a variety of file types can bring to the discovery process.

Everyone on the team brings a set of skills that need to be tapped into. Use the experiences of the entire team and leverage that experience into a cost effective, time reduced and less intrusive plan for the company.



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