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## How Law Firms Balance Internal E-Discovery And Outsourcing

By **Steven Lerner**

*Law360 (July 25, 2024, 2:56 PM EDT)* -- As law firms try to find the right fit between outsourcing some e-discovery services and having dedicated internal e-discovery teams, a group of panelists from top firms are focused on providing value and evaluating the next generation of e-discovery tools.

The Master's Conference, a legal conference held in various cities throughout North America and the U.K., made its way to New York City on Wednesday. Each conference typically focuses on e-discovery.

Wednesday's conference featured a panel on law firms deciding which e-discovery services to outsource and which to build internal teams for. Kevin Clark of Right Discovery moderated the panel with experts from five BigLaw firms discussing their e-discovery models.

Jason Lichter, principal at Troutman Pepper Hamilton Sanders LLP, said during the panel that most of the firm's e-discovery work is done through its subsidiary called Troutman Pepper eMerge. Over 80 professionals work in eMerge, including attorneys and the technology and operational staff.

Albert Chen, e-discovery services client solutions manager at Holland & Knight LLP, said that the firm's internal team of about two dozen people handles most e-discovery tasks.

Alicia Clausen, an associate at Crowell & Moring LLP, said that the firm uses a hybrid approach with some e-discovery services outsourced and others done internally through an information management practice group. About 20 people work in that group.

Alisa Melekhina, a litigation partner at Kirkland & Ellis LLP, said the e-discovery work is done internally through two tracks. One is a litigation and practice management group of about 40 people including non-attorney technologists, and another track has over a dozen e-discovery partners.

Nick Eglevsky, director of litigation practice solutions at Blank Rome LLP, said the firm uses a hybrid approach with a handful of internal project managers, full-time document reviewers and contractors. It also outsources certain services with preferred vendors. As a result, Eglevsky said there is no overhead concern of using an internally built e-discovery platform.

Most panelists said their firms outsource forensics and data collections, although Clausen said that Crowell & Moring has some internal experts who can help.

One concern during the panel was proving to law firms that conducting e-discovery services internally

instead of outsourcing can improve the bottom line.

"It's easy to say you're a profit center," Lichter said, but also noted it's not always easy to do.

Melekhina said that instead of referring to internal e-discovery programs as a profit center, it makes more sense to refer to them as a value center because these teams improve efficiency.

Showing that value might include the ability to remove unimportant documents from a matter so that attorneys don't have to waste time reviewing them in the future.

"When you're under the billable hour, you need to show value in what you do," Eglevsky said.

Selecting tech providers who can help with e-discovery is another challenge. Chen said that Holland & Knight conducts thorough vendor vetting that includes an evaluation of potential risks. Blank Rome vets vendors with its security team followed by a procurement team, according to Eglevsky. And Melekhina said new vendors must show a "compelling justification" to help Kirkland's e-discovery capabilities.

The panelists were also excited about the addition of generative AI to e-discovery.

Lichter said that generative AI will likely be more "disruptive" than previous technologies in e-discovery. Clausen said that generative AI could automate tasks and free up staff.

Eglevsky said generative AI could "dramatically change" early document reviews within the next few years. He noted that Blank Rome is evaluating generative AI tools now, and he has found them to be "extremely impressive."

--Editing by Nicole Bleier.