

Your complete **7-Point** Guide to eDiscovery

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AptSearch

WHAT IS eDISCOVERY?

We live in an increasingly digital world. An estimated 93% of documents are created electronically. Of that number, more than 70% are never converted into a physical copy. That being the case, it is perhaps surprising that eDiscovery is only now starting to gain real traction in the UK legal sector.

Thanks to advances in eDiscovery technology, dozens – or in some cases millions – of digital files can now be accessed in a relatively short space of time. This has major ramifications for law firms of all sizes. It levels the playing field between large firms – who no longer hold a monopoly on being able to gather and disseminate vast swathes of information to tight deadlines – and their smaller rivals. And it creates enormous demand for employees with the requisite skill sets, driving up salaries as firms compete for elite eDiscovery talent.

In Your Complete 7-Point Guide to eDiscovery, Apt Search – a specialist recruiter in the eDiscovery space – examines the state of the UK eDiscovery market going into 2020, and highlights seven key opportunities that it offers to law firms.



What is the Current State of the UK eDiscovery Landscape?

It may still be a relatively small niche within the UK, but it is important to note that eDiscovery is far from a new technology with limited appeal. In 2018, the global eDiscovery market was valued at \$14.5 billion. By the end of 2024, it is expected to almost double to \$27.2 billion, at a compound annual growth rate of 11%.

The US is widely acknowledged as the global leader in eDiscovery, but the technology has been in use in the UK for just as long. However, to date, it has had far less impact on this side of the Atlantic. There are two main reasons for this:

- The American legal landscape is far more litigious than its UK counterpart, making it much more likely that large volumes of digital files will need to be accessed.
- In the US, the loser of the case is not necessarily responsible for paying the winner's fees.

Despite these historic differences, eDiscovery is becoming increasingly prevalent on the British legal scene. As we will go

on to discuss, the introduction of Cloud-based solutions has removed a huge barrier to entry. Where once, eDiscovery required a major upfront investment in physical hardware and a commitment to ongoing maintenance costs, today a wide range of plug-and-play solutions are available, requiring little or no initial investment.

But with the technology finally establishing a foothold, what opportunities does this present to law firms with a presence in the UK legal sector? In this guide, we seek to answer this question, covering the following points:

- 1 The rise of in-house teams
- 2 The rise of small firms
- 3 The impact of rising salaries
- 4 Capitalising on candidates with more rounded skill sets
- 5 Increasing demand for translation services
- 6 How use of AI will drive efficiencies
- 7 Choosing the right eDiscovery tool



The Rise of the In-House Team

Until relatively recently, eDiscovery was typically outsourced. Running an effective eDiscovery operation required significant investment in hardware, as well as a team capable of working with the technology. For many legal firms – particularly small and mid-sized businesses – this was cost-prohibitive, impractical, and risked distracting from their core focus. Far better to leave the time-consuming task of electronic document discovery to external providers.

However, the trend toward outsourcing is very much in decline. Data collected by Apt Search reveals that 56% of law firms are now handling eDiscovery in-house, up from just 27% in 2016. Over the coming years, as access to tools and skill sets increases, we fully expect in-house eDiscovery operations to continue growing in prevalence.

What opportunity does this present?

It is not difficult to see why in-house teams have become ever-more popular. Outsourcing may be an efficient way to handle short-term peaks in eDiscovery demand, but moving operations in-house offers a host of opportunities to law firms of all sizes, including:

- Retention of knowledge that would otherwise be lost to the business at the end of a project;
- Reduced risk of intellectual property, processes and systems being “stolen” (inadvertently or deliberately);
- Better communication between eDiscovery, other in-house teams, and clients;
- Faster lead-in times for new projects, as the team are already in place;
- Greater flexibility over project priorities and timeframes.

While a full in-house team is the optimal setup for eDiscovery, it is not always practical. Budgets may not allow for the retention of a permanent team, for instance. In this scenario, law firms can still leverage many of the benefits of an in-house eDiscovery operation by creating a hybrid team, comprising contractors led by in-house project managers.

The Rise of the Small Firm

Complex legal technologies – such as those required to carry out eDiscovery successfully and efficiently – were once the sole preserve of big firms. But no longer. With the advance of Cloud-based software-as-a-service (SaaS) eDiscovery products, barriers to entry have fallen so dramatically that even solo practitioners are now able to capitalise on technological efficiencies.

The result? More than ever before, small and medium-sized firms are able to go toe-to-toe with their much larger rivals. SaaS products present a wide range of benefits to smaller law firms, such as:

- Eliminating the need for expensive upfront investment and ongoing maintenance costs;
- Pricing models that are easy to understand and scalable, allowing eDiscovery expenditure to be dialled up and down depending on demand;
- Machine learning technology that enables the software to continually improve, producing better results and increased efficiencies over time;
- Providing lawyers with user-friendly dashboards and features that allow them to start reviewing data with minimal training;
- Automation of repetitive work, enabling critical insights to be identified faster.

What opportunity does this present?

Of course, simply being able to access affordable eDiscovery products does not automatically mean smaller firms will be able to trade blows with the heavy hitters. Without access to the requisite skill sets, the technology itself is of limited value. This presents an opportunity for firms that are able to hire the best talent.

But as more and more law firms move into the eDiscovery space, competition for candidates with the right skills will increase significantly. In an already candidate-led marketplace, this will inevitably lead to salary growth, as we go on to discuss in the next section.

Rising Salaries Prompt Greater Focus On Employer Brand

Salaries for eDiscovery roles are already healthy. As demonstrated by the Apt Search 2019 eDiscovery Salary Overview, eDiscovery project managers at vendors and law firms can expect to earn from £30,000 (for associates) to £155,000 (for heads of Client Services and heads of eDiscovery). As competition for skilled candidates increases, these salaries are only going to climb.

This will have a sizeable impact on eDiscovery recruitment in the UK. Firstly, small and mid-sized firms are unlikely to be able to compete on a pure remuneration basis with their larger rivals, so they will need to find new ways to distinguish themselves. Company culture and workplace benefits will become increasingly important differentiators. And secondly, smaller operators may find themselves unable to attract elite talent, forcing them to invest more heavily in career development to nurture in-house talent rather than chasing after the A-players. Offering high-quality training and development programmes, such as certifications with Relativity and the Association of Certified eDiscovery Specialists, can assist in the retention and growth of key team members.

What opportunity does this present?

Rising salaries do not necessarily mean that smaller firms will find themselves priced out of the elite talent market. Indeed, nine in ten employees say they would be prepared to sacrifice a proportion of their lifetime earnings in exchange for greater 'meaning' at work. In other words, firms that are able to develop a strong employer value proposition may be able to offer slightly lower salaries, thereby allowing them to tap into the elite tier of the talent market.

Capitalising on Candidates With 360-Degree Skill Sets

Traditionally, candidates entering the legal sector have come from either a technical or legal background. But just as fintech has resulted in the cross-pollination of financial and technological skill sets within the financial services industry, eDiscovery – along with other niches in the legaltech space – is producing a new generation of candidates with more rounded attributes and abilities.

A growing number of UK universities are offering degrees within eDiscovery. Some have introduced modules built into existing degrees, while others have launched sandwich degrees where students can take placement years, allowing them to further bridge the gap between education and experience. This means that talent coming into the market already has a theoretical – and often a practical – understanding of eDiscovery. Significantly, it also means that graduates are now actively working toward a career in eDiscovery, rather than falling into it by mistake.

What opportunity does this present?

A generation of fresh eDiscovery talent is poised to enter the candidate market. People who are legaltech natives with the passion to push forward their firm's eDiscovery proposition. Firms that are prepared to look beyond traditional backgrounds toward candidates with new, specialised degrees and training will be best placed to benefit.

Growing Demand for Translation Services

As well as producing vast swathes of electronic documentation, the digitalisation of the global economy has made it easier for businesses to trade across international borders. Inevitably, this means that a British lawsuit now has a greater chance than ever of dealing with documents in several languages. Invoices, emails and voice files between Chinese suppliers, German bankers and Bulgarian web developers may need to be gathered and disseminated as part of a case.

Michael Swartz, product marketing manager (legal) at AI-based solutions provider Veritone, has predicted that demand for translation of audio, text and video files will “balloon” to meet the increasingly globalised requirements of eDiscovery and compliance teams. “Firms will look for robust translation options, whether machine or human, to translate international files into the language of their choice – by location, accent and dataset – to win their case.”

What opportunity does this present?

From a candidate perspective, multilinguists will find themselves able to steal a march on their peers in the hunt for eDiscovery jobs.

Perhaps more significantly, law firms of all sizes will need to identify the most reliable and efficient way to cope with large-scale translation projects. Do they have the resource and expertise to handle translation in-house, or will they need to outsource? If the latter, are they confident that their external partner is capable of delivering a quality service? And what about the increased risk of data loss that comes with outsourcing? Firms that navigate these murky waters will view the growth of translation-based eDiscovery projects as a major opportunity, rather than a potential threat.

Increasing AI Use to Drive Efficiencies

The use of AI in eDiscovery has evolved significantly in a short space of time. Originally introduced to automate identification work that would take a human weeks – or even months – to complete, it has become increasingly complex and nuanced thanks to the development of machine learning.

Rather than simply filtering through vast bodies of text or lengthy voice files for specific keywords, eDiscovery tools can now search semantically and discern the wider meaning of a certain word or phrase. After all, language is a complex beast. Identical terms can be used in several ways, and their meaning can change completely when used in conjunction with other words. The word “bank” has multiple definitions – the land alongside a body of water; the sideways tilt of an aeroplane; a financial building or institution. Add other words – “power bank”, “Bank of England”, “river bank” – and the meaning is radically altered. But AI is now smart enough to understand these idiosyncrasies. Furthermore, eDiscovery applications are able to continuously learn from the documents they review and the decisions they make, helping them to produce better, smarter results.

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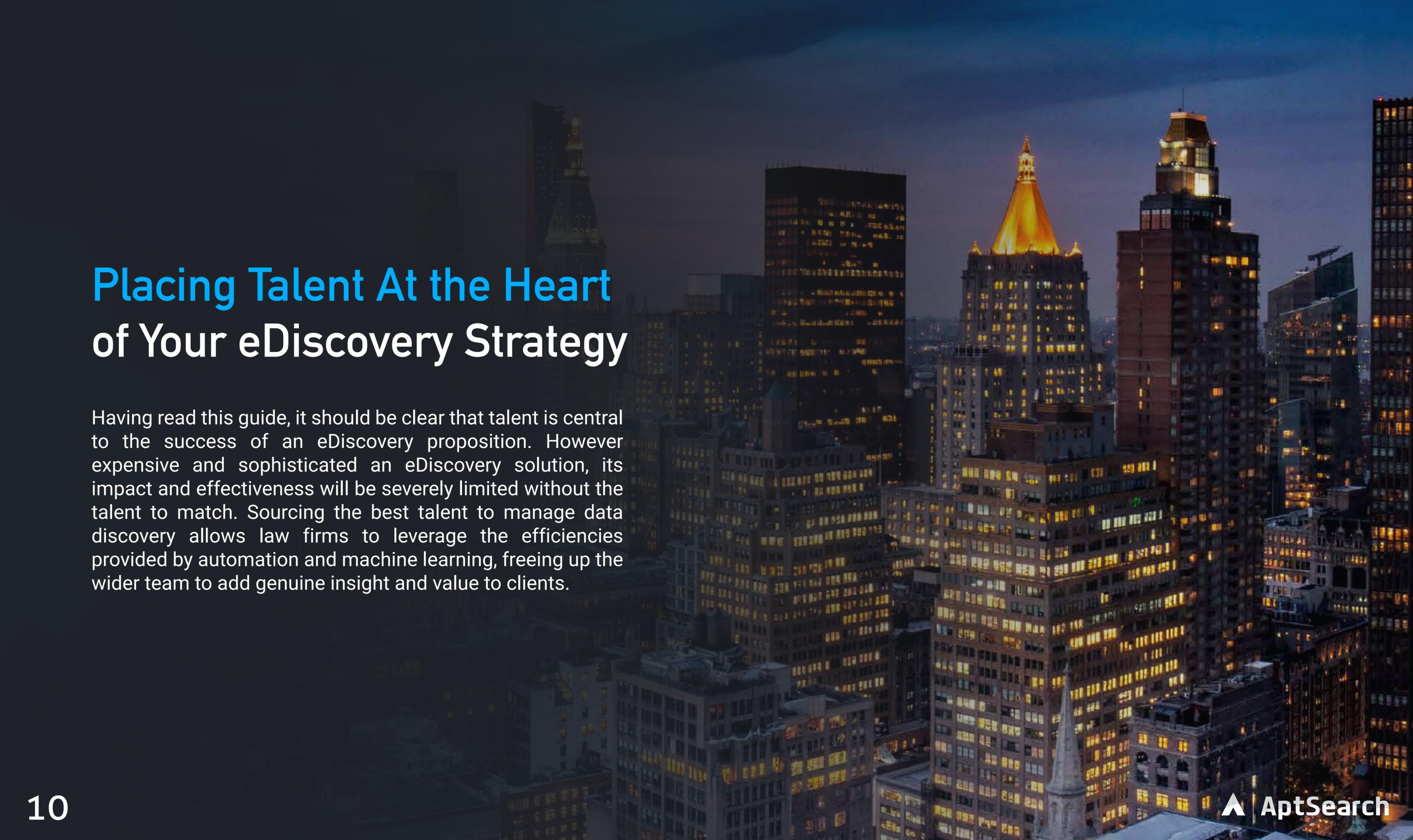
Choosing the Right eDiscovery Tools

To avoid compromising the process of data collection, firms must adopt eDiscovery tools that best meet their needs. Finding the right IT/forensic-based systems will allow your team to substantially and rapidly reduce time spent searching for and disseminating vital documentation.

Increased demand for eDiscovery solutions has seen a swathe of new providers enter the marketplace in recent years. The cost and scale of their solutions varies significantly, although some features – such as the ability to place material into a common viewing format, allowing for more efficient dissemination across a group of users who may be using different interfaces and programs – are common across all tools. Some are designed to provide end-to-end support throughout the eDiscovery process, whereas others concentrate on specific functions or customer requirements. The majority are currently focused on corporate – or civil – lawsuits, but some also offer support for forensic – or criminal – investigations. Complexity also varies from one tool to another. For instance, more sophisticated tools are capable of learning from the human reviewer(s) and predicting which information will be most relevant, while simpler products are limited to searching for a user-defined keyword set.

What opportunity does this present?

Law firms set to launch their own eDiscovery operation often make the mistake of purchasing a solution then building a team around it. Ideally, the opposite would happen. Once a team lead has been hired, they will be in the best position to identify the type of candidate they are seeking, and therefore the type of eDiscovery tool that will best fit their needs. Firms that choose the 'right' tool stand to benefit from substantial efficiencies; those that choose poorly may find their eDiscovery offering curtailed from the outset.

An aerial night view of a city skyline, likely New York City, featuring numerous illuminated skyscrapers and buildings. The lights from the windows and architectural details create a vibrant, glowing effect against the dark sky. The perspective is from a high vantage point, looking down and across the city.

Placing Talent At the Heart of Your eDiscovery Strategy

Having read this guide, it should be clear that talent is central to the success of an eDiscovery proposition. However expensive and sophisticated an eDiscovery solution, its impact and effectiveness will be severely limited without the talent to match. Sourcing the best talent to manage data discovery allows law firms to leverage the efficiencies provided by automation and machine learning, freeing up the wider team to add genuine insight and value to clients.

This is where Apt Search can help.

We are a market-leading recruitment firm specialising in eDiscovery, cyber security and privacy.

We are dedicated to offering tailored staffing services to law firms, vendors and corporates, as well as offering career consulting and unique opportunities to candidates.

Get in touch with us [here](#) or call us on **+44 (0) 203 643 0248** to book your consultation with us today.

