

LAW FIRMS STILL ATTRACT E-DISCOVERY PROFESSIONALS— BUT CAN THEY HOLD ONTO THEM?

E-discovery may be a job candidate's market right now, but many soon-to-be graduates are still targeting the salaries and litigation experience offered by a traditional law firm. However, more experienced professionals are becoming increasingly open to pursuing opportunities elsewhere.

BY FRANK READY

E-discovery is good work if you can find it—and it would seem that many recent law school graduates might intend to do just that at law firms. But whether they, or even the more experienced e-discovery practitioners on the job market, intend to stay in that type of an environment long-term is far less certain.

Kenneth Rashbaum, an adjunct professor of law at Fordham University and a partner at Barton, affirmed that students are primarily targeting law firms as their primary employment destination. He noted that many of these students are leaving law school with a substantial amount of debt and firms tend to offer better money. Still, there are no guarantees.

“We’re in a COVID recession now. Law firm hiring is probably going to take a hit. Law firms are going to get much more selective than they have in the past,” Rashbaum said.

Fortunately, now is not a bad time to be a legal industry employee with e-discovery skills on your resume. Jared Coseglia, CEO and



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founder of TRU Staffing Partners, recently wrote for LTN that the e-discovery vertical was seeing the “most voluminous season of hiring in over 20 years,” driven in part by rising client expectations around how quickly and efficiently service providers can deliver results.

Many Options, One Destination

Opportunities that exist outside of the traditional law firm framework have also started to materialize. Alternative legal service providers (ALSPs), for instance, have built a niche for themselves

in the market as a more efficient and affordable outlet for e-discovery and other process-centric work.

Per Rashbaum at Fordham University and Barton, a global surge of data privacy regulations and increasing risk associated with information governance could also be pushing corporate legal departments to reevaluate their traditional approach to hiring.

“We’re seeing corporate law departments now start to hire straight out of law school, which wasn’t the case a few years ago. So

I encourage my students to follow up on that,” he said.

But the fact that it’s a candidate’s job market—and that there are employment options like alternative legal service providers (ALSPs), corporate legal departments, legal tech companies and consultancies on the table—may be news to some graduates with ambitions in e-discovery.

“Many law students just don’t know what the legal landscape looks like, particularly when it comes to their career options. And many law schools don’t even offer e-discovery classes or e-discovery training, so I think that there’s a bit of a catch-up that needs to happen on that front,” said Anna Mercado Clark, an adjunct professor of law at Fordham University and a partner at Phillips Lytle.

However, some graduates may simply view a law firm as the most efficient way to gain experience. Jason Wood, a second-year law student at Arizona State University, spent 25 years working in IT roles before pursuing his legal degree. After graduation, he wants to become a law firm e-discovery specialist working in litigation.

“As a non-traditional law student—I turn 50 this year—I’ve been exploring ways to quickly establish my value in the legal realm and stand out from the crowd. This seems like a skill set that is in great demand, and the need is only going to increase. It’s also a great way to not completely discard the skills and knowledge I’ve built up over the past 25 years working in IT. If I can find that type of role, I could certainly

envision eventually transitioning to either a legal tech company, or an e-discovery consulting role down the road,” he said via email.

It may not be as big a leap as it sounds. Mercado Clark at Fordham University and Phillips Lytle thinks that law firm e-discovery experience can be a gateway to opportunities in other corners of the legal technology industry. At the very least, e-discovery may teach attorneys how to become comfortable with technical jargon so that they can progress to even more complicated domains like cryptocurrencies or smart contracts.

“I have also seen attorneys who kind of [want to] just get involved in legal tech in general, and e-discovery is the easiest way to do that,” Mercado Clark said.

A Time for Change

It’s not just recent graduates who may be considering the prospect of an e-discovery career that takes place outside of a law firm setting. More established e-discovery professionals could also be looking towards consultancies, software companies and other sources of employment in a post-pandemic industry.

Some may be wary that firms are beginning to view internal e-discovery operations as an investment of time and money that far outstrips any eventual return—especially as ALSPs continue to offer those same services a more competitive price point. A law firm e-discovery source who spoke on the condition of anonymity said that a lot of firms have sent the message that they want to outsource, which could

leave employees wary about the long-term security of their jobs.

That uncertainty, paired with pandemic-fueled staff and salary cuts, might be enough to have some people rethinking their options. “A lot of us are just kind of waiting on the sidelines to see if there’s a better deal somewhere else,” the source said.

They are mulling the possibility of launching their own consultancy, citing the prospect of an extended “legal boom” in the market. Or they’ll take advantage of a job market that is “looking good” and search for a dream job “making a lot more money.”

Still, it’s possible that the current e-discovery market isn’t dishing out equitable helpings of opportunity to candidates of all experience levels. One job-seeker who has worked in various e-discovery related capacities at a law firm, a consultancy and most recently an information governance software provider, noted that many of the job openings they’ve come across in their search have been primarily directed towards entry or early-stage professionals.

The job-seeker, who preferred to remain anonymous due to their ongoing job hunt, was one of a number of pandemic-related job cuts their company made last summer. While they have since interviewed with a law firm, it’s not their first choice.

Instead, the source would like to find work at a consultancy where they can problem-solve both individually and as part of a larger team. “I would love that kind of a feeling,” they said.