**E-Discovery Lawyers Marketing**

**\*Electronic discovery** (sometimes known as e-discovery, ediscovery, eDiscovery, or e-Discovery) **is the electronic aspect of identifying, collecting and producing electronically stored information** (ESI) **in response to a request for production in a law suit or investigation.** ESI includes, but is not limited to, emails, documents, presentations, databases, voicemail, audio and video files, social media, and web sites.

The processes and technologies around e-discovery are often complex because of the sheer volume of electronic data produced and stored. Additionally, unlike hardcopy evidence, electronic documents are more dynamic and often contain metadata such as time-date stamps, author and recipient information, and file properties. Preserving the original content and metadata for electronically stored information is required in order to eliminate claims of spoliation or tampering with evidence later in the litigation.

The ultimate goal of eDiscovery is to produce a core volume of evidence for litigation in a defensible manner.

## **The Value of Litigation Support**

#### When it comes to practicing litigation, the use of technology is no longer optional. What is optional, however, is under which business model firms deliver this service to their clients, and how to determine which model balances the most value — to the client and the firm.

### How You Will Benefit:

* Learn the life cycle of a case in order to better control your projects
* Anticipate problems and solve them as they arise
* Manage time while juggling multiple projects with knowledge of what's coming up next
* Gain the ability to exert influence without authority

Value from eDiscovery comes in two additional ways: (a) providing a compelling case narrative as work product after the review, and (b) facilitating the trial team’s interaction with the data by a thorough understanding of the needs. We will cover some practical impediments that exist in the eDiscovery industry at large, and then cover some practical solutions to the challenge of providing better eDiscovery value.

The key is providing — then selling — the value to clients, while demonstrating savings the client could not have otherwise achieved. Many firms are able to deploy a market-leading solution by pooling their spend across multiple clients, along with a commitment of time, that allows them to build a pricing model that significantly undercuts any transactional pricing rate cards in the marketplace. Unfortunately, it does require a change in management process to get internal stakeholders on board and comfortable selling the value to clients

**In-House Model Trends**

Some firms are offering litigation support (e-discovery) capabilities to their clients via several different service-delivery models. These capabilities often rival those of third-party service providers, with offerings ranging from Early Case Assessment (ECA), to processing and review with the use of data analytics. As firms have standardized tool sets in support of their overall practice, the use of “case-based” transactional agreements with third-party service providers no longer makes sense.

Instead, firms are leveraging their spend by investing directly in the tools and infrastructure in-house to support multiple clients, or committing time and money to a managed service agreement that allows them to cost-effectively and consistently support all cases using an identified third party. This allows their attorneys to work in a consistent manner, while offering the same high level of professional service to all clients (not just the large cases that may have justified the use of technology in the past). By leveraging the overall spend, the firm can pass along significant savings to clients when compared with the transactional models in the marketplace for years.

# **Think Outside The Box Adopt Content Marketing**

Bet you’ll be surprised to learn the legal industry is coming out on top. Legal firms are a surprising rapid adopter of content marketing, reports [Contently](https://contently.com/strategist/2015/09/01/the-surprising-new-adopter-of-content-marketing-law-firms/). They’re bringing a well-thought out strategy to the game and hiring in-house talent or outsourcing their needs to ensure quality content that’s timely, compelling and relevant.

Could your business stand to learn a thing or two from legal content marketing for client acquisition?

Keep these best practices in mind:

1. **Keep it real.** Fairly or not, lawyers as a group have a reputation for speaking in a lot of indecipherable “legalese”. Lawyers aren’t the only ones who can fall back into industry speak and alienate their audience. I know firsthand how marketers can throw around a lot of lingo about “leveraging core competencies” or “brand scalability” that sounds like alphabet soup to outsiders. “Keeping it real” means writing with your audience in mind: your mission is to have a dialogue *with* your audience rather than talking *at* them.
2. “The best legal content marketing speaks to an educated audience without drowning in complex legalese that only alienates the reader,” says Philadelphia-based injury lawyer [Joel J. Kofsky](http://www.phillyinjurylawyer.com/). “For example, personal injury law can be pretty complicated. I don’t try to explain the intricacies of personal injury law in a 350-word blog post: I focus on the one or two concerns most pressing to the audience and build from there.”
3. **Your takeaway:** You don’t have to “dumb down” content, but remember a blog is not a college term paper, either. Aim to balance a professional tone with approachable content. Use examples whenever possible to explain a complex problem. Add a touch of levity or humor, as appropriate.
4. **Thought leadership over advertising.** A law firm blog is the last place you’d expect to find inaccurate information; after all, publishing misleading or incorrect legal information could lead to a possible lawsuit! And while legal blogs are not meant to be a substitution for legal consultation, they are a trusted resource for gathering information. That’s because legal blogs are all about thought leadership, not advertising- and your company’s content marketing plan must follow this same path.
5. Consider the blog “[D&O Diary](http://www.dandodiary.com/)“ from attorney and prolific blogger Kevin LaCroix. LaCroix’s built his reputation as a serious thought leader in the world of professional liability law, providing his insights on everything from Affordable Care Act implementation to insider trading. The popular legal site “Above the Law” even named LaCroix’s blogs one of the “[12 best legal blogs for 2014](http://abovethelaw.com/2014/12/the-12-awesome-law-blogs-of-2014/)“. For an attorney blogging on his own rather than writing for a major law firm’s blog, that recognition is a pretty big deal. It’s a distinction LaCroix earned thanks to his willingness to focus on thought leadership rather than advertising services.
6. **Your takeaway:** Conduct market intelligence research to understand what topics are most important for your customers. Create content that addresses these concerns with action-oriented solutions, be that a best practice checklist or even a short how-to video, rather than pushing your own products and services.
7. **Hijack the news.** When it comes to producing a stream of timely content, lawyers are lucky. They often get built-in news hooks like a major court ruling or new regulation announcement to comment on in their posts. Consider Covington’s “[Inside Privacy](https://www.insideprivacy.com/)“ blog, edited by a DC-based team of Covington and Burling LLP attorneys. Covington’s blog offers vital insights into the latest data privacy developments and cyber security. The blog breaks down the latest cyber security developments - like the [Senate Committee passing the Judicial Redress Act](http://https/www.insideprivacy.com/2016/01/senate-committee-passes-judicial-redress-act-may-assist-safe-harbor-negotiations/) or [SEC cybersecurity](https://www.insideprivacy.com/2016/01/senators-introduce-bill-requiring-cybersecurity-expertise-reports-to-sec/) reporting requirements - in a manner that’s easy to comprehend whether or not you’re a Beltway insider.
8. Even without a major Supreme Court ruling or regulation announcement to cover, you can still find current events to “[newsjack](http://www.huffingtonpost.com/elena-prokopets/content-marketing-in-the-_b_8577418.html)“ in your content. Small businesses can piggy-back off major holidays or events like the Super Bowl or Valentine’s Day, lead with a nod to the weather (like the recent winter storm ‘Jonas’), or even tie in with a major celebrity event, like the Oscars.
9. **Your takeaway:** Go a step further by setting up [Google Alerts](https://www.google.com/alerts) to monitor breaking stories related to your industry. You don’t have to shape an entire blog post or article around breaking news, but you can use these topics as “hooks” to publicize your content.

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