

eDiscovery Solutions Counsel – Litigation Services

Department: Litigation Services

Organizational Relationship: Reports to the eDiscovery Counsel – Senior Manager

FLSA Status: Exempt

Last Updated: August 28, 2024

General Summary:

The eDiscovery Solutions Counsel – Litigation Services applies advanced knowledge of technical and legal eDiscovery strategies directly to case teams and firm clients throughout all stages of the discovery process. They not only leverage technical expertise to align most effective eDiscovery approaches to technical workflows and tools, but are also responsible for providing electronic discovery legal consulting and education in collaboration with the broader eDiscovery Services team, contributing to overall case strategy, and advising on search terms, ESI protocols, and discovery conference preparation. They function as a key point of contact for legal teams throughout the discovery process, including maintaining relationships with client eDiscovery personnel and coordinating across verticals to ensure seamless eDiscovery support. The eDiscovery Counsel also assesses industry best practices, technical systems, and emerging technologies, contributes to thought leadership initiatives, collaborates in the development of eDiscovery-related education programming and mentorship offerings, and functions as a technical eDiscovery subject-matter expert for attorneys and staff.

Essential Duties and Responsibilities:

“Essential duties” are those that an individual must be able to perform with or without reasonable accommodation.

1. Serves as a resource for internal and client-facing strategic legal analysis relating to general litigation procedure and eDiscovery issues at the intersection of law and technology, remaining abreast of legal and technical trends (such as TAR and Generative AI) to ensure comprehensive and current guidance to attorneys, clients, and staff
2. Throughout all stages of the discovery process, functions as the primary liaison between client eDiscovery teams / counsel and case teams to ensure that client requirements and / or protocols are executed on a matter level, which includes training and educating case team members and staff on any client directives for handling eDiscovery from a technical and legal perspective; proactively identifies opportunities to streamline production efforts and optimize results
3. Prepares, presents, and moderates client-facing Continuing Legal Education sessions with a focus on firm innovation and strategy in the eDiscovery field; designs and develops client-facing materials, such as eDiscovery playbooks and bulletins with a focus on technical and legal strategies

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4. Advises on strategies for identifying key custodians and sources of ESI, including structured and unstructured data, and prioritizing these records data for early analysis and review
5. Leads data mapping calls with client and client IT team to explore enterprise and custodial data sources; discusses any potential challenges with various data sources and assists case team with an action plan to address
6. Educates attorneys and staff on the importance of effective eDiscovery strategies
7. Consults on data privacy issues as related to eDiscovery and involves other firm resources as needed to provide legal guidance for cross border matters
8. Consults with case team for the review objectives, advises and recommends strategies on the use of advanced document review technology, including Technology Assisted Review (TAR), analytics and initial sampling, establishes and documents baseline statistical targets
9. Evaluates search terms to determine effectiveness of the search strategy, advises case teams on effective search techniques, prepares reports on search term effectiveness, including hit counts, precision, and recall metrics, to inform the legal team and adjust strategies, as necessary
10. Evaluates production criteria using conceptual analytics (e.g. mines, clusters, concept maps) to identify and resolve potential inconsistent responsiveness or privilege coding based on conceptual similarity
11. When appropriate, interacts with clients to obtain case-related information, discusses review strategies, documents work plans and ensures internal and external client deadlines are met
12. Assists attorneys in pursuing discovery from opposing parties; advises in the formulation of discovery and potentially assists in any motions necessary to compel compliance.
13. Identifies risk factors affecting the discovery process and consults on firm-wide procedures to minimize firm liability
14. Promotes effective work practices, works as a team member, and shows respect for co-workers

Position Specifications

Education

- JD or equivalent required
- Admission to the relevant state bar required

Work Experience

- A minimum of 10 years' litigation practice, including management of discovery required, including a minimum of five years' experience managing large electronic document reviews and productions
- White collar investigation and regulatory experience preferred
- Experience with litigation response and electronic discovery or records management issues and client-facing experience preferred

Knowledge, Skills & Abilities

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- Expert knowledge of the concepts, principles, management, and processing of Electronically Stored Information (ESI) as they relate to legal matters, including the use of various ESI management and review tools and applications
- Extensive knowledge of eDiscovery review platforms and related technologies such as Relativity, Nuix, Brainspace, NexLP, Disco and other industry leading tools
- Excellent leadership skills (e.g., organizing, planning, problem solving and decision-making, commitment to diversity)
- Well-developed understanding of electronic discovery law and practice
- Knowledge of issues arising from foreign languages and character sets, ability to advise on forensic recovery and examination of data and / or ability to advise on preservation, collection, and processing of data
- Thorough understanding of predictive analytics tools and workflows used in the legal industry
- Ability to work effectively both independently and in a team environment with a customer-service focus
- Effective communication skills, both written and verbal
- Expert technical writing skills
- Strong oral presentation and teaching skills
- Ability to manage confidential and sensitive information with the appropriate discretion
- Organizational skills needed to manage time well, prioritize effectively, and manage multiple deadlines
- Ability to develop a strong knowledge of firm policies and procedures
- Knowledge and proficiency in a wide variety of software programs, including the Microsoft Office suite and Windows Operating Systems
- Ability to utilize MS Word and PowerPoint to enhance and deliver presentations
- Ability to work under time constraints and solve problems independently and cost-effectively
- Ability to articulate complex rules and protocol in a comprehensible, accurate, confident, and concise manner
- Extensive legal research and analytical skills
- Strong analytical skills needed for all primary duties of position, including comprehending and communicating data
- Demonstrated ability to think creatively and provide strategic support to senior management
- Well-developed and professional interpersonal skills; ability to interact effectively with people at all organizational levels of the firm.

Additional Requirements

- Occasional travel may be required

Physical Demands

- Extensive time using a computer including use of a PC keyboard and mouse or similar data input devices is required.

Working Conditions

All Latham & Watkins positions are in a typical indoor office environment.

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duties may be assigned, and requirements may vary from time to time, and from location to location.