

# Offshoring of legal research & writing

**A**s legal process outsourcing (LPO) continues to expand in market share, so too will the number of service offerings from LPOs. Law, much like medicine, is a profession ripe with specialties and specialists. The various types of legal support services that can be offshored are as varied and diverse as the legal market itself. In today's nascent LPO market, most LPO providers offer a wide array of legal support services - a one stop shop for legal outsourcing. As the LPO industry continues to develop and mature, LPOs will differentiate themselves not only by size and capabilities, but also by what area of law they are best suited to outsource.

**Legal Research & Writing (LR&R)** encompasses both drafting research memoranda as well as drafting legal pleadings of all varieties-trial motions, briefs in support, appellate briefs, writs, etc. A few well established LPOs currently offer good quality legal research and writing (LR&R) services. Due to the highly complex nature of the work, and relatively smaller scale LR&R projects, only a few LPOs currently have the resources and abilities to sustain a LR&R practice.

**Both** small firms and big firms alike can benefit from the cost and time advantages of doing LR&R abroad. While many young lawyers come well equipped to do research fresh out of law school, it is a time-consuming and expensive task. By taking advantage of a global work-force, firms both large and small can save time and money and realistically expect high quality work product.

## Why outsource legal research?

**Legal** research in the practice of law is expensive, difficult and often time consuming - both for the lawyer and certainly for the client. Because the law is anything but clear-cut and simple, good and effective legal research takes time. While efficiency is an essential characteristic of a good lawyer, legal research requires both efficiency and thoroughness. Often times, an attorney will have to research an issue a number of times before he feels comfortable with the result of his research.

**Research** also requires adequate tools to be effective and efficient. A basic subscription to Lexis® or Westlaw® usually is not sufficient and attorneys need specialized databases to find answers to complex ques-

tions in a timely manner. These tools are expensive, and often they are not used frequently enough to justify the expense for a law firm.

**The** advantages of having a low cost alternative for high quality LR&R and a work force that can work while you sleep are obvious enough. How to find and evaluate an LPO that can produce consistently good work is the million dollar question.

## How LPOs successfully provide high quality LR&R services

**For** an LPO to successfully provide high quality LR&R services, it is critical that the LPO has a strong US presence including attorneys trained in the US, and a well developed training program for its offshore attorneys. A work-flow process that effectively brings together the strengths of the offshore team with the experience of the US team is the final ingredient for a highly competent LR&R practice.

**LPO** operating exclusively from India or other offshore locations simply cannot effectively manage LR&R projects nor can it effectively control quality. Due to the complex nature of the work, communication is the key for managing LR&R projects. From the initial step of getting

the relevant information (from the client) to actual review and editing of the final products—a strong US presence is appreciable.

**Furthermore**, a robust training program for new and veteran employees of the LPO is essential. Any LPO claiming to provide high quality LR&R services must have a strong training process and a well developed curriculum for training its offshore attorneys. Some of the best LR&R providers have full-time staff dedicated to training attorneys in US law. These full-time instructors at a minimum must be US trained and licensed attorneys with experience in the legal field, and ideally will consist of both experienced attorneys as well as legal professionals with teaching experience. Moreover, a successful training program will have a well developed curriculum specifically designed to teach US law to non-US trained attorneys.

**Finally**, any LPO offering LR&R services must have a work-flow process that effectively leverages technology and synthesizes the offshore team's capabilities with that of the US team. The work-flow process must take into account the time difference between the two teams, as well as the time sensitive nature of most LR&R projects.

#### **Checklist to evaluate an LPO's LR&R services:**

Is the LPO based in the US? Does it have US trained and licensed attorneys as part of its staff?

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Does the LPO have an easy and believable work-flow process?

What are qualifications of US and Indian attorneys?

Profile of Offshore/US attorneys (does LPO provide you with profiles?)

How does LPO gather data for its research projects?

Does LPO provide one on one access to its offshore attorneys as needed?

What tools does the LPO use for its research & writing? Is the use of the tools charged to the client or internalized by the LPO?

Does the LPO have a training curriculum for its offshore attorneys?

Can the LPO provide a list of references or testimonials as to its research & writing practice specifically?

This checklist would help the foreign attorneys plan and determining the collaboration strategy to outsource their LR&R projects.

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