

Checking In

In this series, Practical Law Advisory Board members discuss their current work and key legal developments in their practice area.



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Education: 1981: J.D., *cum laude*, The University of Chicago Law School; 1978: B.A., *summa cum laude*, Dickinson College (Political Science).

Career in Brief: 2000–present: Holland & Knight LLP, Partner; 1995–2000: US Securities and Exchange Commission, Regional Trial Counsel (Miami); 1990–1995: Cleary Gottlieb Steen & Hamilton LLP, Associate; 1986–1990: Hogan & Hartson, Associate; 1982–1986: US Army Judge Advocate General's Corps, Captain.

What do you think is currently the biggest challenge facing litigation attorneys? Litigation attorneys are facing escalating e-discovery costs at a time when our clients are under increasing pressure to contain legal spend. We must deal with the challenge of continuing to deliver excellent legal services while controlling e-discovery costs in an environment of rapid technological change. At every stage of the e-discovery process, from preservation through production, we need to assess exactly what (and no more) needs to be done, and determine the most cost-efficient way to get it done.

As a result, in addition to staying current in their specialty areas of practice, supervising litigation attorneys must stay on top of the latest e-discovery technologies (such as computer-assisted document review tools), explore staffing alternatives (such as using contract or offshore document reviewers), and effectively design and actively manage their e-discovery efforts. When I began law school in the late 1970s, I never dreamt that a substantial part of my professional time would be consumed dealing with technologies that had not yet been invented.

Have any recent legal or market developments had a significant impact on your practice? I specialize in defending securities regulatory matters. In recent (post-Madoff) years, securities regulators have placed increasing emphasis on enforcement. They are devoting more resources to enforcement matters, resorting to enforcement actions more frequently, taking more aggressive legal positions and seeking increasingly onerous relief. Likely as a result, securities regulators at all levels (the SEC, self-regulatory organizations and the states) are able to hire and retain more capable, ambitious attorneys and technical staff. All of this has enhanced the quality of the matters that I have the privilege of defending and, at the same time, has made the successful defense of these matters increasingly challenging and vital to my clients.

What do you like most about your job? I work with a great team of attorneys, and collaborating with them is very rewarding. I also enjoy the work itself — delving into the intricate technical and legal challenges that my matters present, crafting and presenting the best possible arguments, and resolving those matters advantageously for my clients.

Why did you decide to be a part of the Practical Law Litigation Advisory Board? Practical Law is assisting our profession by making sophisticated, first-class specialty resources more generally available. I support this effort and am honored to be associated with it.

What was your first job? In high school, I was the local pizza delivery boy. That job taught me a lot about satisfying client expectations. (You do not get tipped for delivering a cold pizza!) It was

great training for a career in the client service industry.

What is one mistake you made early on in your legal career and what did you learn from that experience? I tried for too many years to be a general litigator in a major metropolitan market rather than gaining substantive expertise. It was only after I developed expertise in securities regulatory matters by working for the SEC that my career took off.

If not an attorney, what would you wish to be? I always thought it would have been exciting to photograph the major rock concerts of the late 1960s, but I am sure that my parents would not have let me go to Woodstock when I was 12. That aside, I cannot think of any field better suited to my aptitude and temperament than law.

What one piece of advice would you give to a junior attorney considering specializing in litigation? In metropolitan markets, “litigation” is too broad an area for most attorneys to develop the high level of expertise and visibility necessary to attract clients. In addition to sharpening their entire kit of litigation skills, including trial skills, junior attorneys should focus their practice on one or more substantive areas or industries in which they can become recognized authorities.

While there are many paths to developing substantive expertise, I encourage junior attorneys to consider spending a few years in public service with a respected agency that handles its own litigation, such as the DOJ, a US Attorney's Office, the SEC or FINRA.