



Managing the Complexities of Document Review

Panelists

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Adding Value



The ESI Challenge

- 90% of collected data is irrelevant
- Identify ways to add strategic value by finding key data quickly
- Reduce costs -- reduce the data set before review begins
- Facts are evidence -- facilitate the knowledge transfer effectively

Strategy and Planning

- Understand collection methodology, scope and timeline
- Prioritize review -- know key custodians and conduct early interviews
- Search early and be prepared for “meet and confer” -- document, explain and defend preservation, collection, search and review
- Advocate for tiered discovery

Evaluating Discovery Vendors

- Look for a proven track record and directly relevant experience
 - Speak with existing clients - references
- Understand core competencies and real capabilities
- Assess the “fit” of direct point(s) of contact
- Space and technology considerations
- Reviewer screening
 - Predictors of success and fit

Data Reduction

- DeNIST – Remove system files using the latest National Institute of Standards and Technology (“NIST”) list
- Target date range(s)
- Deduplicate – dedupe across custodian with a production field to identify all custodians
- Eliminate junk domains and business spam
- Search for specific file types
- Use robust tools to cull data

Culling by Keywords

- Simple keyword searching – exact matches of words or groups of words
- Sophisticated keyword searching – includes features of simple keyword searches but add variations on the keywords themselves (fuzzy, stemming, proximity, concept, etc.)
- Iterative keyword testing – test keywords to avoid false positives and under-collection
- Be willing to re-visit terms, even after initial agreement

Culling Methods

Keyword Searching

- Uses search terms to retrieve documents that contain those exact terms

Standard practice; generally accepted in the courts

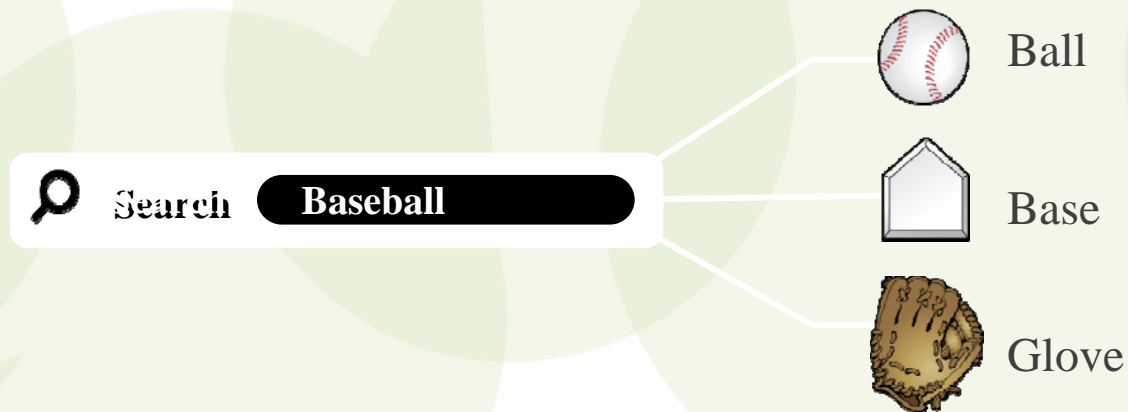
Concept Searching

- Uses search terms to identify word patterns and relationships
- Allows reviewers to find documents with similar conceptual terms even if they do not contain the exact search terms
- Seldom used for filtering; increasingly used for review

Emerging as a technology alternative

Culling Methods – Concept Searching

- Use keyword or phrase and obtain conceptually related items
 - Returns pertinent “hits” (associated terms and concepts) even if they do not share any words or phrases with the query



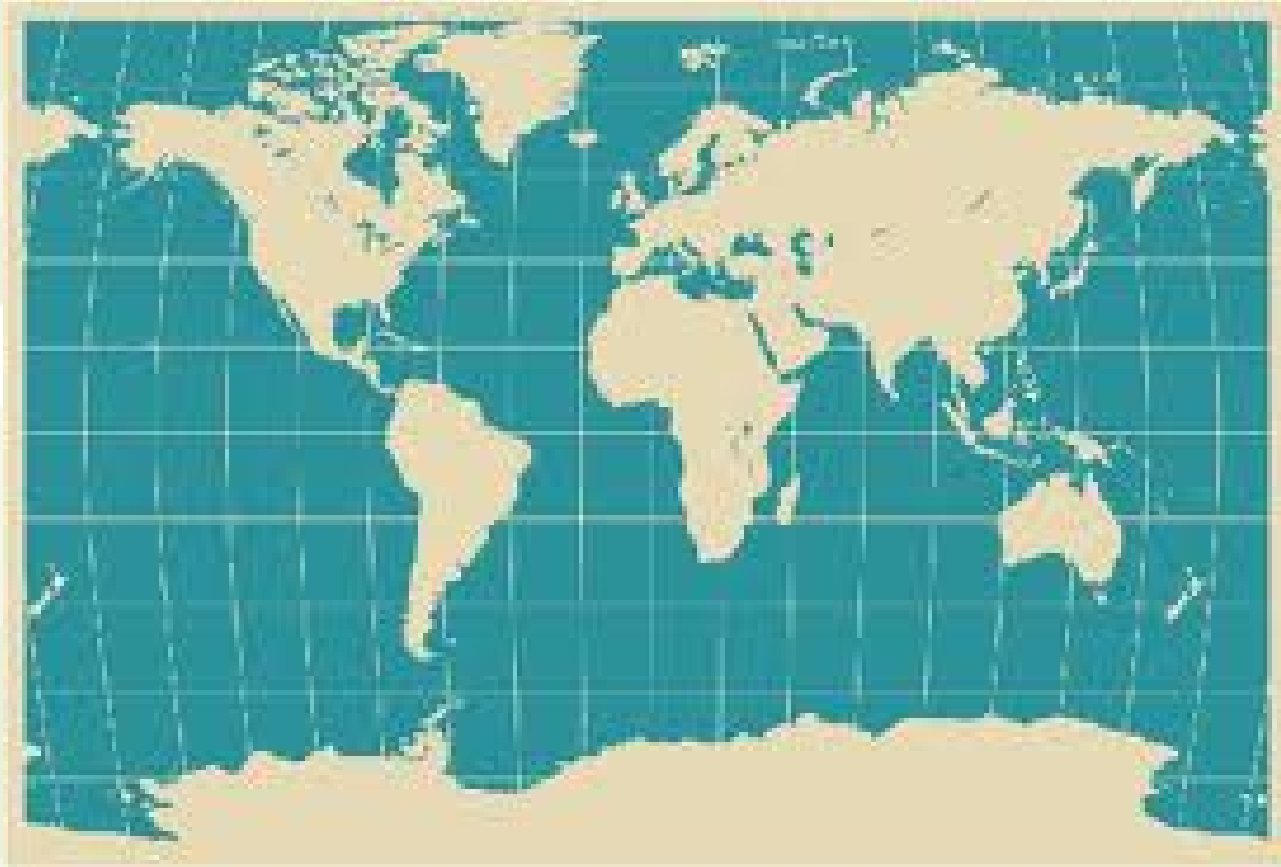
Budgeting

- Develop a realistic forecast
- Offer options and cost implications for each
- Include management and QC costs
- Update forecast frequently with new data and productivity inputs
- Avoid surprises

Off-Site Reviews

- Hosted reviews
 - Pros and cons of off-site review teams
 - Dedicated project space vs. ad hoc
- Technical needs and support
 - Robust bandwidth
 - 24/7 technical support
- Project management
 - Establish and promote review efficiency
 - Scalable and customized structure
 - Eases burdens on firm personnel

On-Shore v. Off-Shore



Special Considerations in Off-Shore Reviews

- Data and information security
- Effective communications
- Supervision – ABA Ethics Opinion
- Privilege review
- Quality control measures

Managing the Review

- Invest in Training
 - Set framework, define goals & objectives of the review
 - Establish roles and responsibilities
- Set measures for baseline expectations and success for document review team
 - Performance metrics: review pace and quality
- QC
 - Develop QC methodology and begin early; supplement QC resources as needed to ensure consistent QC
- Hold vendors accountable for their roles
 - Avoid issues related to co-employment for contract professionals and ease managerial burdens and time spent on HR issues

Review Aids and Start-Up

- Background memo and requests
- Search terms key
- Privilege list
- Org chart
- Players list
- Coding matrix
- Effective training session(s)
- Intelligent batching
- Trial run

Coding Templates

- Avoid excessive tags
- Rules-based coding
- Conditional coding
- Plan ahead for review and production QC
- Reviewer comments box
- Noteworthy documents
- Privilege Log preparation
- Technical defect documents
- New attorney names

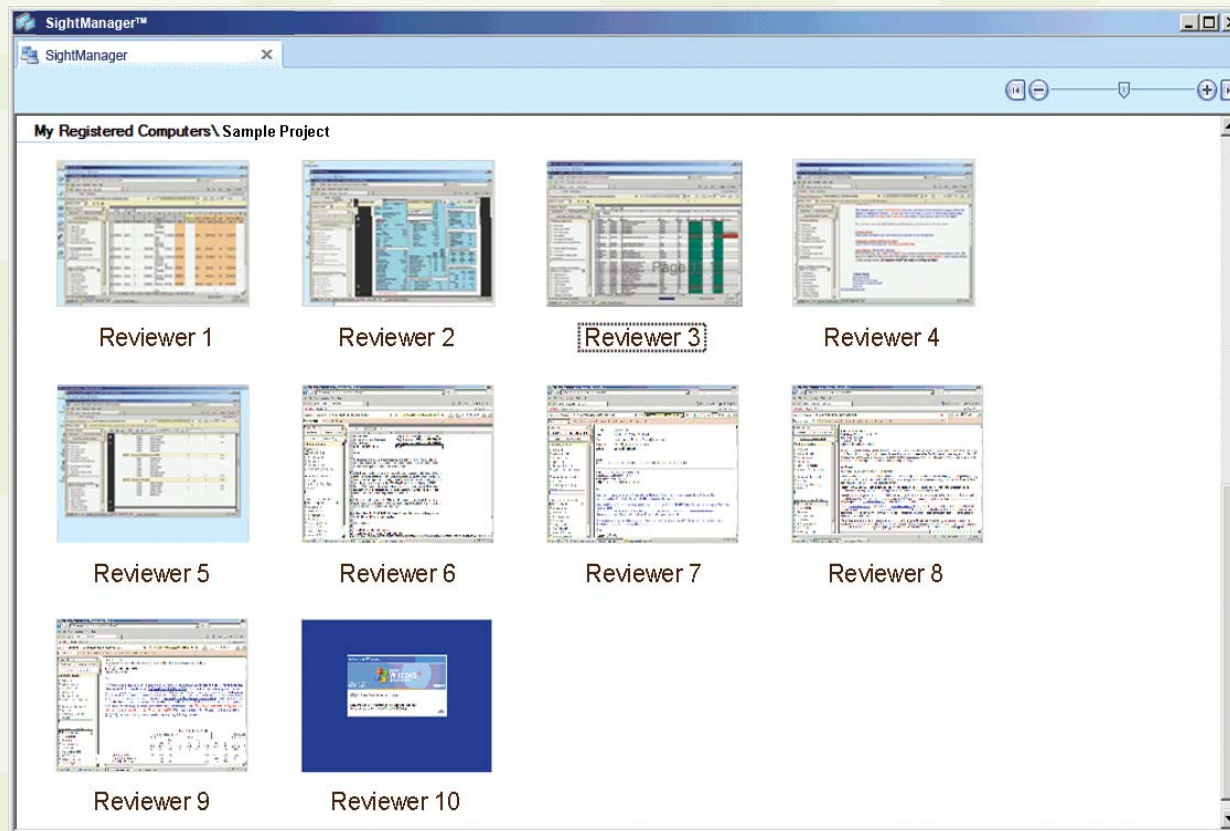
Communications Flow

- Review “Steering Committee”
- Have defined escalation protocol
- Privilege concerns and privilege committees
- Back-out interim deadlines from production dates
- Keep all stakeholders aware of the big picture
- Daily reviewer input and feedback sessions
- Daily progress reports
- Shared communications portals

Documentation

- Data flow
- Search term validation
- Exceptions handling
- Reviewer coding
- Coding instructions
- Q&A guidance

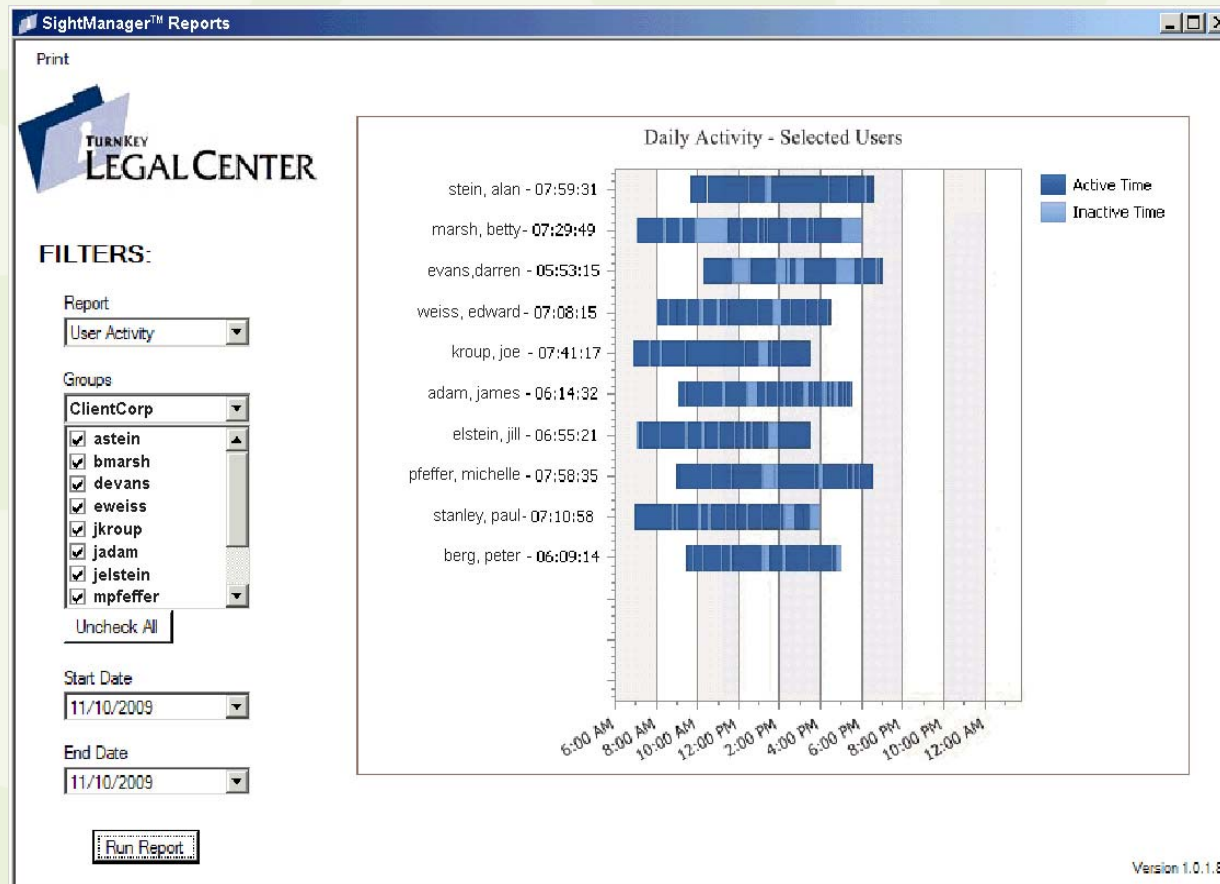
SightManager Real-Time Review



- Thumbnail view permits supervisors to monitor all reviewers at once
- Real-time view allows supervisors to react to work during course of a review, rather than after
- Monitoring reviewers side-by-side permits quick comparisons

SightManager

User Activity Report



- Reviewer work patterns can be easily viewed and compared
- Thresholds for triggering “active” vs. “inactive” time can be adjusted
- Timeframe and subjects of report are driven by the supervisor

Quality Control

- QC of initial review batch of each reviewer
- Customized review feedback
- Run searches for inconsistent coding
- Ensure family integrity is maintained
- QC redacted documents thoroughly
- Consider producing excels in native
- Run searches for commonly missed issues
- Run searches for key privilege names

Metrics

“If you can’t measure it, you can’t manage it!”

Peter Drucker

- Leverage full scope of knowledge learned about a case and the process
- End of project assessment that drives best practices and sets benchmarks for future matters

Thank You

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