

Client-Facing Metrics Lower Risk and Cost

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Document review is by far the most expensive and riskiest of the e-discovery stages. Collection sets are larger than ever and deadlines are shrinking in the face of increased e-discovery regulations. Large review teams with many junior reviewers (and their many subjective opinions) are the norm.

In the face of these challenges, review team and e-discovery managers struggle to monitor the status of large and complex review projects. They want to monitor progress for deadlines, ensure accuracy, and communicate real-time status at a moment's notice to multiple interested parties. But wanting and getting are two different things.

In response, Applied Discovery is coming out of the gate with a mature module for actionable management and sustainable quality control across the entire review process. This level of management controls the costs and risks, and it improves the outcome of e-discovery's most complex and expensive stage. In this brief opinion we will sketch the complexity and risk of the review process, and how Applied Discovery uses real-world quality control and actionable metrics to help solve the problem.

Challenging Review Stage

The review stage is the most time consuming and costly of all the core electronic discovery stages. One reason is the sheer growth of data across the business landscape, which results in large collection sizes. Litigation teams and e-discovery project managers do their best to cope. They commonly build tiered review teams so they can hire cheaper junior or off-shore reviewers, and use senior reviewers to do second passes for error-catching and relevance. They attempt to shoehorn complex review projects into shrinking windows of time, and when they fail they try to stretch deadlines.

Do the fixes work? Not really. Here is a short list of bad consequences of poorly done review:

- **Sanctions and adverse judgments.** In the U.S. alone, federal and state courts assessed millions of dollars in 2009 for errors and omissions related to e-discovery review. Judge Shira Scheindlin's post-Zubulake opinion sets forth what judges expect from the e-discovery and review process – and it's not pretty.
- **Inadvertently sharing privileged information.** Protecting privilege is

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critical to any e-discovery case but a large review process may be at high risk of exposure. Because large review teams are heavy with junior reviewers, it can be all too easy to miss privilege. The senior reviewers are expected to catch mistakes but the entire chaotic procedure wastes time and raises risk.

- **Inconsistent results.** Because review and document tagging are largely subjective, errors are numerous and results are inconsistent. Even among experienced senior reviewers no one reviewer will make exactly the same decisions as the next. And if all the stars align and reviewers maintain accuracy and timeliness within a given review, there is no assurance that the next review will have the same happy conclusion.
- **Poor tracking and project management.** Both clients and review teams need to know the status of ongoing review projects but timely information is in short supply. Project managers spend large amounts of time manually gathering status information. They must then inform managing attorneys, corporate general counsel, and others who need high level insight into the review status.

The solution to these risks is to rein back the review process from its Wild West model and replace it with a disciplined and methodical review management system.

Review-Based Metrics

Such a methodical approach is based on proven Quality Control processes (QC). QC evolved from the manufacturing world and works in the review environment to create a repeatable and defensible set of checks and balances. By applying these metrics to every subsequent review, review managers can greatly increase accuracy while reducing the risk, time, and cost of each review process.

When review managers methodically apply metrics for the life of the review project, they can establish and maintain reasonable budgets and staffing levels. They can also apply optimized metrics to subsequent reviews. This judicial use of review metrics can greatly aid in managing and monitoring the entire review stage.

Review metrics allow users to estimate time and costs, including staffing needs, before the project begins. This allows law firms and their clients to make reasonable budgets for staffing levels. Once the review is underway, metrics enable project managers to update ongoing estimates using actual numbers. They can accurately adjust deadlines and staffing based on fully defensible figures. Once the review is complete, managers can use their metrics to defend the final production and to more accurately predict costs and time of subsequent reviews.

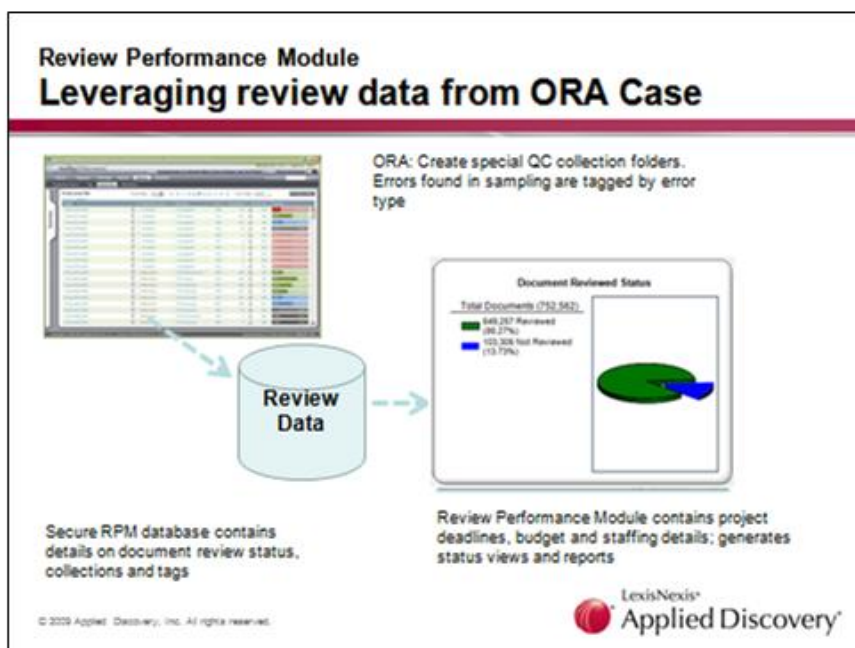
Applied Discovery

In response to this need, Applied Discovery has introduced the Review Performance Module to its clients for real-time, actionable insight into document review progress and performance.

for an increasingly strong return on investment.

Applied Discovery developed the measurement audit technology some time ago as a way to better serve its hosted clients. This module extends these key

measurements to the client who uses the metrics to feed real-time decisions. In combination with Applied Discovery project managers as needed, they can effectively enact decisions around staffing, deadline monitoring, and resource management.



The Review Performance Module is a web-based management console that lets users monitor review performance and costing data. This level of control results in a much higher quality review at a significantly lower cost.

The module enables review managers to shrink review-related cost, risk and time by significantly reducing errors and by automating tracking and reporting. Repeatable procedures let managers continuously improve subsequent reviews

measurement tracking database as part of its existing SaaS platform for online review, tagging, annotation and production. Applied Discovery stores review data in a dedicated, case-specific database. The Review Performance Module tracks accuracy for individual reviewers and monitors project time to completion based on actual review rates and staffing levels.

Users access the module's actionable metrics from the Applied Discovery Online Review Application (ORA). The

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Review Performance Module collects data around tagged documents and reviewer activity. It automatically refreshes its metrics every 15 minutes and continually funnels updates to the module's tracking interface. Users may run a variety of reports and customized views to best suit their needs.

This process yields real-time status for much improved oversight and effective course corrections throughout the entire project.

Reviewer Management

Since staffing represents the lion's share of review costs – and since review is the highest ticket item in the entire eDiscovery workflow – it is imperative that users monitor staffing levels and individual reviewers. The module enables managers to monitor reviewers' work for accuracy and quantity. This enables clients to retrain reviewers where necessary to improve individual review work. Managers work in close partnership with Applied Discovery Project Managers to interpret the reviewer metrics and provide training as needed. This grants clients a disciplined method of assessing and customizing training for overall improvement.

The Review Performance Module tracks accuracy for individual reviewers and monitors project time to completion based on actual review rates and staffing levels. An error detail screen provides the review manager with numbers of errors per reviewer. The module also reports on

the type and severity of errors, scoring by the seriousness of their potential impact. Armed with this information, managers can see that an employee might be making errors but they are minor and should be easily corrected. But if a reviewer is making a series of serious errors, then managers can intervene with training or dismissal before harm is done to the case's defensibility.

For example, a single reviewer may demonstrate errors that no one else is making on a consistent basis. This points to the need to retrain or reevaluate that particular reviewer depending on the severity of the error. But if multiple reviewers are consistently making similar errors, then certain aspects of the review protocol may be unclear. These real-time metrics enable managers to quickly retrain or to clarify review requirements.

Project Oversight

The module captures budget allocation and deadlines at the beginning of the project and tracks both of these key measurements through to project completion.

Budget oversight means an end to unpleasant surprises on the client's part when they receive review invoices. This means more than just keeping a running total of review costs. The module enables managers to monitor project time to completion based on actual review rates and staffing levels. This enables managers to optimize their review project by modeling staff, time, and cost scenarios.

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The module's metrics enable reviewers to track project deadlines and align resources to preserve them. It is not uncommon for review projects to push deadlines, which increases cost by paying more for additional staff and review hours. The module enables managers to monitor progress toward deadlines, enabling them to efficiently staff as needed. Review managers can also clearly communicate progress and project-related costs to clients throughout the review process.

Taneja Group Opinion

The module is an extension of the full Applied Discovery e-Discovery suite for audits, investigations and litigation using multinational collection, analytics, processing, review, and production services.

Applied Discovery has taken their powerful existing audit tool and extended its benefits directly to its review clients. The new Review Performance Module applies Quality Control principles and metrics to the document review stage. This enables clients to set up an effective review process, monitor it, and efficiently make any mid-stream course corrections in concert with the Applied Discovery team of professional project managers.

We find that the Review Performance Module efficiently cuts costs and lowers risk for the most expensive discovery stage of all. We urge review team and e-discovery managers to look to Applied Discovery and the Review Performance Module for real help on the document review process.

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