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Reading the Map before You Review – Best Practices for Document Review *Using technology early to organize and group documents prior to review expedites discovery and reduces cost.*

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Litigation can feel overwhelming, particularly when the discovery aspect involves large-scale document review. Faced with cost concerns and stressed about time constraints, diving right in often seems like the best approach—however it is not usually the smart approach. Organizing and grouping documents before beginning the review allows the project to be done much more efficiently and thoroughly. Over the course of the discovery, this can save frustration, time and money.

Consider a potentially responsive email thread that includes 10 emails over the span of a month. While all of these emails will not be identical, they will most likely be extremely similar. If you start the review immediately without first organizing the data, these 10 emails will come up at random times throughout the course of the review. Each separate email will need its own full review, and

those emails may be examined by different people who come to different conclusions about their relevance. By organizing and grouping the emails together, a single reviewer can search through them sequentially, allowing for much more consistency and speed.

There are several steps to optimally organize a review. Spending a little more time at the beginning of the process can result in significant savings at the end.

Consider the objective of the document review. The ultimate goal of any discovery is to satisfy the legal requirements by reviewing all potentially relevant documents as efficiently as possible. Unfortunately, this task has never been more challenging. As the amount of electronically stored information that organizations produce has grown exponentially and many courts

have limited the amount of time available to conduct discovery, there is more information to review, but less time to review it.

For companies and their outside counsel, the key is to complete the review as defensibly and cost effectively as possible. The value proposition of an organized review is undeniable. According to some industry reports, the standard for document review speed is approximately 60 documents per reviewer per hour. In an organized review, review rates can exceed 150 per hour—more than twice as fast as the typical approach. Not only does this significantly cut the amount of time involved in a review, it considerably reduces the cost.

The consistency of an organized approach provides another significant benefit. Since defensibility is paramount, attorneys must be able to enter a courtroom knowing that they can

defend their discovery processes and procedures to the judge and opposing counsel. If two separate reviewers comb emails that are part of the same string weeks apart from each other and come to different decisions about their responsiveness, the other side may be able to bring the thoroughness of the entire review under scrutiny.

Organizing the Review

There are numerous ways to organize a discovery, and each matter may call for a different approach. It is important to consider the logistics of each case when developing an organized review plan. Below are available, effective ways to organize a review. To gain the most efficiency, employing multiple organizational techniques is advisable.

- **Custodian and Source** – In some matters, organizing the review around potential custodians and sources may make the most sense. For example, when a case involves many email exchanges with a small group of employees, drilling down the document trail of those few people may be most efficient.
- **Chronologically** – In some cases, much of the potentially responsive data may be years old. In these types of situations, organizing information chronologically may offer the most time savings.
- **By Media** – In many organizations, different types

of data are stored on different media. For example, customer databases may be on servers while email may be stored locally on the custodian's computer. In some instances, it may make the most sense to organize the review based upon the original storage media.

By way of example, if a company has developed and consistently implemented backup procedures, this can also narrow down whether certain responsive data may exist in a particular location or on a specific type of media.

- **By Workgroup or Office Location** – If the litigation primarily revolves around a particular department or office site, honing in on potentially responsive data that is stored in those locations or came out of those offices can help speed the review process. For example, group all sales databases for review by a more senior reviewer who has specific experience in this area.
- **Existing Data Folder Structure** – Some companies enforce strict protocols for organization of data, and some custodians are more likely to organize their data hierarchically by folder. In cases where most of the potentially responsive data has been filed away in a consistent, logical way, organizing by folder may make the most sense.

- **By Related Content** – With the growing sophistication of searching capabilities, organizing data by related content is becoming more feasible and efficient. Such content parameters can include email threads and conversations, near-duplicate documents, actual duplicates, and documents that share the same search terms or keywords.

Any—and perhaps all—of these different approaches may be viable ways of organizing data for review. Whatever the optimal organizational methods, the reviewers and the technology must be able to support these approaches. When considering discovery tools, it is important to utilize ones that can work with any combination of organizational methods in order to allow maximum flexibility and boost efficiencies.

It is also important to understand the limitations of some technologies. Increasingly sophisticated tools can now analyze the actual issues involved in the litigation and prioritize documents accordingly. While such tools can help in eliminating clearly unresponsive documents, they do not necessarily support an organized structure for actual review. It is not enough to simply separate wheat from chaff; someone still must review every potentially relevant document. Additionally, focus must be placed on optimizing the documents for such a review.

Rules-based coding is another significant factor to consider

when selecting review tools. Rules-based coding allows for faster loading and fewer clicks, which ultimately increases efficiencies. With rules-based coding, there is no need for reviewers to check multiple boxes over and over again during a review. Instead, when a document has been designated as privileged, a reviewer can automatically indicate that the document is responsive; then the reviewer can move to the next document. Rules-based coding automatically enforces and optimizes review consistency.

Unify™ Online Review by Iris Data Services is one of the few tools available in the industry that allows reviewers to organize, sort, and batch-tag documents with the highest level of efficiencies. *Unify™* takes advantage of Iris' industry leading processing engine *Unity™*, which anatomizes metadata to its lowest level and takes advantage of a state-of-the-art virtual machine infrastructure. Working in tandem, *Unify™* and *Unity™* make quick work of even the largest document review projects.

No two matters are exactly the same, but by developing certain best practices, companies can streamline the process and thereby reduce cost and risk. Organizing data is one way of accomplishing this goal, as is having the proper tools to manage any type of document organizational structure. Such a strategy not only saves time and money, but also allows the company and its attorneys to focus more of their efforts on

developing a winning strategy in court.

About The Author: *Major Baisden is the founder and President of Iris Data Services. He is recognized as an industry expert in electronic discovery and litigation technologies. Mr. Baisden is a frequent speaker on litigation technology issues and has written or contributed to numerous articles on the subject. .*

Iris Data Services' clients can rely on one provider for all areas of litigation support. Iris has expertise in all phases of discovery, and has experience and proprietary technology for steps that other providers outsource such as computer forensics, filtering, culling and online review. All of Iris' technologies include flexible interfaces and are scalable enough to handle any size matter, reducing both cost and data risk since data need not be transferred between providers. As a truly international provider—with operations throughout the U.S., Asia and Australia—Iris can handle projects in any language or any international complexity. The result is a single company with a single integrated solution to handle any litigation support need, anytime and anywhere in the world. Iris Data Services: *One Company, One Solution.*