

International Law Firm Allen & Overy Pilots IQ Review™ to Get to Relevant Documents Faster

The ever-amassing sea of electronic documents to be reviewed in today's litigious and investigative matters has increasingly challenged review teams as they struggle to effectively manage time, resources, and cost pressures on behalf of their clients. Additionally, increasing volumes often mean longer hours and larger review teams, which present increasing challenges for consistency within a review.

In both the United Kingdom and the United States, the judiciary has acknowledged that these issues are now approaching the point where more traditional approaches to review are becoming untenable due to the associated cost burden on parties.¹

In the UK, Lord Justice Jackson's *Review of Civil Litigation Costs: Preliminary Report* in May 2009 identified the need for improved efficiencies to help lawyers better balance duty and cost burdens. In the same month, the Sedona Conference Working Group emphasised the need for effective project management and sufficient quality measurement in e-discovery. It specifically discussed the measure of quality through methods such as statistical sampling, citing examples where the validity of such methods have been acknowledged in the Federal Rules of Civil Procedure and judgments.²

Epiq Systems' IQ Review™, a revolutionary combination of new technology and smart procedures, addresses the challenge of rapidly locating the documents that are actually responsive to a matter—typically less than 20 percent—within increasing volumes of data, in mandated short time frames.

Allen & Overy LLP is an international legal practice with approximately 5,000 staff and 470 partners working in 31 major centres worldwide. The organisation has undertaken a pilot of IQ Review™ to get to relevant documents faster.

THE PILOT

The aim of the pilot was to test the performance of IQ Review™ against the traditional human review in terms of speed, consistency, quality, and methodology. The focus was specifically on IQ Review's™ document prioritisation process.

1 UK, see *Review of Civil: Litigation Costs Preliminary Report* by Lord Justice Jackson; May 2009

US, there are a multitude of judgments. For some useful notes, see numerous case references within *Commentary on Achieving Quality in the E-Discovery Process*; The Sedona Conference Working Group Series; May 2009

2 *Commentary on Achieving Quality in the E-Discovery Process*; The Sedona Conference Working Group Series; May 2009

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The Original Review

The original data collection was reduced using pre-filtering techniques: removing system files, hash algorithm de-duplication, and selective keyword searches. A subset of documents originally considered for discovery was identified and used for the purposes of the pilot. The resulting data set contained 27,011 native electronic documents, with a high proportion of relevant documents due to the initial pre-filtering processes.

A traditional linear review was undertaken and documents were reviewed one by one in the order they were collected. To meet the cost and time pressures of the case, a large team comprised of trainees and lawyers at varying levels completed the review over the course of several weeks.

The Prioritised Review

The same 27,011 documents were then submitted to Epiq Systems for the IQ Review™ pilot. Epiq conducted an initial content based analysis for documents that were identical, above and beyond standard hash value de-duplication. A total of 9,082 documents were identified as exact content duplicates of other documents within the population. These documents were subsequently removed to ensure identical documents were not reviewed twice, reducing the final population for the pilot to 17,929.

One senior case expert was appointed to perform the prioritisation process. Having no prior exposure to the software, the expert received a 15 minute training session and was then ready to get to work.

Training The Software

The expert was presented with a random sample of 40 documents and asked to code each document as responsive or not responsive to the issue at hand: in this instance, a first cut review for relevance. As each document was coded, the expert was 'training' the software to rate documents as being more (or less) likely to be responsive via background document text analysis and statistical sampling algorithms.

At the end of the batch, another 40 documents were presented to the expert and the process was repeated. Each time a batch was completed, the expert helped refine the software's classification of documents. The process continued until the software indicated an acceptable level of stability had been reached. So how did it go?

THE RESULTS

Speed

The software indicated sufficient stability was reached after only 11 batches, or 440 documents. This represented a mere 2% of the entire document population and took the expert only 3½ hours to complete.

Using the information from the batches coded by the expert, the software evaluated the full document population and assigned a rating to each document. A higher rating indicated documents most likely to be responsive and a lower rating indicated those more likely to be not responsive. The software ranked all 17,929 documents in under an hour.

Consistency

To test the performance of the prioritisation process, attention was given to the documents that the original review team had coded as relevant. Of the 9,883 documents identified by the reviewers, the software correctly identified 9,193 as likely to be responsive: a match rate of 93%.

In a live case, the documents would be presented to the team for review using IQ Review™ workflow, with those most likely to be responsive first, and those most likely to be not responsive last.

Improved Quality Control

This analysis also sheds light on methods by which prioritisation can act as a valuable quality control mechanism. As the prioritisation rating is available for the duration of the review, sampling documents where the human review call is contrary to a very high or low prioritisation rating by the software can be a useful way to perform spot checks on the quality of the review as it progresses.

This can help not only by identifying reviewers that may require clarification on aspects of the review protocol, but can also add to the defensibility of the review methodology as the team engages technology to balance volumes, time and costs in performing a large review of electronic material.

Get to the Heart of the Matter Faster

An expert's involvement early in the review to prioritise a small portion of documents is the fastest way to shape the landscape meaningfully for the review. IQ Review™ workflow enables documents to be presented to the review team in order of their prioritisation rating. Reviewers can access those documents more likely to be responsive to the case earlier, enabling critical decisions on case strategy to be made sooner.

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Improve Consistency and Increase Quality Control

The application of algorithms to parameters defined by a case expert also ensures there is consistency throughout the very first cut at organising the documents being reviewed. Reviewers can be assigned documents based on the responsiveness of the document, ensuring senior expertise is focused on the highly responsive material earlier.

Work product can be easily and specifically sampled to identify areas of uncertainty among the review team, ensuring the review remains on a straight track, or to simply validate the direction the review is taking.

IQ Review™ enables a consistent approach to be applied throughout the data set via statistical algorithms; differing opinions, varying levels of experience, and haste and fatigue that can pervade a review team under pressure have no impact on technology.

Reduce Wasted Time and Expense Spent Reviewing Inconsequential Material

By bringing documents most likely to be responsive to the front of the review, valuable time that would otherwise be spent wading through material which will have no bearing on the case can be better directed to the documents that count.

IQ Review™ enables documents most likely to be responsive to be delivered to senior case experts sooner while more junior reviewers can search through the remaining population. Time and client money can be spent more effectively from the outset of a case, and the amount spent on irrelevant material is greatly reduced.

Conclusion

According to Vince Neicho, Litigation Support Manager at Allen & Overy, “Cases have become more complex as potential evidence can be hidden through an elaborate maze of e-mail attachments, large document files, and text messages. Epiq’s IQ Review™ helps lawyers better understand the data and achieve the best possible outcomes for their clients more quickly. Our early experience in integrating the new “prioritise” phase into our legal review processes creates an infrastructure that allows our legal review team to zero in on information relevant to our matters faster.”

To find out more about IQ Review™, visit www.iqreview.epiqsystems.com.hk or call Epiq Systems on a number below.



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