

Advanced Managed Review: Finding the Truth

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Investigatory review requires substantially more aggressive tactics than most other litigation review matters. Not all data has the same evidentiary significance. In fact, most data is noise that impedes case story building. A major focus for an experienced document review team is stripping that noise away and deploying resources to target only those pockets of data most likely to prove a theory.

A *truth-finding* review is best done by a small and nimble team. While working in conjunction with the legal team, the production team creates a case-specific workflow that will draw out the case narrative and drive next steps in the review. By combining legal review, technical and project management teams with technical know-how, they can hone in on the most important data with laser-like precision. This team collaboration connects the dots that a traditional review team often does not.

Serious allegations were recently levied against an international financial institution's executive team spanning more than a decade, and their law firm had eight million documents to review on a tight deadline. The traditional review approach will not allow for fast analysis and storytelling. Our customized workflow leveraged a small team to scrutinize large data sets using best-of-breed technology to identify the documents that mattered most.

"TLS's review provided invaluable assistance in completing this investigation and uncovering critical documents that informed our final conclusions. They were a tremendous value add to the team." — Steve Henrick, Gibson, Dunn & Crutcher LLP

Initial Searching

A good first step is to leverage the full suite of Relativity Analytics tools to create highly specific searches across a large number of documents. Brainspace is then used to find similar documents to ensure fact finding is comprehensive. Finally, a tiered searching approach can be applied using fewer specific terms to potentially find documents that are intentionally vague.

Deeper Investigation

For each search, multiple sets of terms are run with increasing specificity. This allows the team to review documents in a tiered approach where the most relevant documents are reviewed first. Entity extraction and alias detection quickly uncovers key custodians. This insight is invaluable for generating initial investigatory leads. For some case issues, correspondence can be isolated to only internal communication. For other issues, correspondence is focused on email inbound/outbound traffic, attachments are often excluded, and, in other instances, attachments are set aside and children are doc-level deduped. The real trick is balancing positive and negative search techniques that simultaneously suppress noise while positively selecting and following data that is likely of interest.

Each Case Is Unique

Near duplicate analysis and email threading is leveraged to ensure the least number of documents need to be reviewed. Name normalization allows for quick searching of conversations between individuals and identifies multiple obscure email addresses that the client may be unaware of. Threading should be tactically layered in an aggressive but defensible way. There might be no standard views—all searches can be built with customized views and tailored to search. Displaying the doc list above the search result aids fast navigation of the results and quick determinations if the result is a dead end or needs refinement.

Truth Telling

These custom steps allow tactical review teams to regularly present outside counsel with key findings, helping them make legal decisions and providing direction on areas to explore. Discoveries must be discussed each day so that new searches can be built with those findings ultimately ensuring counsel is well-prepared in advance of a deposition.

The workflow outlined above is tried-and-tested and has helped our clients determine who the bad actors are within an organization and take the appropriate steps. Although not every review needs theme development, the approach lends itself well to investigations and certain types of litigation. This method not only helps source the truth and story behind it but also provides evidentiary support of claims as either true or false.



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