EXPERT ADVISORY SERIES

Advanced Discovery Case Study

muckle LLP

Using Technology Assisted Review (TAR) to Narrow Review Scope, Defensibly

2018

USING TECHNOLOGY ASSISTED REVIEW (TAR) TO NARROW REVIEW SCOPE, DEFENSIBLY

THE ISSUE

Muckle LLP, a commercial law firm based in Newcastle upon Tyne, in the North East of England, engaged Advanced Discovery as their eDiscovery partner in a breach of warranty dispute for an aerospace client.

The Muckle team was led by partner and head of dispute resolution, Susan Howe. "While this was our firm's first experience working together," she explains, "Advanced Discovery came highly recommended by one of our solicitors, Alex Blenkinsop, who worked with them prior to joining our team. Having confidence in their ability to deliver quality results on time and in budget was a deciding factor in selecting them for this highly complex matter."

One million documents and a looming deadline for production meant that the team needed expert advice on how to move quickly, without compromising quality or taxing their client's resources. "The dispute's document set added additional complication for the upcoming review," Susan says. "The high density of complex contractual documents and financial models and spreadsheets was daunting – especially given our tight deadline."

OUR APPROACH

"Throwing bodies at the document set wasn't going to resolve their challenge," explains Dan Rupprecht, senior eDiscovery consultant at Advanced Discovery. "After our first meeting with Susan, Alex and the rest of the Muckle team, we knew that standard review models, including traditional keyword searches, would not meet their deadlines – or be appropriate for their data set. In consultation with one of our Relativity Masters, we advised Muckle that TAR, or Technology Assisted Review, would be the most efficient way to find the most relevant documents."

TAR is a process that takes the review input generated by a subject matter expert (SME) and uses this to formulate coding decisions across a universe of documents. Often referred to as "predictive coding," this process informs an automated workflow to categorise documents within the data set as either "relevant" or "not relevant" without human intervention. Additional quality control processes are integrated into the review to ensure that false negative and positives are avoided.

> *"The Advanced Discovery team proved themselves in a high stakes matter for us and our client and provided the reassurance of expert help and guidance."*
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> **Susan Howe, partner and head of dispute resolution, Muckle LLP**

"Our firm had never used Technology Assisted Review prior to our partnership with Advanced Discovery," says Alex Blenkinsop, solicitor on the Muckle team. "It sounded like the ideal way to narrow down the scope of review in a defensible manner. Since the Advanced Discovery team had proven results from multiple prior matters to share with us, we were confident in their ability to guide us and our client through the process."

Before identifying TAR compatible documents for the workflow training process, Advanced Discovery's Relativity experts began culling the data using near duplicate analysis, domain parsing and concept clustering to remove known non-responsive file types, such as advertising and spam, typically cluttering email inboxes. These documents were subjected to additional analyses and quality control steps to confirm their lack of relevancy. 340,000 documents were excluded from the document set.

660,000 DOCUMENTS REDUCED TO

~35,000 DOCUMENTS FOR MANUAL REVIEW

95% **REDUCTION** OF COMPLEX DATA SET USING TECHNOLOGY ASSISTED REVIEW
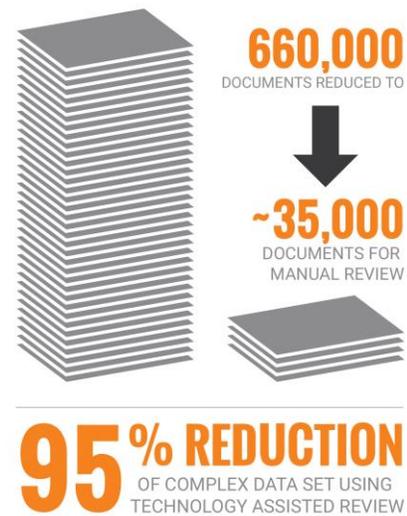
From the data identified for inclusion in the TAR workflow, a representative sample of documents were batched out for the initial training of the software. Muckle assigned two associates as SMEs who were knowledgeable in every nuance of the case and able to prioritise time to train the system. Having just two individuals assigned also helped create a productive training environment, as too many experts making conflicting coding decisions could produce inconsistencies in tagging and confuse the system.

Through several rounds of training, TAR began to "learn" from the coding decisions made by the Muckle experts. The "training rounds" were then validated through quality check or QC rounds. Working very closely with Advanced Discovery's TAR experts, inconsistencies were identified and rectified in an iterative process designed to help achieve stability within the system.

"Once the TAR workflow was trained and running, it made the discovery experience efficient and straightforward, significantly reducing our manual review investment," says Alex Blenkinsop.

THE RESULTS

- Upon completion of the TAR project, approximately 35,000 documents from the relevant data set of 660,000 – were identified as likely to be responsive.
- That meant 95% of the documents were defensibly excluded from the manual review process.
- The Muckle team was prepared for disclosure two weeks ahead of their deadline.

"We would certainly recommend the use of TAR for similar-type matters. More importantly, we would recommend Advanced Discovery as expert guides and partners."

Susan Howe, partner and head of dispute resolution, Muckle LLP

ABOUT MUCKLE LLP

Muckle is the North East's leading independent law firm for businesses. It is one of the first law firms in the region to use TAR to speed up the disclosure process on multi-million pound disputes.

As well as dispute resolution, the law firm has specialist expertise in banking, commercial, corporate, property, construction, employment, charities, energy, sports and education law.

Information services provider Experian CorpFin has found Muckle to be the most active North East dealmaker every year since 2014, having advised on more mergers and acquisitions above £500,000 than any other law firm in the region.

Muckle also has an extensive corporate responsibility programme and donates 1% of its annual profits to charitable causes each year. Among many awards for philanthropy, Muckle recently won 'Best Contribution by a Firm with an English Regional Head Office' at the national Law Works: Pro Bono awards in 2017, after providing over £77,000 of free legal advice to over 50 charities.

ABOUT ADVANCED DISCOVERY

Advanced Discovery is an award-winning and leading global eDiscovery and risk management company, partnering with law firms and corporations since 2002. Advanced Discovery and its global family of companies, Altep, Millnet Document Services and Legal Placements Inc., offer a complete suite of solutions to clients around the globe, including eDiscovery, information governance, Riskcovery® and compliance risk assessment, cybersecurity, legal operations consulting, data forensics and investigations, paper discovery and digital printing, as well as legal recruiting and placement. The company employs leading professionals in the industry, applies defensible workflows and provides patented and industry-proven technology across all phases of the eDiscovery and risk management life cycle. This devotion to excellence has earned Advanced Discovery inclusion in the Inc. 5000 Hall of Fame for being named to the fastest-growing companies list for six successive years and recognition as the highest-level Best in Service Relativity solutions partner for five consecutive years.

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