How to Review 359,000 Documents in Less Than 30 Days

Case Study

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Meeting deadlines makes the difference between success and total failure—especially when the federal government is setting the deadlines. For Arlington, Virginia-based Ignited Discovery, Equivio is one of the tools that helps them give legal teams the extra edge they need to comfortably make those deadlines, even in dauntingly huge review projects.

THE CHALLENGE

Recently, Ignited Discovery used Equivio to assist a legal team working with a corporate client on a "second request" response to the Federal Trade Commission (FTC) for documents pertaining to an ongoing antitrust investigation. Unlike litigation matters where the parties jointly set the discovery schedule, the client faced a strict thirty-day deadline for collecting, reviewing and producing electronic documents that were scattered over multiple hard drives and computer servers within the company. Given the many ways in which potentially relevant electronically stored information ("ESI") could be stored on their systems, the client could only guess at the size of the review—though they could easily see that the project involved significant volumes.

Recognizing the need for additional expertise, the legal team engaged Ignited Discovery to advise them on the fastest and most efficient way to structure their document review. After considering the team's available resources and examining how the governmental document request mapped onto the client's documents, Ignited used a number of tools and strategies to turn terabytes of harvested digital information into a much more manageable document review population.

THE SOLUTION

The client sent Ignited rolling shipments of forensic hard drive images and harvested loose files. Once received, Ignited first used standard file identification criteria to filter the ESI for non-responsive system, executable, and common binary files. Ignited then used global de-duplication processes to further reduce the size of the remaining document population. To narrow the document collection even further, Ignited applied a combination of date filtering and full-text queries to identify documents that were generated within the critical time period and that appeared to have prima facie relevance to the FTC document request. De-duplication, date limitations, and full-text searching reduced the data set by 45%, but the remaining documents still had the potential to overwhelm the review team and were liable to prevent them from completing their review in time. Enter Equivio.

After its initial efforts to trim the review population, Ignited Discovery calculated that approximately 80% of the remaining ESI consisted of e-mail messages and associated attachments—which included considerable redundant data. Email conversations contain significant redundant content because most people quote the prior message in their

reply. Though not exact duplicates, messages with large amounts of quoted material are extremely common, and repeated review of this overlapping material consumes large amounts of review time without adding value. E-mail messages can also contain significant redundant data when the same attachment is routed to multiple individuals, with or without unique forwarding messages. Ignited decided to use Equivio>EmailThreads to tackle the challenge.

The Equivio>EmailThreads tool uses textual content analysis to capture email threads. By focusing on the text in a message, Equivio technology groups messages with overlapping content, regardless of changes in recipient and subject line information and ranks them in terms of overlapping content. Equivio>EmailThreads tags the most complete e-mail message—i.e., the one that contains all prior message content—as the "Inclusive" email for each thread. Reading an Inclusive e-mail provides the full e-mail conversation in a single document, without the need to pull together content from multiple sources.

After identifying the email threads and Inclusives with Equivio, Ignited created load files for the client to host internally on its in-house Concordance™ database system. Because Equivio e-mail threads and near-duplicate relationship information is platform-neutral, accommodating this functionality required nothing more than adding a number of database fields to the client's existing design. In addition, members of the review team also received a small amount of supplemental training so they could understand and leverage the Equivio groupings.

THE RESULTS

The final data reduction was impressive. After removing system, executable, and other standard binary files from the review materials, the client had faced review of approximately 359,000 documents in under thirty days. Global de-duplication, date range filtering, and search term queries cut this population almost in half, to approximately 187,000 documents. Within the remaining documents, Equivio>EmailThreads found significant numbers of linked e-mail conversations. Limiting the review population to the most inclusive e-mail message of each thread reduced the number of documents for first-level review by an additional 60,000 documents—about one third of the remaining document population. This left approximately 128,000 documents for front-line review. Overall, Ignited Discovery's application of intelligent analysis and cutting-edge technology helped the legal team defensibly set aside almost two thirds of the documents that they otherwise would have had to review in a traditional linear review.

Ignited's use of Equivio>EmailThreads also brought additional value to the review process. One of the dangers of any large-scale document review is the carelessness that can easily creep in when reviewers see copy after copy of the same documents. Using Equivio to present only unique documents to the review team significantly reduced the

redundant data reviewers needed to categorize. Equivio groupings also allowed reviewers to focus on differences between the documents instead of analyzing each document from scratch. According to Ignited Discovery's Russ Kaulback, "The client noticed increased and sustained attorney attentiveness throughout the review process, even towards the end of the project when team members often tend to glance over semi-familiar documents instead of carefully reviewing them." For both Ignited and its client, this further reinforced the value that Equivio brought to the project.

The legal review team and its client also came to see significant value in applying Equivio's grouping technology to the team's search for privileged documents. Given the size of the document review, it was highly likely that one or more documents would slip through even the best privilege review procedures, potentially waiving attorney-client privilege for both those documents and for the sensitive subject matter discussed in them. The Equivio>EmailThreads tool gave the team great confidence that all messages (and attachments) related to a privileged communication had been identified and carefully screened for potential privileged content.

Prior to this project, the attorneys working with Ignited Discovery on this project had not seen the results of Equivio's near-duplicate and e-mail thread analysis. Based on their experiences in this project, however, Kaulback has no doubt that the team will deploy this technology in future projects. As for Ignited Discovery itself, the company believes that many more of its clients would benefit from including Equivio as a component of a larger project. "Sometimes, it takes dramatic results like those found in this project before legal teams and litigation support professionals see the value that Equivio can add," says Kaulback. "However, once they see the results of redundant-free review—that is, greater speed and efficiency, along with increased confidence in their privileged document review—they see real value in recommending Equivio to their clients."

About Equivio

Equivio develops text analysis software for e-discovery. Users include the DoJ, the FTC, KPMG, Deloitte, plus hundreds of law firms and corporations. Equivio offers Zoom, an integrated web platform for analytics and predictive coding. Zoom organizes collections of documents in meaningful ways. So you can zoom right in and find out what's interesting, notable and unique. Request a demo at info@equivio.com or visit us at www.equivio.com.

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