

## **Managed Document Review: What it is and how it Benefits You**

This was originally posted on [D4's Discover More blog](#).

So you are faced with an eDiscovery matter, and you need to have the content reviewed stat. Whether it is for a government request, an internal investigation or a litigation, cost is a primary consideration in an eDiscovery project.

Although the costs of managed review seem higher at the outset, these reviews save thousands of dollars for the end client and the firm when compared to a linear [document review workflow](#). If you're about to dive into a review and are on the fence deciding between a traditional document review and a managed review, read this brief guide below that discusses managed document review in more detail.

Below will list what eDiscovery project managers do, how top project managers perform quality checks and more importantly how the right project manager can save you money.

### **Benefits of Managed Document Review**

The inevitable growth in electronically stored information (ESI) has complicated the discovery process. It is essential to have an organized workflow in place to ensure there is a monitoring of the budget and the case logistics. Service providers that approach discovery without a management component can most certainly place your case at risk for sanctions.

Conducting an [eDiscovery review](#) with a service provider that provides a staffing component, makes the review an arduous process for the client. Many service providers have approached this management factor by providing technical experts since the role involves a myriad of electronic logistics. Clients and firms have found that this technical leadership is many times an impediment since there are issues with communications and meeting substantive objectives.

A managed document review spearheaded by a service provider with an attorney at the realm, allows the client to effectively communicate and collaborate with the project manager to create a review structure and workflow that meets the needs of their cases.

**[Choosing how to handle your document review workflow can be a complicated decision. In the meantime, take a minute and review this short guide that explains how to narrow your focus before even starting a review to produce the best possible results.](#)**

The project manager identifies the contract attorneys best suited to serve as quality control reviewers or other relevant roles beyond first review. The project manager also works closely with the client to ensure they are involved in the discovery process, thereby mitigating claims that the firm attorneys were not ultimately responsible for the work product.

Identifying qualified project managers is an essential part of any review's success. The project managers should have proven supervisory experience managing large document reviews and productions. They should be adept in assessing and anticipating the needs of a review and serve as liaisons to client

representatives, document vendors and the document review team. The project manager is the gateway to the review for the client.

### **Responsibilities of an eDiscovery Project Manager**

Project manager responsibilities typically start before the review in assisting with creation of review manuals, developing training structures and serving as points of contact for [eDiscovery service providers](#).

An eDiscovery matter that includes anywhere from 4-150+ contract attorneys, should include a project manager whose sole focus is to:

- Manage day-to-day operations of the review
- Participate in initial [eDiscovery software training](#) and retraining of staff through a cases life cycle
- Manage workflow and schedules according to internal and external deadlines
- Monitor performance metrics such as the number of documents reviewed by individual attorneys and by the entire team each day, week, etc. and identifying those in need of coaching, re-training or termination
- Develop review resources such as acronym lists and disseminate protocol changes and counsel guidance to the team of attorneys
- Identify issues related to morale, facilities, and administrative logistics and then collaborate with staffing resources to ensure resolution
- Making recommendations to improve the quality or efficiency of the review
- Ensure a highly accurate and consistent work product

### **Consistency and Accurate Work Product**

Unfortunately, it is a common misconception that once an associate or partner provides a discovery review training, all of the contract attorneys will correctly and consistently code according to the protocol. One way to ensure your case stays out of the red is to ensure the product being reviewed, produced or identified internally is correct with the protocol application provided to the contract attorneys. This is done by performing Quality Control (QC).

Project managers perform quality control to monitor the accuracy of a work product. Experienced contract attorneys may also serve as quality control reviewers for consistency and superior work quality. The responsibilities of quality control reviewers include, but are not limited to:

- Conducting a systematic sampling of records to evaluate accuracy and efficiency and to detect positive or negative trends in the quality of the review

- Running queries designed to detect coding inconsistencies

Early implementation of quality control process in a document review is important to prevent miss-clicks or inadvertent coding from becoming a critical and potentially costly issue. Well-versed project managers would request the client's legal team to regularly conduct a review of random documents in the database in order to provide feedback to the review team. This ensures that the review team has understood the training and the documents are being coded in the manner most helpful in developing the case.

### **The Importance of Quality Control in eDiscovery**

What does "Quality Control," yet what does that actually mean in terms of your eDiscovery project?

Typically a project manager will run searches on the first set of documents coded by each contract attorney performing first level review on the team. It is best practice to allow only a very short period of first level review to be completed before beginning QC. This short period allows for review and database issues to be worked out and ensures that miss-clicks or inadvertent coding will not become critical and potentially costly issues. This practice addresses the reality that it is far less time consuming and costly to take corrective action early in the process when the reviewed data set is smaller.

The process for selecting documents for QC depends on a number of factors including the nature and complexity of the case, the number of custodians, the relevancy rate, etc. Examples of QC protocols include:

- All documents
- 10%, 25%, 50%, or 75% of documents
- Based on searches run on key terms
- All responsive documents or documents to be produced
- All documents coded as privileged
- A sampling of each reviewer's work, escalating the percentage if problems are identified
- Any combination of the above

### **Examples of Quality Control During Managed Document Review**

Most QC protocols conduct additional searches on the document pool to ensure accurate review results. Below are some examples of searches that could be run by the project manager to ensure accuracy.

- Search for those terms that trigger privilege or are often associated with privileged documents, but are not coded privileged. Those terms can include "privilege," "confidential," "attorney," "work product," and privileged topics or names. Confirm that those documents are not privileged.

- Search for coding that should trigger the need for other coding (for example, family groupings or privilege/key/hot documents that require a comment in the comment field). If coding is absent or inconsistent, correct the coding.
- Search for contradictory coding. An example would be “key document” and “non-responsive.” Correct the contradictory coding.

These quality review searches are only a few examples of what can be done to ensure accurate review results.

## **How Managed Document Review Benefits You**

### **Keep Your Focus on the Case**

Project managers allow the paralegals, associates and partners billing at higher rates to keep their day jobs. The billable hours of the firm are not spent in the minute-by-minute management of the review team. The role is inevitable and the hours managing the team will be spent. To set up the review team, run feasibilities, create the workflow, and managing a contract team can be very time consuming.

If you are trying to [prepare for depositions](#), file motions, and draft briefs, you will find it challenging. Having a review managed will alleviate the extra work that comes with a review. Also, project managers have specific and detailed experience in the eDiscovery realm. Review issues that are considered unforeseen and cost wasters are items flagged and mitigated by project managers. You'll essentially be buying time and experience to take the review up to an elevated level.

### **Defensibility as a Top Priority**

Ever find yourself in the situation where the [eDiscovery](#) portion of your case needs to be justified to the courts or governing body? If not, then great! Here's to hoping that is never the case. If it were the case however, project managers are versed in reporting and monitoring every aspect of the eDiscovery review that otherwise may slip through the cracks.

The paperwork alone can be mountainous and you want to ensure all documents, protocol changes, emails are kept in order to use them as a reference if necessary.

### **Maximize Efficiencies**

Whether it's your first discovery matter or your 100th case, just one error may mean the difference between being under budget or being grossly over budget. Small items can have an inordinately large impact on case costs. Using an experienced project manager takes some of the risks away. Working with an expert in [eDiscovery project management](#) during the initial stages can help you identify potential issues and navigate them successfully before you are in the red. Project managers are very effective at managing the unexpected and assisting clients with initial estimates to ensure the client remains on target.

Time and time again I witness clients go it alone and then circle back for a project manager or even worse, try to manage it internally without being fully versed in the logistics of eDiscovery. In both instances the worst factor is usually the large invoices waiting at the end.

With so many moving pieces in even a seemingly small review, why start out without a plan? Better yet, choose a project manager that has proven success, high work product track record and notable clients. Start out with someone who already has a plan in place on how to help you facilitate your firm or client needs.

**Discover more about the Special Counsel + D4 story [here](#).**

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