



Lawyers Guide to Selecting a Document Review Tool: The Bright Shiny New Object

Over the past several years, a multitude of document review tools have materialized in the marketplace. Linear review tools, those that allow attorneys to review each document one at a time, have been around for many years. Concept-based review tools have emerged onto the scene recently with much fanfare and excitement, yet there is tremendous confusion as to how this technology can be used effectively and whether it is beneficial to the case team. There are literally hundreds of new technologies out there promising to help with e-Discovery. They tout such benefits as lowering costs, cutting review times, and reducing data quantities. Sifting through all the hype to truly begin to understand what tools one should be using is a tall task.

So, how does a lawyer begin to figure out which tool is right for their particular need? It starts with a more strategic approach to dealing with discovery. There are a few choices to be made when it comes to document review- one can either purchase an in-house document review tool or outsource the hosting of review with a third-party vendor. There are of course pros and cons to both. Purchasing an in-house tool can make sense in situations where the cases and the review team are relatively small. If the in-house litigation support staff is sophisticated enough to support the tool, they can generally do an admirable job of creating a review environment for these smaller cases when time and cost are a primary consideration.

When the cases are large, that is when the data quantities and the case teams are large, it often makes more sense to outsource the review to a third-party vendor for hosting the case on their platform. So, how does one go about choosing that platform? A good vendor will take the time to understand the needs of the case and try to match the specific requirements of the case with the supporting technologies blended with solid and experienced project management. A superior vendor will also have a multitude of solutions to choose from; after all one peg does not fit into every hole. A vendor who only has one solution to offer will always have the same solution to every problem and it will always be their solution. When a vendor can evaluate the situation and be technology agnostic, a true solution can then be devised to tackle the client's specific problem.

While choosing a platform for hosted review, one of the most important things to consider is how well the project management team supporting the tool actually knows how the tool can be customized. When choosing any type of service work, they always say it is the people, not the technology. This couldn't be truer than in the case of hosted review. It is a very complex process, filled with pitfalls and landmines. Having a trustworthy and knowledgeable project management team working on the platform is a recipe for success in any document review process.

Thinking about specific technologies, concept clustering is a new technology feature beginning to gain some traction in a few of the review platforms. It is a feature that automatically groups documents together that are conceptually-relevant. The primary benefit to clustering and how it can be used in practice is to allow lawyers to build from select words and phrases for data sampling practices. A small review team could use the clusters as a “sample set” of data and only review that set as a statistical sample. Concept search engines have another feature that allows lawyers to do advanced analytics at the point of review such as “exemplar searches”. This is something akin to “find me all other documents like this one”. With technologies such as these, the case team can begin to take advantage of otherwise untapped resources.

There are some things that every platform and the vendors who support them would like to tout as strengths, but few can pull off in actuality. They are speed and scalability, flexibility, strong security, and probably the most important is stability. There is nothing more frustrating than having attorneys sitting at their review station waiting either for the system to recover from a crash or for the page to load because the system is unstable. A platform that just works is something that many clients take for granted. You can have all of the bells and whistles in the world, but if the system doesn’t work, none of it really matters.

Choosing a review platform and a vendor to host your next document review is not an easy task. If the vendor doesn’t take the time to try and understand your case, or they seem like they are just a solution looking for a problem, keep looking for a vendor who can understand your problem and will be there when the going gets tough. There are tools out there that will help solve these problems, but it is the people who really make the tools shine.

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