

# The anatomy of an efficient document review

A new model for on-budget, on-time superior results



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# How to control document review costs and improve results

Controlling outside counsel costs remains top priority for law department leaders struggling to manage growing workloads while operating under resource constraints, while maintaining the competitive advantage is a law firm's top goal. At the same time, growing document volumes and remote work have moved cybersecurity and data privacy risks to center stage.

Document review—comprising 80% of total litigation costs<sup>1</sup>—is at a tipping point. The way corporate law departments and their external vendors, including law firms, approach the costliest and most unpredictable component of legal matters is changing before our eyes.

Law department leaders are adapting the way they source legal-related services. By shifting eDiscovery review from large teams of law firm associates, contract attorneys, and other review staff to smaller, more nimble managed review providers, legal departments have the opportunity to improve results and deliver substantial cost-savings—now and in the long term.

<sup>1</sup> American Bar Association, *Discovering a better way: The need for effective civil litigation reform*

**A highly efficient managed review has numerous characteristics.**

**A highly efficient team:**

- Exploits technology to achieve better control.
- Aligns teams to substantially improve quality and reduce the number of bodies.
- Enhances QC to reduce costs.
- Automates workflows to meet any review objective.
- Aligns financial interests with new pricing models.
- Works securely while remote.

**First, let's look at why today's document review model doesn't work.**

# The large review team bleed

The harsh reality of modern eDiscovery is that document collections—along with risks—continue to grow. That places a mounting pressure on legal and investigation teams to use automation and machine learning tools for reducing document volumes. Yet many legal teams staff up with reviewers, believing the more bodies, the faster the review, even when just using basic keyword search.

Here's a look at the cost savings of advanced technology, such as technology-assisted review based on continuous active learning:

## TAR managed review cost savings compared to law firm and other review resources

	Document collection size	Number of documents reviewed	Review rate	Hours for review	Billable rate	Cost
Outside Counsel - Keyword Search*	650,000	325,000	50 docs/hr	6,500	\$400/hr	\$2,600,000
Managed Review Vendor - Keyword Search*	650,000	325,000	50 docs/hr	6,500	\$55/hr	\$357,500
OpenText Managed Review - TAR**	650,000	130,000	50 docs/hr	2,600	\$55/hr	<b>\$143,000</b>

\* Using keyword search; assumes culling 50% of the documents.

\*\* Using OpenText TAR 2.0 technology, with 10% richness, the managed review team typically reviews 20 percent.

\*\* Assumes OpenText billable rate is the same as another managed review vendor.

## Even with technology-assisted review (TAR), large review teams generate inconsistencies and risk.

To meet tight deadlines and limit costly eyes-on review, more and more legal teams are using TAR to reduce document volumes. But TAR alone often isn't sufficient. Many organizations still staff up with bodies—the assumption being that the more eyes on documents, the faster the review and the fewer dollars spent.

**In reality, more bodies impair alignment, increase reviewer inconsistencies, and drive up QC costs. Here's a real-life look at a TAR review with 300 reviewers (junior associates and contractors) each day. On average:**

- The reviewers found 50 percent of the documents to be responsive.
- But 50 percent coded a document as relevant while 50 percent of reviewers coded a similar document as non-relevant.

This translates into a huge risk of missing information that is critical to the case, and potentially exposing sensitive documents and waiving privilege.

The larger the team (and even large managed review teams), the more magnified the risks due to lack of expertise in the particular TAR tool and review platform, reviewer fatigue, individual human judgement, and inconsistent training.

**How do review teams exploit TAR for better control?**



# Exploiting technology for better control

A foundational element for a successful managed review team is close integration with the technology. Expertise in the tool allows the team to optimize workflow, including quality control (QC), for an efficient and highly accurate review; refine workflows to protect sensitive data; and stop and validate the review.

Technology-assisted review based on continuous active learning (CAL) significantly improves control for reviewer consistency by surfacing likely responsive documents to the top of the pile to review. It continuously ranks documents to take advantage of additional judgments by reviewers in real time. As training continues, the algorithm and document rankings continuously improve, so the review team finds relevant documents faster.

Moreover, savvy review teams can use TAR based on continuous active learning to stop and validate review at a reasonable recall rate (how many of the relevant documents in a collection have been actually found), saving time and the costs of reviewing unnecessary or extra documents.





# Aligning teams

Alignment between the managed review team, external counsel and company is critical for reliable and accurate coding.

Alignment—when combined with optimizing TAR based on continuous active learning—can reduce review staff by 500% or more. Here's why.

Alignment creates the opportunity for consistent and comprehensive QC processes for privilege, responsive, non-responsive, PII, PHI, proprietary terms, hot documents and more throughout the review. Daily reviewer reports, decision logs, individual sample QC, testing and feedback provided by the managed review team—while counsel resolves every conflict—ensures an efficient workflow and high accuracy.

## Measurably better results with an aligned team

Consider the same review project that took 300 reviewers per day. With an aligned team, the number of reviewers can be reduced to fewer than 60.

On average, responsiveness rates increase from **50% to 60%**, and the error rate—inconsistent coding calls—is reduced from **50% to just 11%**.

# Enhancing QC to cut costs and risk

Accurate coding through enhanced QC also can reduce law firm QC costs by 10 times or more. When robust QC processes are employed at the start of a project as part of team alignment, the managed review team can reduce QC by outside counsel to five percent or less, resulting in substantially lower project costs.

# \$90,000

Savings of more than \$90,000 in QC review alone for a single project.

## Measurably more reliable and accurate coding with enhanced QC reduces outside counsel QC review from 20% to 2.5%

Outside counsel QC percentage	Document collection size	Number of documents reviewed by managed review team	Number of documents for outside counsel review	Outside counsel review rate	Outside counsel hours	Outside counsel billable rate	Cost
Standard: 20%	650,000	130,000	26,000	100 docs/hour	260	\$400/hour	\$104,000
OpenText Managed Review	650,000	130,000	3,250	100 docs/hour	32.5	\$400/hour	\$13,000





# Automating workflows to meet any review objective

With a nimble managed review team experienced in all types of reviews, not just first-pass review or issue coding—innovation, and efficiency drive better results in every project. For example:

- A straight continuous active learning review using TAR to minimize the number of documents reviewed saves, on average, 80 percent in costs.
- A highly automated TAR review expedites a large review for production, such as a third-party subpoena or second request in which fewer than 20 percent of the documents are reviewed, including a full privilege review.
- A focused investigative review—led by a small team using analytics to cluster similar documents for responsiveness, critical sampling, and verification—ensures coding decisions are accurate. This approach delivers more than 90 percent recall and 90 percent precision, while also delivering deeper insight into the true content of the documents.

No matter the context, smart teams can apply the appropriate TAR workflow to substantially improve efficiency, reduce risk, and improve outcomes.

# Adopting new pricing models

The foundation of any successful partnership involving corporate law department leaders and external vendors must be financial alignment. When it comes to document review, corporate law departments want to control outside counsel costs, but law firms and managed document review providers are incentivized by more billable hours and more documents reviewed.

Alternative fee arrangements (AFAs) are one tool corporate legal departments increasingly use to procure legal services at a fixed cost from their law firms. Forward-thinking managed review providers provide flat-fee, upfront pricing for the review. This ensures budget certainty while underscoring the managed review provider's commitment to delivering the most efficient review possible.

Further, fixed-fee pricing allows law firms to focus on higher-value work while providing their clients with document review services at substantially lower cost and measurably improved quality.

**“By partnering with OpenText, it has allowed our attorneys to provide cutting-edge legal services at a fraction of the cost. Utilizing the OpenText continuous active learning technology in addition to their talented document review team allows us to save client financial resources by quickly and more accurately identifying responsive documents.”**

Robin Stewart,  
Head of eDiscovery,  
Litigator and Partner,  
Kutak Rock



# Working securely while remote

Today, a substantial amount of document review is conducted remotely. For remote managed review to be effective, there are a number of best-practices to secure and protect sensitive client data.

## Key components of a highly secure remote review include:

- Technology, such as a remote desktop server with VPN, to control access to the review database and necessary work applications, such as email and billing systems.
- A security program that allows reviewers to access the review platform exclusively via cloud-based virtual desktop infrastructure to ensure that data never leaves the secured hosted or cloud-based environment.

- Tools that prevent activities that could expose clients' sensitive information, such as printing, downloads, screen captures, copy and pastes, and other unauthorized use of client data.
- Review protocols (such as daily audits) to closely monitor reviewer productivity.

Additionally, in-platform review features should automate the detection and redaction of sensitive data, identify people and places for data privacy compliance, and enable self-triggered QC checks throughout the review.

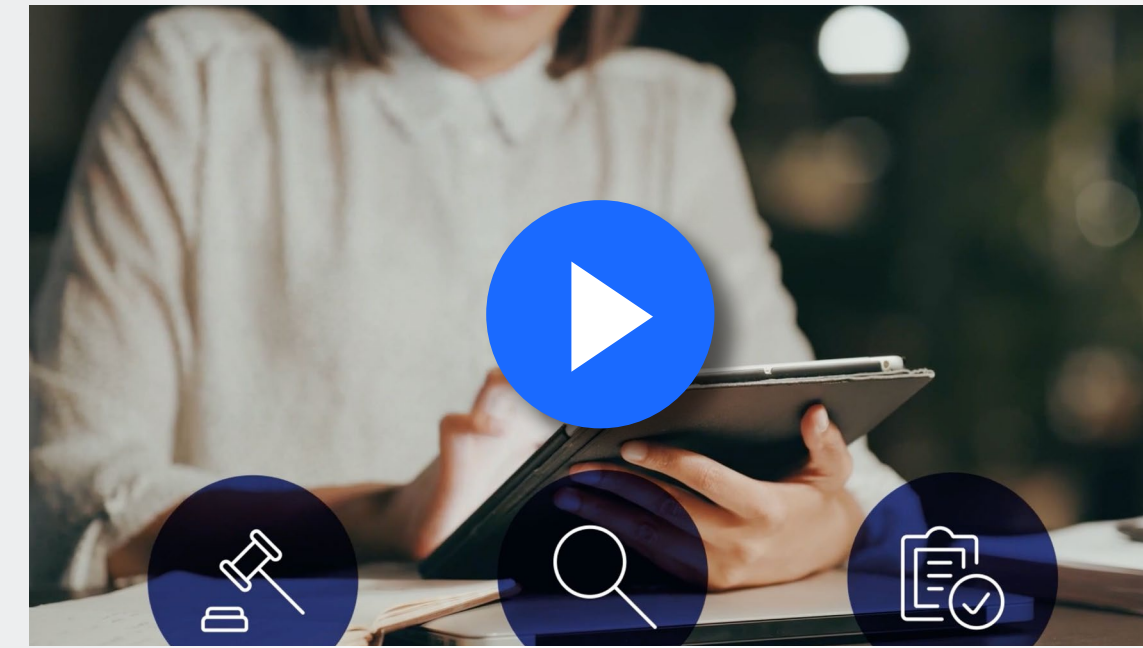
# New managed review models drive efficiency and efficacy

With modern document review models, organizations can more quickly reach their goals by reallocating document review work and leveraging advanced technology and processes made available through external managed review providers.

OpenText Managed Review provides a full-service outsourced review that guarantees fixed-fee pricing and the most cost-effective, efficient, and high-quality review. The managed review service, available in North America, the UK, and EU, combines proprietary technology-assisted review based on continuous active learning with highly trained and technically savvy attorney reviewers and machine learning experts.

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