

7 ways to tame the eDiscovery cost monster

Selecting the optimal review method for every scenario



Contents

Executive summary	3
Introduction	3
Six common scenarios for document review	4
Avoiding common mistakes that diminish review effectiveness	4
Seven methods of document review	5
Linear review	5
Rapid analytic investigative review (RAIR)	5
Fixed-fee RAIR	6
RAIR for early data analysis (EDA)	6
Technology assisted review (TAR)	6
RAIR-enhanced TAR	6
Fixed-fee TAR	6
Selecting the optimal document review method for your case	6
Three optimization factors for review	6
Applying the optimization factors to the assess review methods	7
Example walkthrough	7
Cost comparisons	10
Review methods best suited for each scenario	11
Conclusion	11

Executive summary

The term eDiscovery has traditionally been associated with document review for production in litigation or in response to regulatory requests. Faced with rapid digital transformation, legal practitioners now recognize the need to search, retrieve, analyze, and categorize electronic data in many contexts beyond traditional litigation and investigations. This includes subject rights requests (SRRs), as well as data breach response and analysis.

Each document review scenario comes with different priorities, goals, timelines, and risk factors. A one-size-fits-all approach cannot deliver the optimal legal and business outcome in every scenario.

To truly control the eDiscovery “cost monster” and optimize the outcome of every case requires a more modern, nuanced, and flexible approach. This paper reviews common document review use cases and examines the key factors that make each one unique. It then outlines common mistakes review teams make which diminish review efficiency and effectiveness. Finally, the paper proposes a new way of approaching eDiscovery—one that offers a more sophisticated analysis of needs and requirements, and matches them to the optimal method of review.

Introduction

Document review has always been the most expensive and time-consuming phase of the eDiscovery lifecycle—by far. A 2012 study by the RAND Corporation found that review typically consumed about 73 percent of all production costs.¹

That study also noted that review costs are difficult to reduce significantly when performing traditional linear review. Reasons cited included unlikelihood of significant cost reductions when for eDiscovery documents would

Six common scenarios for document review

Today, we see at least six common scenarios to which document review can be applied. They include:

- **Litigation – outbound productions**

Assessing documents for responsiveness and privilege to support outbound productions is the most common scenario for document review.

- **Litigation – inbound productions**

Reviewing documents produced to you to understand the evidence and identify gaps in production is also a traditional document review scenario.

- **SRR data privacy review and reporting**

[GDPR](#) in Europe, and tougher data privacy laws in other countries and [selected US states](#), have given individuals the right to request information on the ways companies collect, process, and manage their personal data or information.

To respond to those Subject Right Requests (SRRs), organizations often must conduct document reviews to identify documents where personal information is stored.

That philosophy is no longer viable in many cases. Data in organizations has skyrocketed over the years: a recent projection by [Statista](#) shows that global data is predicted to rise from **2 zettabytes** in 2010 to **181 zettabytes** by 2025,

Fixed-fee RAIR

Where budget certainty is the paramount concern, the RAIR team can conduct RAIR on a fixed-fee basis to avoid any risk to the client of cost overruns after the review begins.

RAIR for early data analysis (EDA)

In circumstances where it is necessary for the team to put eyes on most of the documents, particularly responsive documents, RAIR methodology can be used as an EDA tool to rapidly eliminate large swaths of documents that are not relevant. The remaining smaller set is then sent for linear review. In a data breach response review, for example, RAIR for EDA can dramatically reduce time, effort, and cost.

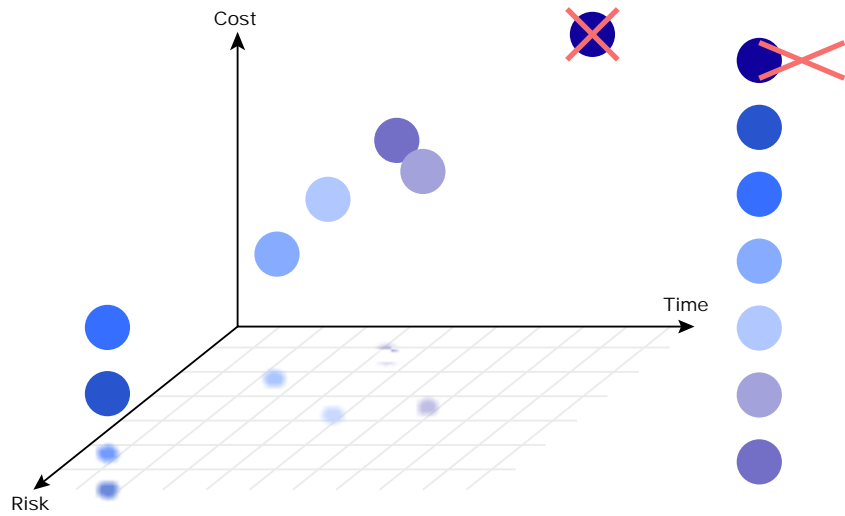
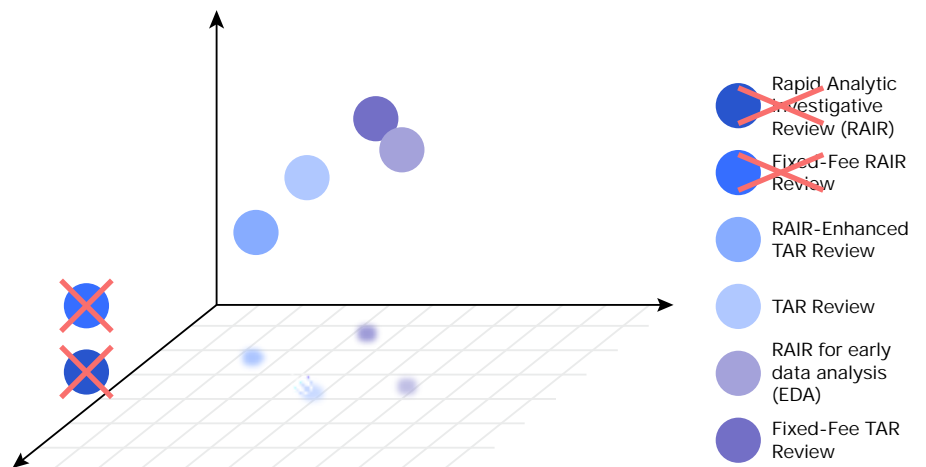


Figure 2: Eliminate linear review if you don't need to review every document

If not, you can safely eliminate linear review in most cases, because there are less expensive alternatives that do not impact the risk analysis. One down, six to go!

Do you need to put eyes on every document being produced?

Yes No



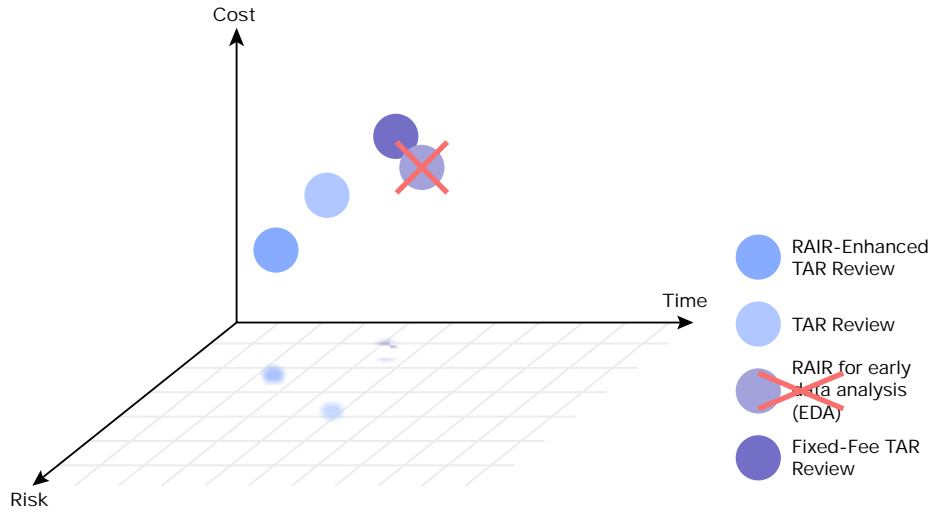


Figure 4: Eliminate RAIR for EDA if you do need to put eyes on every document coded non-responsive

If you also must put "eyes on" every document coded non-responsive, RAIR for EDA isn't the optimal method. Three review methods left! Let's add the fourth question.

Do you need cost certainty?

Yes No

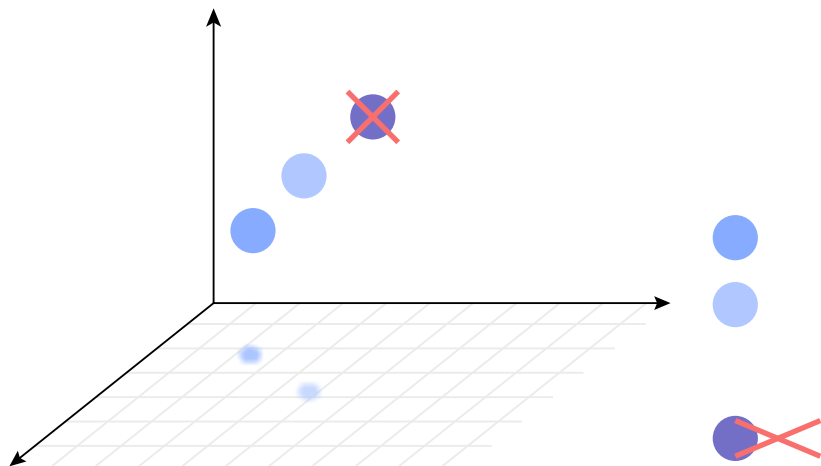


Figure 5: Eliminate fixed-fee TAR if you don't need cost certainty

If cost certainty isn't necessary for your scenario, fixed-fee review options are not optimal because they tend to cost more than a standard approach. We already eliminated fixed-fee RAIR, now we can eliminate fixed-fee TAR. Let's add the fifth

