

An extensive second request review conducted on time and over \$1M under budget.

Summary

Client industry: Manufacturing

Business Challenge: Assemble and manage a large team to review over 11.5 million documents

Highlights/Outcome: Project was completed on time and over a million dollars under budget



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Opportunity

A large manufacturing company was contemplating a merger with another large manufacturing company. The merger was extensive in scale with a combined database of over 10 million documents and over two million produced documents. The client retained two law firms to assist with the merger and needed a partner to manage the various team members, create cost efficiencies and deliver the highest quality work product. The client engaged Special Counsel to manage the document review, production, privilege review, privilege log and provide post production support, including assistance through the pre-trial phase.

Business Challenges

The size of the document universe, number of issue codes, rolling deadlines and number of document review attorneys (up to 150) required extreme attention to detail, metrics monitoring, continuous training and quality control management. The team was tasked with

reviewing documents for an extensive Second Request. Adding to the scope of work, incoming third party documents needed to be reviewed for pending depositions and research requests. The discovery process involved three phases spanning almost a year. Due to the need for an expedited and positive resolution for the client, Special Counsel was tasked with reviewing and producing a large volume of documents under intense deadlines.

Engagement / Our Solution

Special Counsel assembled a flexible team of one project manager, 4-5 team leads, and 100 – 150 attorneys. Understanding the need to contain costs, Special Counsel worked with the client to provide legal assistance that led to over a million dollars in cost savings. Based on our extensive experience with multitudes of hosting vendors, Special Counsel advised the client on selecting the best eDiscovery partners for this project, taking into consideration the size of project, cost



constraints, tool functionality and turnaround time. Additionally, the client's Legal Department and eDiscovery IT Department invited Special Counsel's Project Manager to work closely with them on reviewing and recommending eDiscovery software vendors for future department-wide needs. In an effort to meet and exceed the client's expectations for an expedited resolution, the Project Manager worked closely with outside counsel prior to the filing of the Second Request to formulate a set of search terms that had a strong likelihood of acceptance when negotiated. The search terms were created through a series of iterations involving testing for accuracy as well as volume of potential hits. Once outside counsel was confident with the search terms and had created a simulated Second Request based on prior investigations, the Special Counsel team set out to review the documents hitting on the search terms. Once the Second Request was formally issued, a detailed comparative analysis was done to ensure any additional

“Special Counsel was able to source and provide candidates on-point with our company and our goals and exceeded our expectations. We couldn't be more pleased.”

specifications not present in the simulated version were identified. The plan was to re-review those documents that hit on the search terms for only those unique specifications. Although some duplication of review occurred, this re-review was very streamlined in that the team was focused only on specific items. This innovative approach of anticipating the opposing party's requests allowed the Special Counsel review team to get a 30-day jump on the review.

Throughout the review, the Project Manager and the Team Leads worked closely with the client and outside counsel to draft document review protocols and develop and implement efficient workflows. Specific and specialized tasks were divided and delegated to team leads in four areas: Client Productions and Depositions, Privilege Log, Third Party Review and Depositions, and Special Projects. Ongoing training was necessary due to the evolving parameters of the case and litigation strategy. Much of this evolution in strategy was due to the rapid escalation of hot documents to outside counsel identifying potential issues that were unknown at the time. The Project Manager and team leads held daily interactive question and answer sessions with outside counsel to ensure the team was on track, maintained consistency and engaged in continuous dialogue with all counsel involved. Ultimately, the client produced in excess of 400,000 documents in response to the Second Request and it was accomplished ahead of schedule. The Privilege Team Lead worked closely with outside counsel and a team of 30 Special Counsel attorneys to oversee the privilege review and redactions,



followed by the creation of the privilege log. Based on prior experience overseeing exhaustive privilege challenges, the Privilege Team Lead was able to put into place a final QC measure that would essentially analyze the privilege log for areas of vulnerability as if the Lead was the opposing party. This method of “attack” allowed for the creation of an incredibly defensible 35,000 line-item log. The log was ultimately challenged by the other side; however, through the efforts of the Privilege Team Lead, the points of contention were minor and resulted in very few de-designated documents.

Key Metrics / Fast Facts

- Review Team Size: Fluctuated based on evolving case needs between 100 to 150 attorneys; 4 to 5 team leads; and a Special Counsel Certified Attorney Project Manager
- Location: Special Counsel National Delivery Center
- Duration of Project: Three phases, spanning nearly one year
- Total Docs Reviewed: Over 11.5 million

The Quality Control Team tailored Special Counsel’s stringent quality control process to meet the needs of this review. The group was tasked with reviewing productions from more than 30 third parties. Additionally, the team leads and a core group of Special Counsel attorneys performed exhaustive quality control on both the client’s hot documents and the third party hot documents culling the set that would ultimately be sent to outside counsel. In addition to the escalation of the actual hot documents, a detailed explanation of the significance of each document was provided so as to focus outside counsel’s attention on the portion

of the document that warranted escalation. This allowed counsel to stay updated regarding the most important documents in a timely manner.

Special Counsel’s involvement continued past the review and privilege log creation. The Project Manager and 60 attorneys were retained to assist with post-production support. The team prepared deposition binders and summaries for over 25 depositions. Under the guidance of the team leads, the team performed in-depth research and prepared multiple chronologies of important events. The Project Manager managed all incoming research requests in support of filings, motions and expert reports, ensuring that they were delivered on schedule. The Special Counsel Team was tasked with searching the world of produced documents to support or refute the multitude of assertions the client’s experts wanted to make. Our findings ultimately determined whether the expert would be able to include the desired assertion. Additionally, the team was tasked with conducting the same analysis on the assertions made by the opposing experts.

Outcomes / Highlights

Special Counsel’s Delivery Team worked as a contributing partner and assisted the client and outside counsel with much more than a Managed Review. The client expressed deep gratitude for the expertise and professionalism Special Counsel was able to provide. The Special Counsel team worked incessantly to meet all court-ordered and internal deadlines, often working seven days a week, twelve hours a day. Over 3.6 million documents were reviewed with 36% undergoing a stratified quality control process that resulted in an accuracy rate of 97.9%.