

Leveraging continuous active learning to reduce time and cost in a pharmaceutical class action review.

Summary

Overview: Special Counsel implemented a TAR workflow leveraging Brainspace to streamline the review, saving out client over \$100,000 compared to the cost of a linear/traditional review



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Opportunity

Special Counsel's end client—a pharmaceutical manufacturer—was embroiled in a class action securities case with requested damages in excess of \$600 million. The client's D&O liability coverage was nearing the point of exhaustion, and they faced an impending discovery deadline for a universe of documents totaling more than 1.1 million documents. The pharmaceutical manufacturer's outside counsel firm engaged Special Counsel as its preferred end-to-end managed services provider for discovery and review to assist with production of documents related to the case.

Engagement / Our Solution

Special Counsel assembled a case team to lead the discovery portion of the case. Our internal technical teams worked with the case team to run a custom iterative search term process and sampling protocol to assess the richness of the pre-negotiated search terms. Outside

counsel for our client tightly negotiated the review proportionality with opposing counsel based on the projected costs for Special Counsel to complete discovery and provide managed review before the discovery deadline. Prior to commencement of review, client counsel imposed cost shifting protocols to ensure a predictable and manageable budget. After client counsel negotiated the review down to 213,615 documents, Special Counsel recommended a TAR workflow leveraging Brainspace technology and a proprietary workflow created by Special Counsel to streamline the review utilizing a continuous active learning approach. The case team chose to use a low-cost market for managed review to keep costs to a minimum for the contract attorneys while being managed by a TAR-proficient project manager. Client outside counsel provided onsite training and a review protocol to the team assembled by Special Counsel. The team reviewed 62,861 documents for the first pass review and leveraged

Brainspace technology to identify 73,224 documents needing to be promoted to second level review for coding and privilege designation. Outside counsel ran QC on the TAR workflow and coding decisions made by the team, and the review project manager provided daily reports and decision logs for the case team to review.

Key Metrics / Fast Facts

- Dozens of data sources and a multi-TB collection
- 213,615 documents negotiated for review
- Cost shift for all documents above the 213,615 cut off
- 62,861 trained for CAL/TAR workflow
- 73,224 documents for second- and third-level review
- Duration of Project: 4-week first-pass review, followed by a 10-week second- and third-level review
- Total Docs Produced: 50,587
- Cost Savings Compared to Traditional Review:
 - First Pass: \$102,926.25
 - Second and third level: Additional ~20% cost and time savings

Highlights / Outcomes

Ultimately, 50,387 documents were produced in a matter of 14 weeks—down from the original universe of 1.1 million documents. The client saved well over \$100,000 on the overall cost of the review by leveraging Special Counsel's Brainspace workflow.

