

# *Non-party FTC CID, 300,000+ document review for large international retailer.*

## Summary

*Client industry:* International Retailer

*Business challenge:* Assemble two review teams to produce only responsive documents, cost effectively and expeditiously

*Highlights/outcomes:* Review completed one week early, resulting in \$60,000 savings for the client



EQ is the legal consulting division of Special Counsel—the nation’s largest full-service provider of legal solutions. To learn more about document reviews for international retailers, contact your local EQ location today. [specialcounsel.com](http://specialcounsel.com)

## Opportunity

An international retailer engaged Special Counsel to assist in answering a non-party Federal Trade Commission Civil Investigative Demand (FTC CID) regarding a proposed merger between the client’s two largest competitors. The proposed merger would have yielded a formidable threat to the client’s business and the industry as a whole. The goal was to answer the CID fully and expediently while withholding privileged documents.

### *Business Challenges*

While this project seemed like a straightforward review, the Project Manager pulled nearly 10,000 handwritten documents which included meeting notes, phone conversations, business strategies and marketing ideas as well as personal correspondence and reminders. The review tool was unable to perform its search functionality across handwritten documents, making it necessary to perform a hard copy review.

The client deemed internal information and intelligence on the proposed merger as privileged and asked that a set of 26,000+ documents, segregated by the usage of key words and search terms, be evaluated separately. Upon initial survey of these documents, the Project Manager found blank files within the document universe. In working with the review tool vendor, it was quickly determined that the tool itself was unable to identify which of the 26,000+ documents were blank, versus those which rendered data.

The most sensitive information to classify as privileged dealt with a highly confidential code-named project. The Project Manager and

Quality Control Team found numerous spelling variations and abbreviations of the code name that had been unknown by the client and outside counsel. This required the addition of several quality assurance checks on the documents reviewed in the first 10 days.

*“Thank you for all your great work on this document review — and please thank your team for us as well!”*

- Client



“A big thanks to you and your team for all the hard work.”

– Senior Counsel

## Engagement / our solution

The client engaged Special Counsel as their preferred partner to complete this review as effectively and expeditiously as possible. The Project Manager suggested assembling two teams in one of the National Delivery Centers: one team to review the potentially responsive documents and one to focus on the potentially privileged documents.

Realizing the potential impact that handwritten documents impose, the Project Manager assessed the documents and created a spreadsheet listing any names, dates, project names and any issues that could not be coded. As privileged information was found, two of the most experienced reviewers were assigned to fully review and code the batch of documents.

After a thorough examination of the database, the Project Manager recommended a course of action to work through the technical challenges of the review tool and address the client’s concern regarding blank documents. This exercise consisted of running targeted searches and analyzing patterns, including sorting the files by size to search for a demarcation between blank documents and documents with visible content. The in-depth analysis determined that all documents of 268 bytes or less were blank documents that could be produced if part of responsive, non-privileged families. The Project Manager’s efforts eliminated

almost 18,000 documents from the review set, providing significant cost savings to the client.

The Project Manager delivered nightly updates to the client and outside counsel to track progress, provide projections, spot trends and discuss pertinent questions. The questions and answers were documented in a decision log and distributed to the team. These steps further promoted the assurance of an accurate work product.

The performance of numerous targeted searches yielded the successful identification of various spellings and abbreviations of the code-named project throughout the document universe.

## Outcomes / highlights

This was Special Counsel’s first engagement with the client and their outside counsel. Both parties expressed deep gratitude in the Project Manager’s initiative in tackling the arduous analysis of the blank documents. The client praised the team for their efficiency, dedication and hard work throughout the review.

Ultimately, Special Counsel reviewed a total of 362,900 documents with 20% undergoing our standardized quality control process, resulting in a 97.4% accuracy rate.

The review was completed a full week ahead of schedule, saving the client over \$60,000.

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