

Early Case Assessment: A Best Practices Process for Litigation Cost Control and Risk

Corporations agree that the ability to collect and assess data within the first 60 to 90 days of case commencement is a major advantage to a successful early case resolution and an effective cost control device. Much of the success of the early case assessment is the ability to quickly review large document populations and assess the evidentiary value of same. With new requirements at the Federal and State level mandating disclosure of evidentiary data early in the litigation lifecycle and voluminous amounts of electronic and other data associated with today's litigation matters, RenewData's Early Case Assessment process has proven to be a cost effective approach to quickly identifying the merits and value of a case. This unique workflow allows attorneys to become better equipped to identify case theories and value, create a realistic case budget and identify technology and resources required to manage a litigation matter regardless of data volume or deadlines.

CHALLENGE: A Fortune 25 corporation was faced with potential liability in what could become a very large class action. Client needed to determine if there was true liability in the allegations. In addition, they wanted to develop a case strategy that was going to effectively manage the litigation and control costs with the least amount of impact on their business.

SOLUTION: Working with a Fortune 25 corporation and an AmLaw 25 law firm as outside counsel, RenewData used its patent-pending Vestigate Review workflow to assess the merits of a large document litigation matter.

The client collected approximately 815,000 documents and the outside law firm assembled a document review team of three (3) attorneys knowledgeable about the case. The team reviewed and tagged documents based on fourteen (14) case issues and privilege categories. An important attribute of the early case assessment process is the ability to ensure with measurable certainty that all relevant documents have been identified. At the outset of the project, the review team identified a required statistical confidence level of 85% that documents relevant to the aspects of key case issues had been identified.

Applying the Vestigate Review workflow to early case assessment meant adjusting the approach to focus on finding examples of every aspect of each case issue. Once the review leader was satisfied that enough documents were found that exemplified one case issue, the team moved their attention to reviewing for other issues. The ability to review documents reading for fewer issues speeded up the review process. This approach decreased the amount of data to be reviewed, quickly identified significant issues within the document population, and provided the team with the ability to rapidly assess the case theory and evidentiary value of the documents early on.

RESULTS:

After only nine (9) days of document review, the 85% level of confidence was reached. Approximately 35,000 “key” documents were identified and passed along for further review and analysis. The review team only had to review 5% of the total collection before the Vestigate methodology had identified the relevant documents needed to meet the established guideline.

The Vestigate Review workflow is flexible and can be applied to either early case assessments or full document review projects. Unlike traditional review approaches, RenewData’s Vestigate Review is a human-based decision making review workflow that requires the reviewer to identify a relevant document, tag it and highlight the precise language in that document that caused it to be relevant to one or more case issues. Then the Vestigate First-Pass Review workflow begins behind the scenes. Leveraging the knowledge of the human review team, Vestigate Review constructs queries in the background on the entire data set based on the language highlighted, automatically tagging those documents with the appropriate case issues. The theory is that if a string of language (perhaps with associated metadata) makes one document relevant, it makes every document it appears in relevant.



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