



**THE SCIENCE OF DOCUMENT REVIEW
MEETS THE ART OF UNDERSTANDING.
iCONNECT® v10 OVERSIGHT**

iCONNECT Oversight is an AI-based quality control software that can be applied to any review, in process or new, without changing or disrupting current workflow. Powered by Sentio.

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NEAR REAL-TIME FEEDBACK TO YOUR LINEAR REVIEW TEAMS USING AI TO ENSURE THE QUALITY OF THE CODING AND REVIEW.

Discovery is the mainstay of civil litigation. “Document review” is the art of finding electronically stored information in Federal cases requested by the opposing party pursuant to Fed. R. Civ. P. 34 and proportional to the needs of the case under Rule 26(b). States and other countries have corresponding rules of civil procedure. A request for production for all relevant communications between one individual and others within a large company can trigger untold hours of review attorneys looking at emails, spreadsheets, and PDFs to determine if the ESI (Electronically Stored Information) is responsive to that discovery request.

A team of attorneys conducting manual document review always adds a human element to determining relevance. The human element can be a powerful factor in identifying discovery that could make an emotional impact with a jury. The human element can also introduce mistakes due to fatigue, misunderstanding, or simple coding errors.

SIX FUNDAMENTAL DOCUMENT REVIEW CHALLENGES

Document review is approximately 70%* of eDiscovery costs consumed during a lawsuit. As such, legal departments around the world are continually trying to increase the efficiency and decrease the cost, time, and risks of document reviews, all while not upsetting internal workflows, protocols, or team members. While the challenges of document review vary from day-to-day, six fundamental challenges appear to be common to all legal departments dealing with the discipline of eDiscovery during document reviews.¹

Managing a Document Review is Challenging... even in the best of circumstances.

As cited by top-flight eDiscovery review companies, five of the six challenges involve some form of oversight or quality control to ensure a quality work product.



* Pace, N. M., & Zakaras, L. (2012). *Where the Money Goes: Understanding Litigant Expenditures for Producing Electronic Discovery*. Retrieved from RAND Corporation website.

WITHOUT OVERSIGHT

Potential challenges with this approach: Consistent Issue Coding for Document Review

Linear document review needs consistent issue coding in order to identify ESI that is relevant to causes of action, defenses, privilege, or responsive to discovery requests. Attorneys have a duty of competency to have the “legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”² The State Bar of California Standing Committee on Professional Responsibility and Conduct has further stated that a “lack of competence in e-discovery issues also may lead to an ethical violation of an attorney’s duty of confidentiality.”³

Furthermore, an attorney’s duty of competency requires them to be able to produce responsive non-privileged ESI in a recognized and appropriate manner.⁴ Coupled with the requirement that the main question for producing ESI is one of reasonableness and not perfection, there is a lesson for everyone conducting document review⁵ : do quality control on your work product. The failure to conduct quality assurance of searches and competency in discovery has made for many ediscovery horror stories, but they all would have had attorneys conducting document review at some point before all the motion practice ended in infamy.⁶

WITH OVERSIGHT

The Need for Oversight in Document Review

iCONNECT Oversight, a module available in the iCONNECT review platform as of iCONNECT v10, is used to provide quality control and project management for a traditional linear document review that can help identify coding errors from fatigue, mistake, or confusion. The software creates folders of documents that may have been incorrectly tagged and delivers a list of these documents as well as other reports by utilizing models that check each reviewed document individually to identify possible false negatives or false positives. iCONNECT Oversight provides information to identify and correct up to 100 percent of incorrectly tagged documents helping teams increase the accuracy of their review. This further review may also uncover important facts that could determine the outcome of the case.

Users have the ability to verify the documents listed and make corrections, as necessary. The process can continue as long as users prefer. iCONNECT Oversight can also provide results evaluating both individual reviewers and the overall review team. The software tracks, charts and graphs, by reviewer, the number and percentage of document reviews that were overridden by the quality control reviewer. Evaluation of the quality of each reviewer is provided by issue tag and time of day, enabling project managers to quickly identify reviewers who may need to be retrained or replaced.

Consider a case where associate attorneys are conducting first pass review for relevance in a breach of contract case. Issue coding could be set for each element of the cause of action to demonstrate the breach of contract. As the attorneys look for communications, a signed agreement, and evidence of the breach, they would be applying the issue codes to demonstrate each element. iCONNECT Oversight allows a team manager to coach reviewers on their issue coding with real-time feedback. Based upon a review model, powered by AI (Artificial Intelligence) originally developed by Sentio Software, iCONNECT Oversight flags potentially misclassified documents based on the content of the document for the quality controller to review. This real-time reporting eliminates the need to spot check review teams, empowering the team manager to laser focus on the potentially miscoded documents.

BENEFITS OF OVERSIGHT IN DOCUMENT REVIEW



EVALUATE REVIEW RESULTS

Provides near real-time visual feedback to your reviewers to ensure the quality of the review, allowing you to coach reviewers on mis-tagged documents.



NO MORE MISTAGGED DOCS

Missing key documents due to reviewer misjudgments can undermine an investigation before it starts. Imagine if the system could automatically flag 100% of potentially misclassified documents for the quality controller to review.



REAL-TIME QUALITY CONTROL

No more spot checking or random sampling of reviewed documents. The system empowers the quality controller to check 100% of the documents tagged by reviewers.



SEAMLESS INTEGRATION

Built right into the security, dashboard and workflow of the eDiscovery document review platform gives direct access to features, charts, graphs, tagging and reporting on review progress and potential trouble-spots in your review.

BEYOND OVERSIGHT:

More transparency in user metrics and activity is also a key component of any document review. Are any reviewers struggling? Will the timeline be met? Is the project on budget? All questions that can be answered with the appropriate visibility into user activity within the system. From individual rates and coding through to time/activity charts and graphs, project managers can monitor the progress of review teams from start to finish.

CASE STUDY

REVIEWER AUDIT ANALYSIS In internal bench testing, iCONNECT Oversight, powered by Sentio Software, undertook an analysis of the performances of 10 document reviewers conducting a document review for production in a litigation⁷. In the review of 10 reviewers coding a similar data-set, inconsistencies and contradictions were quickly identified in Reviewer 4's tagging results. Both Cross Validation and Document Level Validation further confirmed that Reviewer 4's review results did not match up with the results produced by most of the other reviewers. The engine provided the managing attorney with the ability to monitor the decisions being made by reviewers in near real-time to more effectively control a pool of document reviewers and refine the review protocol in the early stages, before costly re-review became necessary.

LOOKING FOR TRANSACTIONS OUTSIDE SCOPE IS NOT UNIQUE TO EDISCOVERY, IN FACT IT HAS FOUNDATIONS IN THE FINANCIAL INDUSTRY.

The iCONNECT Oversight workflow uses technology with its roots in big data financial analysis for companies like MasterCard wherein the identification of records outside expected scope are flagged similar to the way a credit-card flags unauthorized use.

“Online credit card fraud is a major concern for enterprises, consumers and vendors alike. One of the biggest brands in the payment card space is Mastercard, which has been quietly working on implementing technology it has branded Mastercard Identity Check, in an effort to reduce fraud while making it easier for merchants to accept online payments.

Mastercard Identity Check is based on the EMV 3-D Secure (3DS) 2.0 specification that provides a layer of security for online payment card transactions when the payment card itself is not present for physical verification. With Identity Check, Mastercard is integrating machine learning artificial intelligence capabilities that verify more than 150 variables as part of a transaction process to help credit card issuing financial institutions make rapid, accurate decisions.”⁸

¹ Six Fundamental Document Review Challenges, Haystackid.com, October 30, 2018 Entrata, Inc., at *10.

² ABA Model Rules of Professional Conduct, Rule 11.

³ The State Bar of California Standing Committee on Professional Responsibility and Conduct addressed, “What are an attorney's ethical duties in the handling of discovery of electronically stored information?” in Formal Opinion No. 2015-193.

⁴ Id.

⁵ Chen-Oster v. Goldman, Sachs & Co., 285 F.R.D. 294, 306 (S.D.N.Y. 2012), citing The Sedona Conference, The Sedona Conference Database Principles: Addressing the Preservation and Production of Databases and Database Information in Civil Litigation, March 2011 Public Comment Version, at 32.

⁶ See generally, Victor Stanley, Inc. v. Creative Pipe, Inc., 250 F.R.D. 251 (D. Md. 2008) and Coquina Invs. v. Rothstein, No. 10-60786-Civ-COOKE/BANDSTRA (S.D. Fla. Aug. 3, 2012), for how things can go wrong in a case.

⁷ Sentio Software Proprietary Analytics; 2015-08-07

⁸ How Mastercard Is Improving Fraud Detection With Identity Check, eWeek article by: Sean Michael Kerner | January 07, 2019

SUMMARY

Document review is a mix of art and science. Lawyers need to identify relevant information that tells their client's story in a way that will connect to jurors. In cases where there are tens of thousands of emails and spreadsheets, the science of document review meets the art of understanding what will bond with the hearts and minds of those who will decide the resolution of a lawsuit. In order to not drown in data, effective issue coding is needed to identify the electronically stored information that is more than responsive to discovery requests, but what needs to be used at trial.

iCONNECT Oversight unites the art and science of document review to ensure consistent issue coding leveraging AI trained by project managers to recognize relevant content. Attorneys managing document review teams can reinforce consistent issue coding decisions with real time feedback to prepare cases for trial.

ABOUT iCONNECT

iCONNECT Development, LLC develops the innovative iCONNECT eDiscovery review software platform. iCONNECT raises the bar by delivering intelligent, easy-to-use tools that help hosting providers, law firms, and legal departments optimize workflows and manage some of the world's most complex legal cases more efficiently. Leading AI and auto-redaction capabilities combined with a user's ability to search, sort, analyze, categorize and produce documents and multi-media files recently led industry publication 'Silicon Review' to name iCONNECT as one of the '30 Fastest Growing Tech Companies' of the year.

The iCONNECT Oversight module is powered by Sentio Software www.sentiosoft.com



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Joshua Gilliland is a California attorney creator of the eDiscovery blog Bow Tie Law and has presented at over 400 eDiscovery seminars and webinars. Josh is co-creator of The Legal Geeks blog and podcast, which has made the ABA Journal as one of the top 100 blogs for lawyers from 2013 to 2018. Josh grew up in Silicon Valley and is a graduate of UC Davis with a degree in Political Science and earned his law degree from McGeorge School of Law, University of the Pacific. Josh enjoys organizing panels and mock trials at comic conventions, photography, and volunteering in Scouting.