# Quality Managed Reviews: The Secret Of Success

*The Editor interviews **Kathryn McCarthy** and **Sophie Ross**, Senior Managing Directors, FTI Consulting.*

**Editor: Please describe your roles at FTI and fill us in on your backgrounds.**

**McCarthy**: I am a senior managing director in the FTI Consulting Technology practice and am based in Washington, DC. I have over 18 years' experience in the legal industry with a special focus on second request antitrust investigations and the electronic discovery process. Over the course of my career, I have managed electronic discovery responses for over 40 second requests and am an expert in optimizing electronic discovery software, workflow and legal professionals to ensure excellence in delivery for legal clients. I earned a BA in Economics from Villanova University and a law degree *cum laude* from Albany Law School where I was an editor of its Law Review. I am admitted to practice in New York and Washington, DC and speak regularly on various topics related to antitrust and electronic discovery.

**Ross**: I too am a senior managing director in the FTI Technology practice and am based in San Francisco. I head the Western Region for FTI Technology, as well as lead FTI's Acuity Document Review business. I have managed that business from its inception. I specialize in helping clients manage their overall e-discovery and review activities by using predictable pricing models and by simplifying the multiple layers of discovery management. I have a Bachelor of Science degree in Industrial Engineering from Tel Aviv University and an MBA from Harvard Business School. I speak regularly on topics relating to e-discovery software and workflow.

**Editor: Many within the industry think**



**Kathryn McCarthy**

**Sophie Ross**

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of managed review as simply hiring contract attorneys. Is this true?

**Ross**: No, not at all. If anyone thinks managed review is just hiring contract attorneys, they are using the wrong service! Managed review involves having the right people using the best available technologies and processes to reduce e-discovery costs while maintaining a high quality of review. It demands that we have the best-trained reviewers for the particular job, and we take this very seriously. Certain review streams, such as privilege review, are complex. At FTI, for example, we have dedicated teams of reviewers for various functions, including analytics, predictive coding, privilege review and quality control.

The ultimate goal is to provide the client with the best end result from a substantive perspective coupled with high quality – and at a low total price. Many vendors quote lower hourly rates for review, but if your vendor does not have the right man-

aged review approach, you may end up spending tens of thousands of hours more than you would with another provider like FTI, which has a very strong managed review approach.

**Editor: From your perspective, what should clients expect from a managed review offering?**

**Ross**: I think it's a combination of items. First they want to make sure that the review is of the highest quality. Privilege, for example, must be handled very carefully.

We look at all the documents to make sure that the right coding template is in place with the goal of providing outside counsel with the substantive information needed by them to handle the case on a timely basis. At the same time, we want to assure that information is provided at an attractively low cost.

**Editor: What role does technology play in a managed review?**

**Ross**: Technology helps the client focus on what's important in the case while assuring that it is giving to the other side only what it really needs to provide. There are several tools in the marketplace, but we think Ringtail is the best in terms of ease of use, scale and the analytical tools to speed review.

Ringtail lets you parcel out different tasks depending upon roles. This means that while you're going through the general review, you can put together an analytics team to look at the data early on to start feeding counsel with substantive information as soon as possible. Later in the process, the same analytics team can assist in deposition preparation.

**Editor: Why do you use Ringtail for your managed review offerings?**

*Please email the interviewees at kathryn.mccarthy@fticonsulting.com and sophie.ross@fticonsulting.com with questions about this interview.*

**Ross**: We use Ringtail because it enables efficient and high-quality reviews. Once data goes into Ringtail, you're able to conduct an early case assessment. Even during the negotiation phase, Ringtail gives you insights about the strength of your case through use of our clustering, predictive coding and visual analytics tools.

Our cluster tool increases the efficiency of review because the reviewer sees all the documents that are similar in the same cluster. It doesn't mean that they're skipping anything, but rather using the information from one document to the next, enabling them to complete their review much more quickly, consistently and accurately. The learning from one document is applied to the next. When documents are viewed in clusters, a reviewer is much more likely to focus on the outliers or maybe uncover some documents that should have been coded differently.

**McCarthy**: Another aspect that we haven't talked much about is that Ringtail is highly scalable and thus makes it possible to manage some of the high-volume matters more efficiently. It also enables us to manage large matters with multiple parties where accessing data with various levels of accessibility and security is required. Ringtail is also able to detect and manage multiple foreign languages – a capability needed quite often in today's global matters.

**Editor: What types of matters are particularly well suited for managed review?**

**McCarthy**: Any matter that involves the review of a significant volume of discoverable data is particularly well suited for managed review. These can arise in connection with a variety of activities. We see it applied most frequently in such activities as antitrust and intellectual property litigation and investigations of all kinds, including Foreign Corrupt Practices Act (FCPA) work.

**Editor: How important is managed review in early case assessment?**

**Ross**: Managed review can prove incredibly helpful in finding key information quickly and informing the early case assessment. With a strong team of individual reviewers working closely with counsel, it's possible to test key concepts, validate issues and find the substantive information that could shape the case.

**McCarthy**: I think that FTI is particularly skilled in using the technology and analytic tools that Sophie mentioned to ferret out the most important documents in the case. I would reiterate the point that working with a small team in close consultation with counsel is the best way to accomplish the early case assessment goal and that our technology is very helpful in doing that.

**Editor: Do you staff reviews overseas?**

**Ross**: If you're asking whether we can review data in Europe, Asia or Latin America to comply with local data privacy or state secrets regulations, the answer is yes. For example, we frequently staff reviews in Toronto to serve our European market because Canada is a safe harbor location. We also staff reviews in Asia including those related to matters originating throughout that area.

**Editor: How do you maintain high quality staffs of reviewers?**

**McCarthy**: Our review managers who oversee the reviews play a key role. We spend a lot of time with them on training, protocol and sharing knowledge across various locations. Our reviewers are all lawyers, many of whom have worked with us for a very long time. We recruit them carefully, doing background checks and then keeping track of the type work they do on various projects so we can build the best team for a particular matter.

**Editor: Can you share some examples of recent matters you've handled by managed review?**

**Ross**: I can't mention specific situations because of confidentiality considerations, but I can mention an important current trend and how we have responded. The amount of data continues to explode on an exponential basis, and, as we have indicated earlier in this interview, we apply state-of-the-art technology to respond to this development by eliminating information at the outset that is not relevant to the case.

On a recent FCPA investigation, as an example, we applied both analytics and predictive coding early on because typically you have a large amount of information. After using technology to winnow out irrelevant information, we put together an analytics team that uncovered key substantive information within the first ten days. This really helped outside counsel in their handling of the case. Another FCPA case involved reviewing documents in over six languages. In that case, we were able to create review teams fluent in each language and completed our review on schedule.

In the case of second request situations in the M&A world, we are typically able to run a review from beginning to end within forty-five to sixty days.