The client’s approval to use TAR came only after the law firm had manually reviewed nearly half the collection. Even that late in the game, Insight Predict produced substantial savings in time and cost.

Client Snapshot: Pharmaceutical Corp.
- Patent infringement litigation
- 40,800 technical documents
- TAR started midway through review
- Cut remaining review 70%
“It’s never too late,” people often say. But is that true for technology assisted review? If a legal team has already put substantial time and effort into manual review, can TAR still be worthwhile? That was the issue presented in a patent infringement case where the client’s approval to use TAR came only after the law firm had manually reviewed nearly half the collection. Even that late in the game, Insight Predict produced substantial savings in time and cost.

The Problem: Having to Start the Review before Getting the OK for TAR

The law firm represented a generic pharmaceutical manufacturer that had been sued for patent infringement by a major brand-name pharmaceutical company. The plaintiff claimed that our client’s generic products infringed its patents.

The total collection to be reviewed (after applying search terms and culling) numbered about 40,800 documents. While not a huge collection, it was nevertheless a lot of documents to get through and would be a significant expense for the client.

Believing that TAR would enable them to get through the review more quickly and at less cost, the lawyers recommended it to the client. But looming deadlines demanded that they get started on the review even as the client considered the recommendation. It was only after the firm had manually reviewed nearly half the collection that it received the client’s approval to proceed with TAR.

The Benefit: A Jump Start from the Documents Already Reviewed

By the time the approval came in, the firm had already reviewed some 18,200 of the 40,800 total documents. Had they used TAR from the outset, they likely would have avoided reviewing even that many documents. Even so, those documents gave them the advantage of providing a ready-made set of seeds to use to train the TAR algorithm.

Catalyst used the coding determinations from those 18,200 documents to train Insight Predict, its next-generation TAR engine. Predict uses Continuous Active Learning, a machine-learning protocol that enables it to use any and all previously coded documents as judgmental seeds to start the process.
judgmental seeds to start the process. This means that there are not separate workflows for training the TAR system and for review, as was the case with first-generation TAR 1.0 systems. All documents that already have attorney decisions on them can be fed into the system at the start, and the entire population is analyzed and ranked.

After that first ranking was complete, Predict was set to automatically create batches of 50 records each. Each batch contained the next-best, unreviewed documents most likely responsive to the opposing party’s production request. Each batch also included a few “contextually diverse” documents to make sure there are no topics or concepts in the collection that go unexplored by reviewers.

As the reviewers completed their batches, the system continuously re-ranked the entire population in the background, incorporating their new coding calls to “get smarter” and improve its predictions. Each time a reviewer clicked a button for more documents, the system created a new batch based on the most recently completed re-ranking.

**The Result: TAR Cuts the Remaining Review by 70%**

The review proceeded along this track until the reviewers started seeing batches with few, if any, relevant documents. This was an indication that few relevant documents remained. The results were tested by sampling the unreviewed documents. Statistical analysis showed that the review had achieved a very high “recall”—meaning that the team had found the vast majority of the relevant documents.

By the end of the TAR process, the team had reviewed another 6,800 documents, beyond the initial 18,200. There remained another 15,800 documents that they never had to review. That meant that, once they started using TAR, they had to review only 30% of the remaining documents. TAR saved 70% of the remaining expense and time the review would have otherwise required.

By the standards of some large cases, these numbers may not sound like a huge savings. But a 70% savings on even a portion of a larger review can be significant. In this case, the law firm calculated that using TAR saved the client more than $70,000, even after accounting for the cost of TAR.
The Conclusion: Even Midway Through a Review, TAR Had A Substantial Impact

Even when started midway through a relatively small but technical review, TAR’s impact can still be dramatic. It was only after manually reviewing nearly half the documents that the team switched to using TAR. Even then, by using TAR, the team was able to eliminate the need to manually review 70% of the remaining documents and 40% of the entire set. That resulted in substantial cost savings to the client and time savings to the litigation team.