Protecting Privilege and Confidentiality Using Predictive Ranking and Power Search

Protecting against the inadvertent exposure of privileged and confidential information is always a concern when a corporation becomes engaged in litigation. For a major brokerage firm, that task took on Herculean dimensions when it was hit with hundreds of class-action lawsuits and arbitrations after the collapse of a mutual fund that held mortgage-backed securities.

Firm Needed to Screen 2 Million Documents for Privilege, then Redact Client Information

With more than 2 million electronic documents at issue, the firm’s counsel made a strategic decision to produce all documents that matched broad search terms, without going through manual document review. However, before it could turn over the documents, it first had to weed out any that were protected by attorney-client privilege or as attorney work product.

Additionally, securities arbitration rules required the firm to redact from the documents any personal confidential information such as social security numbers, driver’s license numbers and investment account numbers. Thus, before the firm could turn over the documents, it had to find and redact the personal information of some 50,000 customers.

Catalyst Used Predictive Ranking and Power Search to Target Documents

The first step was to screen the documents for privilege and work product. To do this, consultants from Catalyst’s search and analytics group used Predictive Ranking to enable the firm to identify the documents most likely to be privileged.

Rather than simply search attorney names, the consultants constructed a multi-level analysis. The first level identified documents directly between the company and its attorneys. The second level identified documents that contained the attorneys’ names somewhere within their body. The third level identified documents that contained terms the lawyers would use or were likely to use.

Using the results of this analysis, our consultants applied statistical and algorithmic formulas to rank the documents according to the likelihood that they were privileged. Documents at the top of the ranking were tagged as privileged.

Protecting against the inadvertent exposure of privileged and confidential information took on Herculean dimensions when it was hit with hundreds of class-action lawsuits and arbitrations after the collapse of a mutual fund.
That still left the need to find and redact personal information for some 50,000 customers. To do that, we used Catalyst Power Search, the tool we created to run thousands of searches automatically.

The brokerage firm provided our search consultants with the list of 50,000 customer names and account-identification numbers. We prepared the list for search and then ran it through Power Search. That single search consisted of 50,000 rows of queries run against more than 2 million documents.

Power Search enabled the firm to find the documents that contained personal information and tag them. Once tagged, the documents could be appropriately redacted.

Catalyst Streamlined the Firm’s E-Discovery and Reduced Costs

Corporate legal departments are constantly looking for better ways to manage e-discovery. Catalyst’s central document repository provides corporations with a single platform to load, process, search, review and produce its documents. This increases control, lowers costs and reduces risk. That’s the Catalyst advantage.