Protecting Privileged Documents from Inadvertent Disclosure

The client in this case history is one of the largest software and electronics corporations in the world. Catalyst hosts millions of its documents and assists with numerous litigation matters and regulatory proceedings. Over the years, this client has worked with more than 2,000 law firms and a prior-attorney list with more than 5,000 names.

The client asked Catalyst’s consulting team to develop comprehensive search strategies to identify potentially privileged documents across dozens of different sites. It also asked us to help refine counsel’s searches for new product names and other confidential company information.

How Catalyst Consulting Uses PowerSearch to Find Privileged Documents

The first step was to prepare thousands of searches to be run against each upload. Catalyst’s consultants developed software that automatically generated searches based on different possible name combinations, e.g. John near/2 smith, jsmith, smithj, and so on. We also added email addresses, maiden names and nicknames to make the searches more effective. For non-English names, we prepared the search matrix with and without accents. Lastly, we added hundreds of legal-related terms that we have found to be associated with potentially privileged documents.

The next step was to use PowerSearch, a Catalyst tool that is designed to run large volumes of searches automatically. We ran what turned out to be more than 7,000 searches against each upload. PowerSearch combines searches in named groups that can be invoked with a single click. Clients can run searches against a particular upload or with any other limiting criteria desired. In this case, Catalyst’s consulting team also sampled the high-hit searches to analyze for false positives.

As searches were run, documents were tagged “Potentially Privileged,” and the terms that hit in the document were placed in a field so that attorney reviewers could see why each document was tagged. PowerSearch also allowed our client to place the documents that hit in designated folders. Because uploads are ongoing, we developed a means to rerun and update search results when new names are added to the list. 

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Client Snapshot:
Multinational Corporation

- Client needed defensible search strategies
- Catalyst consultants developed best practices
- PowerSearch used to automate 7,000 searches against each upload
During the review, attorneys use the review form to build the privilege log entries, and for QC, documents were checked again for privilege at production time.

**PowerSearch Backed by Sophisticated Search Experts from Catalyst Consulting**

As document populations increase, clients and counsel are increasingly turning to repository companies who can supplement their technology with analytics and statistical techniques. Catalyst’s consulting team includes certified search experts, senior attorneys and legal technologists backed by renowned statisticians and mathematicians from the academic community. That’s one of the many Catalyst advantages.