One of the best ways to find hot deposition documents in the opposing side’s production is to use TAR. It succeeds where keywords fail.

Client Snapshot: Major Litigation Firm
- Multi-district medical device litigation
- Depositions looming
- Opposing party production a mess
- Keyword searching ineffective
Common belief is that technology assisted review is useful only when making productions. In fact, it is also highly effective for reviewing productions from an opposing party. This is especially true when imminent depositions create an urgent need to identify hot documents.

A recent multi-district medical device litigation dramatizes this. The opposing party's production was a “data dump” containing garbled OCR and little metadata. As a result, keyword searching was virtually useless. But by using TAR, the attorneys were able to highlight hot documents and prepare for the depositions with time to spare.

**Challenge: Quickly Find Hot Docs in Garbled Production**

The attorneys represented the plaintiffs in a multi-district products liability lawsuit involving a medical device. With depositions of the defendants’ witnesses just around the corner, the defendants produced some 77,000 electronic documents. To prepare for the depositions, the attorneys needed to quickly scour the production for hot documents.

But there was a problem. The defendants' production was a mess. Many documents were poorly scanned and without metadata. The OCR text for the scanned documents was riddled with errors. Thousands of emails had been so completely redacted that even the address and subject line showed only “redacted.”

Given the condition of the data and garbled OCR, keyword searching was ineffective and inconclusive. Reviewing just the documents that hit on highly focused searches, only 5% were potential deposition exhibits and only 51% where either relevant or hot. The attorneys were certain they were missing important documents, even as their time to prepare was running short.

**Solution: Using Insight Predict to Prioritize Hot Documents for Review**

With depositions looming, the attorneys turned to Catalyst for help zeroing in on hot documents. Using Insight Predict, our TAR platform, we were able to help them find and prioritize a significantly greater number of hot and relevant documents than they had been able to do using keyword searching alone.
We started by having a lead attorney QC the documents already tagged as hot. We then had the attorney review a few hundred more targeted hits and some further samples to identify additional hot documents.

Using those documents as seeds, we proceeded to rank the entire population for hot documents, in order to concentrate them at the top of the ranked list. From the resulting ranked list, we then pulled the top thousand unreviewed documents for the attorneys to evaluate. In this way, the proportions of hot and relevant documents were greatly enhanced. Through keyword searching, only 5% of documents found were hot and 46% were relevant. But through TAR, 27% of the top-ranked documents were hot and 65% were relevant.

The above chart shows the breakdown of that top slice of roughly 1,000 documents out of the 77,000 documents ranked. The second bar shows the 258 documents judged by the reviewing attorneys to be hot. Nearly all the rest of the documents—the first bar of 616—were judged to be at least relevant.

With over 92% relevance and over a quarter of the documents actually deemed “hot,” the attorneys now had a rich, small set of documents to work through. The Predict rankings allowed them to quickly and efficiently find everything they needed.
Good Results from Difficult Data

Because Insight Predict lets you use as many seeds as you want from judgmental sampling, we were able to use documents the attorneys had already coded and quickly achieve results that were far better than would be expected from such a mess of a document set.

<table>
<thead>
<tr>
<th>Targeted Search Hits (unranked)</th>
<th>TAR High Ranked</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hot</td>
<td>27%</td>
</tr>
<tr>
<td>Relevant</td>
<td>65%</td>
</tr>
<tr>
<td>Hot + Relevant</td>
<td>92%</td>
</tr>
<tr>
<td>Irrelevant</td>
<td>7%</td>
</tr>
</tbody>
</table>

The above chart compares the review ratios for the unranked search hits and for the high-ranked documents ranked by Insight Predict.

Thanks to TAR, the plaintiffs’ attorneys were able to work with a document set that was rich with hot and relevant documents. That enabled them to prepare thoroughly for depositions by reviewing the hot documents that pertained to the deponents and issues in the case.

The Bottom Line

One of the best ways to find hot deposition documents in the opposing side’s production is to use TAR. It even helps overcome problems of missing metadata and mangled text. And it continues to improve as you and the system learn more about the case. It saves time and money, helps you prepare sooner, and enables you to focus on what is important.