



CASE STUDY

Digital Entertainment Company Uses Continuous Active Learning for Privilege Review in Government Investigation

Insight Predict Reduces Review and Rescues Privileged Documents

“*Insight Predict not only cut the time and cost of review, but also protected privileged documents from inadvertent exposure.*”

Client Snapshot: Digital Entertainment Co.

- Sensitive government investigation
- Eyes-on review of outgoing docs
- Protect privileged documents
- Minimize review time and cost



In a highly sensitive government investigation, discovery is a delicate balancing act. You want to be sure to produce everything you are supposed to produce. But you just as surely want to steer clear of inadvertently producing privileged information. On both sides of this equation, technology assisted review (TAR) can provide greater certainty, while still reducing the overall time and cost of your review.

This was demonstrated in a case involving a government investigation of a digital entertainment company. Using Insight Predict, Catalyst's advanced TAR platform based on continuous active learning (CAL), the company's legal team achieved two critical outcomes. First, even though they wanted eyes-on review of every document that might be produced, they still were able to stop after reviewing just 60% of the total population. Second, by using Predict as a preproduction check for privileged documents, the legal team rescued several privileged documents that had been slated for production.

Challenge: Review Carefully but Control Time and Cost

This government investigation required review of about 60,000 documents. Although the document population was relatively small, the case was highly sensitive. For that reason, the legal team wanted to manually review every document that might go out the door, including not only responsive documents, but also family members of those documents that were likely unresponsive.

At the same time, the team wanted to keep the time and cost of the review as low as possible. And they wanted to be extremely careful to avoid inadvertently producing any privileged information.

Solution: Use Insight Predict to Cut Review and Rescue Privileged Docs

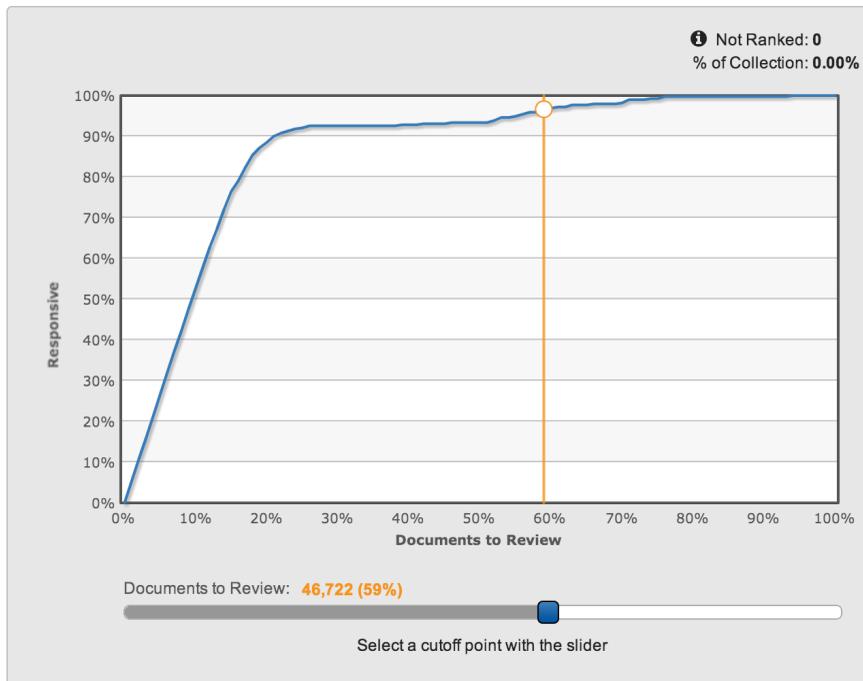
The initial sample of the document population found it to have 20% richness. But after the team reviewed a few hundred seed documents, Predict was able to increase fourfold—to 80%—the richness of the documents that it was automatically queuing up for the review team.

Further, despite the legal team's thorough approach of reviewing every potentially responsive document, Predict enabled them to stop the review just 60% through the total population yet still achieve



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nearly 96% recall. That means they were able to defensibly cut 40% of the human-reviewable population while still achieving a measured recall well above the theoretical limit for full-scale human review.

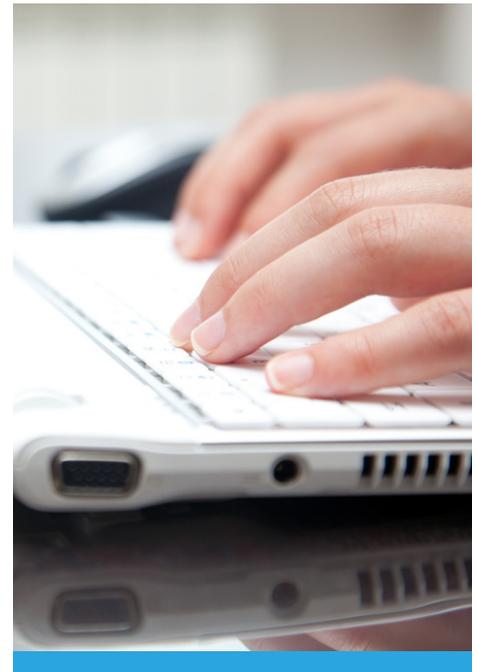


The yield curve from the case shows a nearly perfect ranking for a 20% rich population at first. It is almost a straight line until we reach about 80% recall. Then it starts to flatten out, indicating that we are running out of responsive documents. The orange line shows a cutoff selected at the 60% mark, resulting in recall (or “yield”) of about 96% of all relevant documents in the population.

Using Predict as a Check for Privileged Documents

A few days before production, we noticed that the legal team had started privilege review and had reviewed and QC'd several hundred potentially privileged documents. We suggested that we create an additional Predict ranking instance for privilege, use the documents already coded for privilege as training seeds, and then rank the whole produceable population based on likelihood of being privileged.

This process took about an hour. Once it was done, we batched the top 100 documents that Predict identified as potentially privileged but that reviewers had marked as responsive for production. When the legal team reviewed this batch, they found five privileged documents that would have been produced if not for Predict.



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We continued the process several more times that same day, batching documents further down the ranked list. Two more privileged documents were quickly found. After about 500 documents, the technique stopped yielding additional mismarked documents and a safe stopping point had been reached. In all, this process rescued seven privileged documents that would otherwise have been produced.

The Bottom Line

In this case, Insight Predict not only cut the time and cost of the review, but it also served as a critical check and balance on the process. It enabled the company's legal team to eliminate 40% of the document population from eyes-on review yet still be highly confident of the thoroughness of the production. At the same time, Predict provided a safety net that prevented the inadvertent production of privileged documents.



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