



Document Review in Litigation and Investigations

What is written is fundamental to the [Phoenix business laws](#), so obviously document review is crucial in the litigation process. It is a key to the discovery process. According to KPMG, first level document review can be anywhere from 58 to 90 percent of the total litigation cost. Doing it right is crucial to a successful outcome. Failing to notice a significant document may result in inadvertent disclosure of a privileged document or a significant document only showing up at a deposition. Getting it right, particularly with data rich electronic information requires training and understanding of the basic guidelines.

Counsel's Duty of Supervision

A [Phoenix business lawyer](#) has the legal duty to ensure document productions are both precise and complete. They must be clearly and accurately labeled, and organized in a comprehensible way. Counsel should routinely review the business or project manager's (commonly called ESI) quality control procedures.

Information-Gathering Stage

Before you begin the extensive and costly document review, you need to be clear what you are looking for, specifically the type and object or goals of the case. Once counsel has established what they are looking for, counsel needs to establish where they are looking for it: in-house documents and hard drives, external documents or online/wireless communications etc. Finally, counsel needs to establish how they want the data processed. Counsel should review this strategy with the chosen ESI vendor.

Choosing the ESI Vendor and TTS Team

Just as a strong litigation team is needed for a successful outcome so is choosing a strong team of [Phoenix business law attorneys](#) and paralegals for document review. Choose the ESI vendor based on experience, staffing capabilities, flexibility for changing project needs, and the ability to acquire and retain talented staff, even on short notice. Be sure their staff has the talent, legal certifications and experience in both document review at large and your subject in particular.

Introducing the Team to the Matter and Training Them

Speed dating may be fun and instructive but not when it comes to document review. Counsel and the document review team need time to get acquainted and establish sound communication techniques.

All legal professionals who will be part of the document review need training, though it is best to wait until the documents are actually reviewed. They need a thorough explanation of the review tool being used. Additionally, it is essential that they are able to sort what is responsive to discovery and what is not. Checklists, discussing specific documents as examples and appropriate analysis are quite helpful in this end.

Second-Level Review

It is important that all documents not only be reviewed by trained reviewers but that samples of the documents be given to experienced senior level project managers to ensure accuracy. This way if there are widespread issues of miscoding, they can be caught and corrected. Additionally, it is advisable that a manager review all documents marked privileged as well in order to ensure that privilege is applied consistently and correctly.

Planning, planning and more planning make the successful document review. Only then will everyone involved feel confident that the documents provided are correct and complete. During the litigation process, the litigation team may feel like they are drowning in paper, but incorporating these key ideas can act as a lifeline.

This article brought to you by the [Phoenix business law firm](#) of Law Office of Donald W. Hudspeth, P.C. 866-696-2033.

SYNOPSIS

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