



**Talent.
Technology.
Total Managed Review.**



Managed Review Process Overview
Orange Legal Technologies

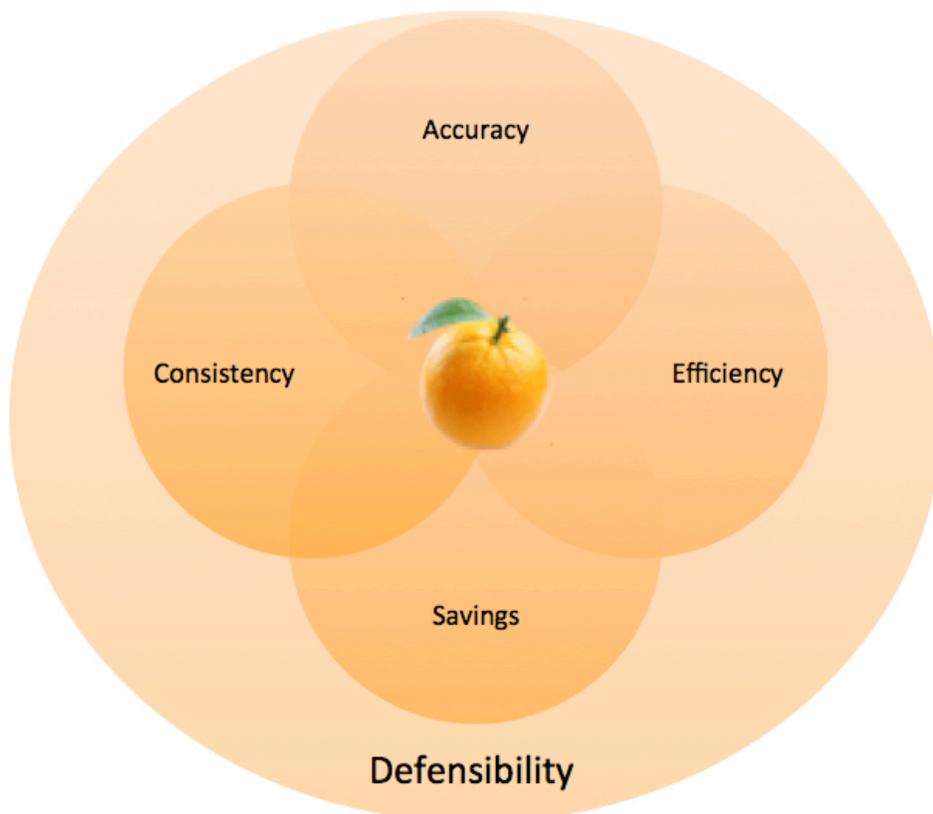


Orange Legal Technologies' Managed Review Service

The OrangeLT™ Complete Managed Review Service helps corporate legal departments and their outside counsel conduct the critical electronic discovery task of document review by combining teams of expertly trained legal review attorneys with an integrated, forensically sound eDiscovery platform.

The service leverages on-shore teams of **U.S. licensed attorneys that are also highly trained in the use of technology**. The combination of legal knowledge, technical skill and training, and access to our technology products allow our reviewers to increase accuracy and consistency while achieving dramatic reductions in the total cost of initial relevancy and privilege reviews.

- **Accuracy:** Full time reviewers and detailed workflows that include multiple manual and technology based quality control procedures combine to increase accuracy.
- **Consistency:** Expert reviewer classification, technology that enforces rules-based document and document family-level coding schemes, and utilization of near duplicate comparison technology during the QC process validate and increase consistency.
- **Efficiency:** Highly trained in the use of technology, our review attorneys achieve significant time and cost efficiencies when compared to traditional manual review through strategic organization and execution.
- **Cost Savings:** Hourly based or per document based pricing options at a fraction of the rate of traditional hourly attorney fees allow for dramatic reduction in costs and increases in total cost predictability and forecasting.





Managed Review Service Workflow

The following pages document OrangeLT's seven-step, process-driven approach and workflow to managed review. These steps are designed to balance communication, documentation, and feedback loops to achieve the highest quality decisions and overall experience for the client.



Orange Legal Technologies' Seven Step Managed Review Service Process

Process Step 1 – Project Planning

The first step in OrangeLT's managed review process consists of project planning and is initiated in the form of a meeting or series of meetings designed to help OrangeLT understand client objectives through the lens of project timing, search terms and document types. Initial client meeting areas of consideration include but are not limited to:

- a. Project scope and timelines.
- b. Document sources and types, collection, processing, and culling strategies utilized on the dataset so far.
- c. Identification of issues and culling terms.
- d. Identification of potential privilege terms.
- e. Delivery of project data to OrangeLT and determination of any additional data processing required.
- f. Data ingestion audit to confirm all expected files are ingested into OrangeLT discovery platform.

Process Step 2 – Data Sampling

The second step in OrangeLT's managed review process consists of managed review experts sampling a small set of project data and having an assigned initial review team provide recommendations on whether draft review protocols are complete. The team will also recommend refinements as applicable to ensure consideration of substantive or workflow issues. This sample review can also identify example documents that may be appended to the project review manual. These example documents will help in providing clear guidance to review team members and help in ensuring accuracy, consistency and efficiency by establishing decisional baselines for certain document types. This planning stage includes but is not limited to:

- a. Sample review (1-5% of project data) to determine file types and quality, to project prevalence of the data set, and to estimate review speed for the project.
- b. Creation of reviewer efficiency/cost projection based on number of documents to review and expected review rate.
- c. Identification of patterns for intelligent document review batching and privilege or issue coding.

Process Step 3 - Team Organization and Project Strategy

The team organization and project strategy phase of the OrangeLT managed review process is that stage where client guidance is translated into action through the structuring and implementation of review team organizational structure, review protocols and reviewer training. This planning stage includes but is not limited to:

- a. Determination, documentation and validation of attorney of record to ensure compliance under FRCP Rule 26(g) (Signing Disclosures and Discovery Requests, Responses and Objections).
- b. Identification of qualified team members based on project specifications or particular subject matter.
- c. Identification of review team “lead” that will interact with client and/or supervising outside counsel.
- d. Development of project specific review manual.

The project specific review manual will guide substantive review and coding decisions for the project. OrangeLT can, if required, provide a template to outside counsel for use in drafting the project manual. The project specific review manual, or “review protocol”, will include a brief overview of the litigation, tagging structure, an explanation of key issues and concepts, a listing of key players, a highlighting or privilege issues and noting of any date restrictions. The project specific review manual also will establish whether document “families” will be coded consistently. During this project manual review, OrangeLT will provide considerations and/or suggestions based on substantive data sampling. As OrangeLT believes that successful discovery projects involve iterative feedback loops, the project-specific review manual is considered a working document that is consistently updated and revised to reflect the most recent guidance from counsel regarding substantive review decisions.

- e. Review project kick-off meeting with client. The review project kick-off meeting will:
 - Serve as a content hand-off from client to the review project team.
 - Introduce client to review project team and team lead.
 - Provide opportunity to discuss case background or procedural information not found in project review manual.
 - Establish a forum from which to begin regular check-in calls with counsel. These regular check-in calls will provide an opportunity for the review project team to ask questions, receive additional training on the materials and to provide counsel with feedback on the review and any interesting or “hot” documents discovered by the team.
- f. Reviewer training. Reviewer training in this phase is comprised of the following elements:
 - General review platform familiarization and proficiency. Reviewers not familiar with the particular review platform receive training on viewing and coding documents, and any other features that will assist with the review.
 - Specific review platform workflow and substantive decision-making familiarization and proficiency. Reviewers receive training in the actual review database, providing reviewers a comprehensive demonstration of workflow and substantive decision-making in the true review environment.
 - Specific matter protocol process and workflow familiarization. Reviewers receive training on the process and workflow of the particular review. Most often this workflow as involves intelligent batching of documents and persistent highlighting of key and privileged terms before hands-on review. Additionally, the tagging palette in the review tool will reflect the matter specific workflow and should provides a useful interface that reminds reviewers of the process for each document

Upon completion of project planning, data sampling and team organization/strategy related phases of the OrangeLT managed review process, the actual project review is initiated.

Process Step 4 – One Decision® Review

OrangeLT managed service projects are conducted from centralized reviewer locations and use a collaborative process to enhance accuracy, consistency and efficiency. Operating from an ergonomically and environmentally correct physical environment at our corporate headquarters in Salt Lake City, Utah, our U.S. trained and licensed review attorneys have continuous access to both review team leaders and quality control experts to facilitate review functions to include but not limited to:

a. Strategic creation of review batches.

Depending on the results of the sample review, batches may be organized by a particular issue, or grouped by search terms and assigned associated risk scores, rather than simply custodian or source. Strategically organizing review batches creates efficiencies by giving reviewers foresight into substantive trends within certain batches. Reviewers may then anticipate the coding decision on certain documents and more quickly identify when distinctions appear in the review set. Project managers and team leads may also communicate more accurate review pace estimates to clients by segregating documents based on risk for privilege or “bad” documents.

b. Conduct of attorney review.

OrangeLT leverages a team-based approach review methodology that encourages collaboration in real-time between first-pass review members, senior review team leads and quality control team (QC) members. Review teams are encouraged to discuss examples of interesting documents and learn from each other to develop a quicker understanding of the material and to achieve higher consistency on first-pass review.

The talent pool from Salt Lake City is review expertise rich as the area boasts two top-50 law schools (Brigham Young University; University of Utah – TopLawSchools.com). OrangeLT consistently recruits graduates from these schools as well as additional attorneys from around the country that have chosen to make their home in one of the most business friendly, technologically advanced and geographically attractive areas in the United States.

c. Leverage One Decision Review for near-duplicate detection and consideration.

The review tool component of OrangeLT’s OneO Discovery Platform allows for instant identification of any document with a near-duplicate in the project database and reviewers may apply single coding decisions to these documents contemporaneously. Reviewing near-duplicates in this manner increases efficiency by allowing reviewers to either quickly code near-duplicates similarly, or if there are meaningful distinctions requiring further analysis.

Near-duplicate detection groups together documents that contain mostly identical blocks of text or other information while differing in some way (if two or more documents were, in fact, completely identical, all but one should have been dropped during the prior processing phase as part of deduplication efforts). Such differences can include minor amounts of additional or deleted text, altered formats, or variation in file types. One example of a near-duplicate would be a word processing document file and a scan of a printed version of that same document after being subjected to OCR. Another example of near-duplicates would be multiple drafts of the same document, with only slight differences between revisions. When grouped in this way, the reviewer might decide that, for example, because the “master” or “pivot” document in the set (the one that is judged to be most representative of the entire group) appears to be relevant and responsive, it is therefore not necessary to examine the other documents in the same set. Whether two documents are near-duplicates is essentially a subjective judgment, and applications allow users to adjust the similarity

threshold (sometimes referred to as a likeness threshold or resemblance threshold), the statistical value that determines how close to an exact match the documents must be to be classified as a near-duplicate.¹

d. Conduct of technology assisted text/OCR review.

Leveraging OrangeLT's text and OCR review capability, reviewers can easily review extracted text from over 300 files types, to include native Word, Excel, and PDF files, in a viewing pane that can also provide persistent highlighting of key terms. This data presentation approach allows responsive or privilege issues to be easily identified. Persistent highlighting can be applied to both privilege and relevancy search terms.

e. Development of responsive term list.

The OneO® Discovery Platform also streamlines document review by allowing reviewers to view a list of all responsive or privilege terms present in a particular document at one time in order to quickly assess whether there exists any privilege search terms in a given document or determine why each document is potentially responsive.

While the conduct of the substantive technology assisted review comprises the core of OrangeLT's managed review service, a rigorous quality control process to continually ensure accuracy, consistency, efficiency and defensibility of all review efforts augments the review conduct.

Process Step 5 - Quality Testing

Quality testing, commonly used interchangeably with the term 'quality control' (QC), ensures the integrity and defensibility of the data and processes of a review project. Quality testing is a lynchpin in OrangeLT's managed review process.

Basic Approach of OrangeLT Quality Testing

Quality testing at OrangeLT begins with our project review team's first pass reviewers. First-pass reviewers are provided a QC checklist to test individual review batches for completion. The QC checklist includes rules and a step-by-step guide for quality testing that ensures each document has been reviewed and tagged appropriately. Additionally, first-pass reviewers perform checks to ensure document families are tagged consistently and that all responsive documents have privilege/not privileged and confidentiality tagging as appropriate. First-pass reviewers are also provided an updated list of search terms to apply to their completed batches to aid them in the identification of privileged or sensitive documents to identify potentially privileged documents not captured by initial privileged culling terms. Upon completion of a first-pass review, second-pass reviewers continue the quality testing using a targeted approach that leverages OneO to maximize review quality without re-reviewing every document. From an organizational perspective, the project review team is structured to position a QC reviewer for every four to five first-pass reviewers.

Key Elements of OrangeLT Quality Testing

Key elements of OrangeLT quality testing include but are not limited to the following specific checklist items:

- a. Testing of rules-based tagging structure/mutual exclusions (example: no responsive/non-responsive).
- b. Testing of "family" tagging. The OneO Discovery Platform includes a default option to consistently tag all document families. Depending on the particular coding rules as provided in the coding manual, quality testing is performed by ensuring that all document families are tagged consistently for responsiveness and/or privilege and confidentiality.
- c. Substantive quality testing by tag-based sampling. Project management runs a script to collect all reviewed documents on a regular basis, either daily or more often on larger reviews. Those reviewed documents are organized into batches by reviewer and named by rule according to the date or time of the collection. The script may also be adjusted to

¹ (Where The Money Goes: Understanding Litigant Expenditures for Producing Electronic Discovery. By Nicholas M. Pace and Laura Zakaras. RAND. April 2012.)

provide a sampling of the reviewed documents by reviewer. Second-pass reviewers then perform quality testing according to responsiveness tags and either review for privilege or sample non-responsive documents to test that responsive documents are not erroneously withheld. Substantive quality testing is documented to track the number of documents analyzed by second-pass review, the number of documents analyzed if samples are utilized, the number of documents judged correctly coded, and the error rate of first-pass review. (See Process Step 6 - Reporting). Responsive document quality testing and non-responsive document quality testing are two key elements of this substantive quality testing. Reviewer batches that do not pass threshold levels of quality testing are either re-reviewed or re-sampled for further testing. Reviewers are corrected and re-trained if necessary.

- **Responsive Document Quality Testing.** Second pass reviewers assess each responsive, non-privileged document to make sure privileged documents are not produced without a second look. Documents tagged responsive and privileged are segregated for final privilege determination by supervising counsel and for privilege logging. Incorrect decisions are adjusted and tracked on the quality testing log.
- **Non-Responsive Document Quality Testing.** Second-pass reviewers sample non-responsive documents to ensure that clients are meeting their obligations to take reasonable efforts to identify and produce responsive documents. Depending on the prevalence rate of responsive documents, the review team establishes a baseline sample volume, between 10-25%. The team decides on an acceptable error rate in conjunction with outside counsel. Where second-pass batches fall below the acceptable error rate, quality testers identify individual first-pass batches from which problem documents originated and those batches receive additional review. Where errors exist within acceptable rates, second-pass reviewers correct identifiable mistakes and note errors on the log. First pass team members receive additional training on areas of concern identified by the quality-testing process.

The One Decision near-duplicate review provides a graphical representation of the distinctions between near-duplicates and gives reviewers instant access to substantive differences for coding purposes. After first-pass reviewers have performed consistency and substantive quality testing on their own batches, and these batches have received additional review by QC attorneys, our QC team then analyzes near-duplicates for consistency. QC batches are created and sorted by the number of near-duplicates that exist for each individual document eligible for QC review. The QC reviewers then look at the near-duplicates of each document to assess consistency and look for outliers – one or two documents in a group that are coded differently than the rest. If near-duplicates have been tagged consistently the reviewer applies a QC tag and moves on to the next document. If near-duplicates are not tagged consistently the second pass reviewer analyzes in further detail to determine whether there are substantive distinctions to warrant inconsistent tagging.

The One Decision QC approach differs from other managed review services in at least three respects:

First, many review services rely exclusively on batching documents by coding decision, for example, looking at all non-responsive documents together, then all privileged documents, and so on. The fundamental flaw of this approach is that second-pass reviewers may, when looking at documents coded similarly, agree with that particular coding decision because they are unaware that another reviewer has coded nearly identical documents another way. Reviewing similar documents regardless of initial coding decision allows QC reviewers to evaluate the decisions of each document in context to other nearly identical documents and identify whether inconsistent coding decisions are warranted.

Second, searching for key terms or phrases, no matter how sophisticated the search criteria, is unlikely to yield the kind of simple, head-to-head comparison of similar documents available in OrangeLT's OneO Discovery Platform. Inherent limitations of search functionality are particularly concerning with respect to privilege issues. A search may not reveal that an email string or document was previously or subsequently sent to counsel for review, or was created by counsel. With OrangeLT's near-duplicate technology, reviewers identify related documents by simply filtering and sorting, rather than spending time devising complex Boolean queries to identify privileged documents undetected by first-pass reviewers.

Third, OrangeLT's approach eliminates the need to re-review every document to increase accuracy of first-pass review. This avoids unnecessarily reviewing uninteresting and irrelevant documents. Orange LT's targeted, technology assisted approach increases accuracy and consistency while keeping costs low.

- d. OrangeLT leverages the OneO Discovery Platform by performing a logical tagging structure analysis. This ensures that all documents have all appropriate tags applied and eliminates inconsistency. Quality control reviewers perform this series of checks that is customized for each review, often in conjunction with the project management team.
- e. Validation of audit trail. The OneO Discovery Platform maintains an audit trail of every action taken with respect to every document in the database. This trail allows subsequent quality control and management reviewers to identify the workflow as applied at the document level and to identify which team member made every decision on that document.
- f. Reviewer testing. OrangeLT corrects and re-trains reviewers who are underperforming, and when necessary, reassigns or dismisses team members.

In addition to providing a strong quality testing approach to our managed review process, OrangeLT complements this testing with a comprehensive approach to documenting and reporting key metric areas within each managed review project.

Process Step 6 – Reporting

Designed to ensure systematic and consistent communications throughout a managed review project, OrangeLT has a strong progress reporting and tracking methodology that includes but is not limited to the following key metric areas:

- a. Review pace and project completion projections. (Daily)
- b. Project budget tracking of reviewer hours and project costs. (Weekly)
- c. Productivity audit (audit of reviewer hours against review tool productivity reports. (Bi-Weekly)
- d. Responsiveness/privilege ratio reports. (As Required)
- e. Trends and privilege updates. (As Required)
- f. Project manual updates. (As Required)
- g. Sampling percentage and error rate reports. (Continuously Available via Quality Testing Log)
- h. Export of Audit Trail. (Continuously Available and provided upon completion of project and request)

Incorporating these reporting metric areas into the overall project communications approach allows an iterative feedback loop to be used throughout a review project. With this iterative feedback loop review efficiencies are enhanced as:

- Coding protocols and QC steps are updated as project develops.
- New search terms and persistently highlighted terms are input into the review tool for identification of key terms and privilege issues/people.
- Documents are re-batched based on search terms identified through review.
- Supervising outside counsel can provide immediate feedback to reviewers based on questions that arise during review, and reviewers can correspondingly provide immediate feedback relating to trends and hot documents.

Process Step 7 - Production

The final and capstone step in the OrangeLT managed review process is the actual creation and delivery of production data set. In this final step the managed review team works directly with OrangeLT's Product Management and Operations Teams to ensure delivery of quality work-product according to strict specifications of the request for production or document subpoena.



Managed Review Service Process Workflow - Reprise

OrangeLT believes successful discovery projects are the result of clear, documented, and defensible processes. Our seven step managed service review process is designed to ensure a thorough, systematic and repeatable approach to each review project.



A careful review process will achieve the goals of reasonably identifying relevant, privileged, and confidential information, and provide a reasonable basis to excuse inadvertent production of privileged information.



Company Background

Formed in 2008 as an eDiscovery-centric outgrowth of the 1995 founded Litigation Document Group, Orange Legal Technologies is a leading provider of electronic discovery litigation, audit, and investigation services for law firms and corporations. Having served over 1,000 clients since inception and with over 250 clients leveraging the OneO® Discovery Platform since its introduction, OrangeLT™ has worked with some of the world's most well known corporations and law firms and has been recognized in leading analyst and media publications from such organizations as Gartner, IDC, 451 Research and Forbes.



Contact Information

Based on the growing need for efficient and economical services to address the expanding requirements of eDiscovery, Orange Legal Technologies is poised to support current and potential clients with a proven balance of technology and talent delivered in a timely manner at an exceptionally reasonable cost. To learn more about Orange Legal Technologies, contact us today at:

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