



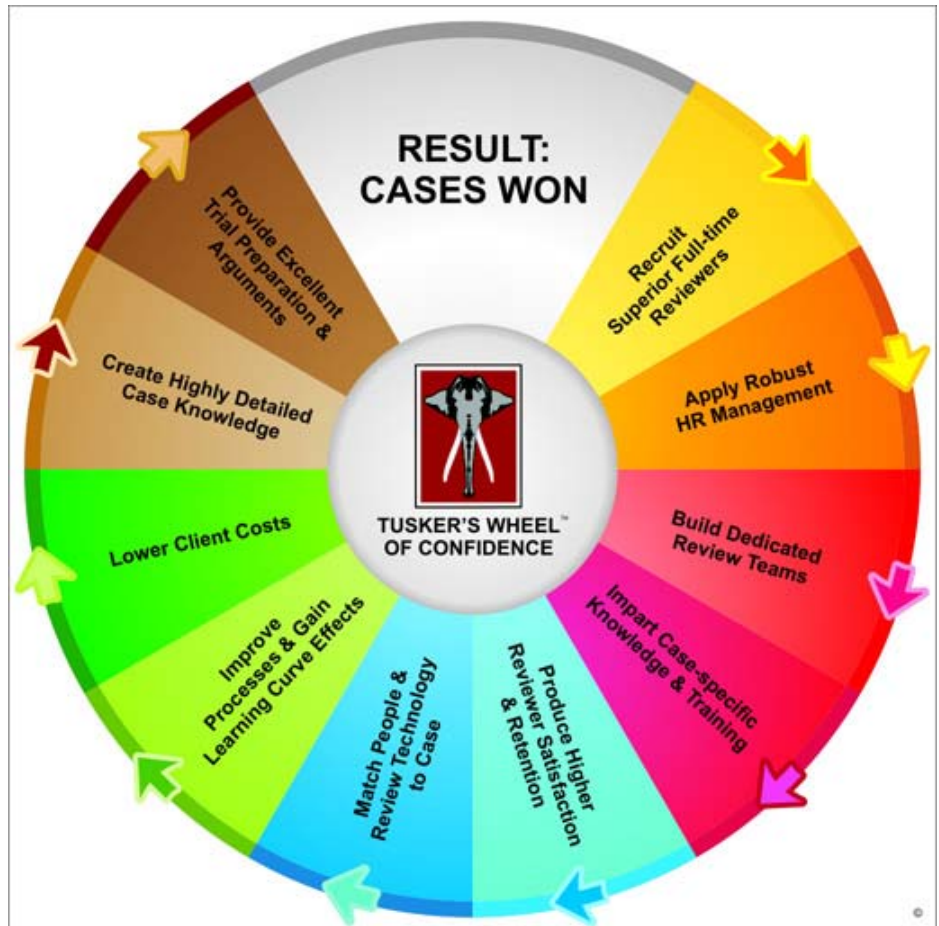
DOCUMENT REVIEW: TUSKER'S WHEEL OF CONFIDENCE

by
John Thickett



In our last newsletter ([click to view](#)), we quantified the significant cost savings achieved by our clients on cases where they utilized international document review services. Although reducing cost is an important element in the ever-growing realm of electronic discovery, of the utmost importance for our clients are two principal objectives that must be accomplished in document review: i) maximizing the quality of review, and ii) attaining a high confidence level in the overall review work-product. Most cases need high-quality review to find the key documents that will help win the case.

Achieving these objectives has guided us in building the "Wheel of Confidence", which highlights several key success factors that drive results in document review. This quarter's article focuses on the importance of full-time, dedicated international teams to Tusker's "Wheel of Confidence".



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Document Review:
Tusker's Wheel of
Confidence

Did You Know?

Meet Mike Dolan,
Tusker Group's CEO,
at LegalTech 2008

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DID YOU KNOW?

Elephants have the largest brains of any land animal, weighing over five kilograms.

The "Telephone Game Effect": How It Impacts Quality and Confidence in Review

Most of us have heard of the "telephone game," the whispering of a message between several people in a room and the resultant final message being entirely different to the initial message. Often humorous at parties, this cumulative error is much less amusing when it involves critical litigation. Just as the "telephone game" message quickly becomes degraded, a review with high staff-turnover rates will struggle from this same effect. There will be inconsistency in the issue coding, and dilution of the understanding of important subjective decisions and the identification of key documents. With daily and weekly briefings involving the whole review team throughout the life of the review, new review hires will inevitably miss out on some, if not many, of the important prior points.

One matter that we recently heard about was a year-long review involving thirty-five contract attorneys located in the US, where the turnover rate during a one-week period approached 20% (six review attorneys quit). The attorney-in-charge told us that they were running training classes every two weeks. Thus, irrespective of the costs being incurred for constantly training new staff, of greater importance to the attorney was that the information imparted on the new joining members was varying slightly, thus having an adverse impact on the review.

So, how did this affect the quality and confidence of that review? Let's assume that this review project maintained a monthly turnover rate of just 10%, so after one year of review, it is very likely that all the initial contract attorneys that started on the review project were no longer on the team. With such turnover, the review team that remained at the end of the review had only seen a small percentage of the total document population. Thus, the remaining final team is less informed to assist the senior legal team in preparing for depositions, briefing their client, helping strategize hot documents, and ultimately keeping them interactively informed about any key issues for final review.

The International vs. Domestic Document Review Solution

Well-managed international document review companies which provide good salaries, top-notch training, stimulating work environments and professional growth options, can maintain teams with minimal turnover throughout clients' reviews and have them available for questions and answers throughout the lifecycle of a case and thereafter. Such careers are appealing to foreign attorneys as it allows them to work in a stable environment and become specialists in various types of review, such as pharmaceutical, intellectual property, financial services, product liability or oil and gas.

In contrast, and as evidenced by several surveys, articles and blogs, for some U.S. attorneys, document review remains an unappealing, short-term engagement while they look for better long-term employment. In

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turn, these attorneys are often unhappy with their assignments, conditions, pay and the nature of this perceived low-level work. Thus, unhappy staff will perform accordingly, which impacts the quality and confidence in reviews.

At the end of the day, the best interest of the client is the ultimate factor that needs to be considered. With that in mind, clients have discovered that having a dedicated international team at their disposal offers them high-quality and consistent work at a fraction of what it costs to routinely assemble and disassemble large domestic contract reviews. Let Tusker Group help instill confidence, consistency and clarity into your review process.

TUSKER GROUP:

**DOCUMENT
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WHAT WE DO.**

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Superior Quality

**VISIT WITH MIKE DOLAN, TUSKER GROUP'S CEO,
AT LEGALTECH 2008.**

**February 5-7
The Hilton New York Hotel
New York, NY**

Call (512) 477-2839, or e-mail mdolan@tuskergroup.com to arrange a personal meeting.

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