

SPi Describes Its Latest Service – Managed Review

The Editor interviews Marc Eisner, Senior Consultant to SPi Technologies.

Editor: Would you tell our readers a little about your professional experience?

Eisner: I joined SPi in February. Prior to this, I spent a little more than five years in the e-discovery industry. I am a lawyer and a certified project manager. I have worked in the e-discovery industry in a number of different roles from project manager through sales to consulting to review management and training.

Editor: Please tell our readers about the business units of SPi.

Eisner: SPi is a global leader in business process outsourcing whose business units range from a legal division, a publishing division, and a medical transcription division, SPi Health Care. SPi is a wholly owned subsidiary of PLDT, the Philippine Long Distance Telephone Company.

Editor: Please describe the new Managed Review offering.

Eisner: The Managed Review offering allows corporations or law firms to outsource to SPi the first level review of documents for litigation or investigations. Typically, in the past, this review was done by the law firm's staff of associates or paralegals, or a large team of contract attorneys was hired.

Editor: Is SPi's service more cost effective than having paralegals or hiring contract attorneys?

Eisner: Absolutely. SPi trains its employees to use review technology, manages the employees, human resources requirements, employee training and closely controls overhead. All of this translates into savings for the law firms and corporations.

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Editor: How do you manage quality control of the people hired both in the Philippines and in the U.S.?

Eisner: All are put through a rigorous interviewing and vetting process. They are attorneys so, obviously, they have experienced an educational and testing process. They experience further testing and training at SPi. We have a well established infrastructure that allows the process of review to be accomplished onshore and offshore.

Editor: How do you determine where documents should be reviewed?

Eisner: It mostly depends on the needs, the timelines and the costs. It is generally anticipated that the majority of

lawyers will be working in the Philippines. However, there are no differences in specialties from one location to another. The Philippine attorneys study and receive their law degree in the Philippines, and they then are brought to the U.S. to receive the specialized SPi training.



Marc Eisner

Editor: Why did you choose the Philippines for this partnership?

Eisner: There are a couple of reasons. First and foremost the Philippine legal system is very similar to that of the U.S. The laws are similarly structured and all of the legal work is done in English. The attorneys are familiar with the U.S. legal system and speak English. The Philippines has a constitutional and common law system that originated after WWII when the U.S. maintained a presence and rebuilt the system of government and education modeled on the U.S. system. Also, similar to the U.S. legal system, Philippine attorneys not only need to graduate from law school but they also must pass a bar exam. That is not the case in India or Vietnam for example, where SPi also does business. Therefore, the partnership with the Philippines was logical based on the similarity of the infrastructure.

Editor: Who oversees the attorneys in the Philippines?

Eisner: We have attorneys on staff that are dedicated to managing these employees. They are located both in the United States and the Philippines.

Editor: What attorney training programs do you have in place?

Eisner: All attorneys are brought to the U.S. for a three month training program. The attorneys study the nuances of American law and the American discovery process. Our attorneys used BAR/BRI review materials and lectures to learn American substantive legal principals and analysis that is tested on the Multistate Exam. We gave them a Multistate Exam under test conditions as part of our performance evaluations and qualifications testing. In addition they are fully trained to utilize Attenux, iCONNECT, and Concordance, applications needed to conduct document review. Therefore, at the end of the twelve week program, a licensed attorney adds to his/her education and expertise, a knowledge of U.S. law, the nuances of U.S. discovery practice and document review including the tools by which the review will be accomplished.

Editor: How are they trained for e-discovery methods?

Eisner: The electronic piece involves using the tools that they will be using in their job performance. They learn to use Attenux, iCONNECT, and Concordance

and learn how to review the documents to make the proper assessments of relevant data.

Editor: Do you use different software in the Philippines?

Eisner: No. All of the data to be reviewed by the attorneys is hosted here in the U.S. at our Austin, Texas facility. The Philippine attorneys access the data here in the U.S., using the same facilities, the same tools, and the same methodologies as used by U.S. reviewers.

Editor: What are your methods of quality control?

Eisner: We use reporting and metrics. We have the ability to look at individual reviewers and the time they need to take to make the correct calls. Furthermore, we can undertake a statistical analysis of the individuals. For example, if the overall review is showing a 62 percent responsive rate on documents but one reviewer is only showing a 37 percent rate, we can focus on that reviewer in doing a quality check. We also have the ability to spot check and sample the documents. The tools help us, but we are also sampling the rates of review and rates of the calls, all of which we can report to the management team and to the client.

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Editor: Is the human element more important than the tools for e-discovery?

Eisner: The tools are just that – tools that the reviewers need to use. Many things can be done in an overall review model, like honing search terms and using artificial intelligence to elicit data that reviewers need to look at. But the bottom line is at the end of that process a human being still needs to make that subjective call on the document. The key here is all the reviewers, whether based in the U.S. or the Philippines, are using a common framework to conduct the review, following standardized practices and workflows. SPi provides the infrastructure, training, and management to ensure this is the case.

Editor: Are the attorneys SPi employees or contract workers?

Eisner: The attorneys are all SPi employees. All work is done in-house by SPi people.

Editor: What types of metrics and data analytics can we expect to see when we see them reviewing one of the documents?

Eisner: Besides measuring the percentage of calls, we can also report on the throughput of the entire project. We can get progress reports on all of the different calls – relevant, not relevant, privileged, and not privileged. We also have the ability to tie into our data analytics model, so one of the things that SPi uniquely offers is what we call data analytics which is a method by which we hone down the search terms. One of the hallmarks of the data analytics process is the ability to garner feedback from reviewers back into the searching methodology. As search terms are applied, we are directed towards responsive documents while non-responsive documents are left out. If we begin to see documents that are non-responsive from the search hits, or more importantly, documents that are responsive that did not hit on a searched term, we can gather that feedback from the reviewers to hone the search terms, to try and bring in those non-hits and exclude those incorrect hits. Since the SPi reviewers can tie directly into that process, it makes the review work more focused and efficient.

Editor: Can clients check on the status of their work?

Eisner: Absolutely and a key point here is that the client attorneys are ultimately overseeing the entire process. SPi manages the people, the HR overhead, the staff, the quality control, but the client's legal team is still in control of the content. They are ultimately responsible for the substantive and the legal issue training of the reviewers to make sure that they understand the issues involved. The client's legal team needs to oversee the process as a whole. SPi frees up the senior attorneys at law firms allowing them to do the more substantive legal work that is involved in litigation while the first-pass document review is done by our managed resources. This enables the attorneys to guide our employees as the litigation develops.

Editor: Please talk a little about pricing models for this service.

Eisner: The pricing is done on a per document basis. We believe that this is unique in our market place. The reason for doing this is that it allows our clients to have some assurance in their budgeting and cost modeling. Typically, the number of documents is known at the start of the review, and therefore the price can be calculated. Because some reviewers are faster than others, this pricing method is advantageous over an hourly based charge. However, we are happy to price according to the client's wishes.

Editor: How do you reach out to the legal community to tell it about the service you are providing?

Eisner: Our marketing and sales teams are doing a good job of getting our message out. Clients are talking about their successes with our process, thus creating buzz about this method of first-level managed review.

Please email the interviewee at m.eisner@spi-bpo.com with questions about this interview.