

LPO

LPO basically means ‘*legal process outsourcing*.’ The basic essence of LPO is to outsource i.e. provide to outsiders, which may be the law firms or their clients or both, the assistance in legal matters. Such assistance may be provided in various ways i.e. by implementing certain processes and delivering what is asked and required by the client. Various processes that take place in an LPO are:

- Document Review
- Deposition Summarization
- Legal Research
- Contract Management (drafting and review)

DOCUMENT REVIEW

THE PROCESS:

Document review, as the name suggests, is about reviewing a document. This review should contain all aspects of a document, which the client wants to know. A document has to be looked at, in general, and also for finding certain specifications as instructed by the client.

Generally, what happens is that the client (the firm or the firm’s client), who is involved in litigation with the state or another party, is being asked by the department of justice, to produce certain documents. For example: let’s say the suit is about misrepresentation of value of share, as per the market status, in the company’s brochure or prospectus and a particular set of persons (may or may not be attorneys) is involved in it. So, the department would ask for all the documents related to company’s prospectus, application documents, documents relating to prospective buyers and existing members, all communication between the company and people belonging to that set of persons and so on.

The company hires a particular law firm for the suit or it might be their regular legal consultant firm. All in all, the company or the organization has numerous documents. For producing the relevant or the said documents to the department, the company needs to filter the documents available to them. Now such a task is quite tedious and time consuming. And for this, they do not want to use the legal resources available to them as that would be very expensive for them. So, for such and similar purposes, they prefer outsourcing from other countries which is quite cost effective for them.

How does the process of “D.R.” flow?

The client organization assembles all the documents. These documents are first sent to the TOOL organization. They filter and set the documents according to the instructions of the clients and as per the requirements of the outsourcing firm and they are further sent to the outsourcers.

What is TOOL?

TOOL is very similar to application software. It is basically an interface between the user and the computer. It is a set format under which the document appears to the user. The TOOL is used to present the documents with enhanced features and which helps put some tags on the documents. There are various kinds of tools available and depending upon the tag structure and the requirements as per case, the tool is selected. Then the documents are adjusted into the tool and are sent to the outsourcing firm. The various kinds of tools available for the purpose are XEROX, DOCUMATRIX etc. These tools are also known as ***E-DISCOVERY TOOLS***.

The companies which do the job of setting documents in the tool are basically like an intermediary between the clients and the companies performing the outsourcing. They receive the bundle of documents from the client and set each and every document in the tool and further send them to the outsourcers. They are instructed to use the particular tag structure as asked by the client and thus insert the tags accordingly.

After sending the documents to the outsourcers, if there's any issue with the mode of document or any other issue like document not opening etc, the document may be sent back to the tool manager for further adjustment.

AT THE OUSTOURCING FIRM:

Allocation of resources:

Once the documents reach the outsourcing company, the process initiates. The firm terms the given case into a project and allocates the resources as per the requirements of the project. As per the requirement, various people such as project manager, assistant project manager, mentor, quality controls, reviewers and technical administrators, are assigned to the project.

The subject matter:

The very first step is the understanding of the case matter and the requirements of the client. The client or the representing litigation firm sends a summary of the ongoing suit and all relevant data. The documents are sent to by the tool managing company. The case matter is studied well and discussed upon at various levels within the team. Once the matter is gone through well by all the members of the team, the client call shall take place.

Tagging structure:

This is basically the most important part of the process of document review. When the client asks to review the document, his first and foremost concern is whether the document is relevant to the suit in concern or not and if so, then belonging to which category of subject matter. So, the tagging structure has two main nodes, one each for positive or negative response to the relevancy. Once the relevancy is decided upon, then the client may ask for other criteria in the document such as whether the document is privileged or

a key document i.e. if the document points right at the disputed matter or if there is any issue of technicality or foreign language with the document.

The tagging structure puts straight light on the status of the document. Also, the client can just look at the tag given to the document and move forward. The more elaborate and competent the tagging structure of a document is, the more accurate and efficient is the review given to the document.

The various tags that might be used as per the requirements are:

Responsive: when the document is relevant to the subject matter.

Non-Responsive: when the document is not at all responsive to the subject matter.

Privileged: when the document is not to be produced owing to the attorney client privilege i.e. when the document contains any communication of client with his immediate or otherwise attorney or contains any fact or point relating to any sort of legal advice.

Key: when the document is straight on the point of suit or discussion.

Technical Issue: when the document is not viewable properly or otherwise i.e. when there is some problem with the tool.

Foreign Language: when the document is not in the same language as the language of the subject matter and the instructions of the client.

Client call:

Client call is basically a conference call in which all the members belonging to that project sit together along with the seniors and then a call is placed to the client's representative. This person is generally an attorney of client's or one belonging to his law firm, who has all the details about the relevant case.

Any sort of queries, be it relating to the subject matter or the tagging structure, should be put forth and be cleared in the very beginning only. Any doubts, if not cleared at this point of time, will continue to boggle till the end and will affect the efficiency of the whole project.

Assorting of documents:

The document sent by the client or the tool manager are a bunch. They are sorted out on basis of nay classification as seems appropriate. This is the job of technical administrators of the project and they work as per the instructions of project manager. They may assort the documents into various custodians or groups on the basis of communication with a particular person or they may do it as per the time frames, as per the needs of the project.

Once the documents are assorted, they are further distributed into several batches which are allotted to the reviewers for primary review. The documents are set into certain number of batches and are assigned to the reviewers on the production level.

Primary review:

Primary review is the first review of the document. This is the first time when the document is being gone through by someone for the purpose of review. The reviewer, as assigned into the project, needs to go through the document, keeping in mind the subject matter and all points relevant to the suit and then tag it accordingly. In the beginning of the project, when the subject matter is fresh, high level of attention needs to be paid while doing the review. Also, if the document is reviewed well at the primary review level, it reduces the burden of further processes.

Secondary review:

Once the document has been submitted by the reviewer after the primary review, it is subjected to further scrutiny in the form of secondary review. This phase might also be termed as the process of quality control. This phase is put to ensure the quality and accuracy of the product being delivered back to the client. Basically, this is nothing but a second review of the document which has already been tagged by the reviewer. Within the team of the project, some people are appointed for this job, on the basis of their experience and understanding of the subject matter of the suit. The secondary reviewer might change the call already taken on the document and put it under new tag, as he feels appropriate.

The process of secondary review is of more responsibility as this is generally the final take on the document. After this it reaches the client. So, if the error is found by the client, it is not good for quality and reputation of the outsourcing firm. And just in case the error is missed by client, the client may suffer huge loss; ultimately both the client and the outsourcing firm get affected. So, the stakes are very high hence making the secondary review a very crucial phase of the process.

Quality Check:

This is the department handled by the quality team of the organization. This is to have their take on the documents. The whole custodian or group of the documents is sent to them. They go through it and check for any kind of errors. Once they approve it, it is submitted to the client.

Submission stage:

When the document has gone through the stages of primary review, secondary review as well as of the quality check, there arrives the stage of submission. During this phase, all the senior people in the project, sit together and the whole set is overviewed for any sort of errors. Since it is very difficult to go through each and every document again and again, the process of *sampling* is adopted.

Sampling is a way of categorizing the documents in a particular way. Documents are randomly subjected to certain tests. They are filtered by certain strings and hence the output is a fewer number of documents, which makes it easier to review as documents belonging to similar kind and/ or category fall together. Any kind of sampling technique may be adopted as and when necessary. Sampling basically is a feature of technical administration department. Sampling reduces the time consumption as going through same document again and again is sheer wastage of time but at the same time, it is necessary to ensure the quality of the product. More efficient the sampling is, higher is the amount of time and resources saved.

Once the group of documents is screened through the sampling strings, the output set is subjected to review again. If that sample set satisfies the level of quality, it is assumed that the parent custodian is up to the mark, else the parent custodian is sent back for review again. Once a set satisfies the quality standards, it is packed and sealed by the outsourcing firm and sent to the client firm.

This way, all the custodians are screened and sent to the client before the deadlines. Once all the documents have gone back, approval from client is awaited. Also, as the litigation is pending in the court of the foreign country, there is a chance of more documents, relating to the suit, coming for review. Once the phase of *Production of Documents* in their court is over, the client informs the outsourcing firm and then the closure of the project is declared.

CONCLUSION:

Document review is thus a process which helps the foreign client with the phase of Production of Documents. This phase is the first phase of the trial and once it is over, the trial commences. This is a crucial process, as any error or omission during this stage, by the outsourcer or the client, may lead to penalizing of the client by the foreign court. Also, any document, not relevant to the suit and not required, but confidential enough, if submitted may cause a huge setback to the client.