We combine human insights and automation to address the challenges and complexities of data management

The ubiquity of computing power and the comparatively low cost of data storage over several decades have created unintended consequences for business today. Any event that triggers a requirement to review historic data for present business purposes leads to a challenge of how to address the inevitable high volume of data falling within the remit of that lookback. Whatever the nature of the lookback, any solution to address the vast quantity of data will need to be cost-effective but also manage data privacy, security and confidentiality risks.

Intense regulatory scrutiny
Regulatory scrutiny has become more intense over the last decade and there appears to have been a paradigm shift. Regulatory reviews, supervisory compliance requests, disputes and investigations have become everyday occurrences across all sectors. Lookbacks are now business as usual.

Old techniques are no longer suitable
Old techniques for addressing challenges in a purely paper world are no longer effective at this scale. De-grouping and breaking down the work into manageable components (such as mechanical document review) enables scalability and use of technical specialists.

The advance of robotics
The speed of technology innovation has driven the exponential increase in data and the challenges now experienced in dealing with the volumes and varied sources. Regulatory reviews, with their aggressive deadlines, present a particular challenge for machine learning techniques. In time, through Artificial Intelligence, machine learning and software robotics, doubtless technology will assist in finding the solutions. But we are not there yet.

Enhanced Managed Document Review
What is required is a balanced armoury between innovative technology and cost-effective, large scale human review. EY’s Managed Document Review (EY MDR) is a fully scalable service and blends together our experienced review teams with your own legal or other supervisory teams. We provide review teams comprising entirely of qualified lawyers who are able to support complex reviews across all industry sectors. We create a flexible, cost-effective approach for your document review requirements enabling you to allocate your resources so that the work of the most experienced senior advisers is focused on the more complex, high value outputs.

Our EY MDR team is scalable in multiple languages and locations and is experienced in relevant privacy, confidentiality and privilege rules. Combined with our eDiscovery Data Services (EY eDDS) capability and Technology Assisted Review (EY TAR) practice, we are able to offer the appropriate balance between the challenges and complexities of TAR and MDR to provide an end-to-end service.

Key features of EY MDR

Review types:
- First-pass review
- Second-pass review
- Privilege review
- Redactions of personally identifiable information (PII) and trade secrets
- Confidentiality review
- Issue coding

Global Document Review Centres:
- EMEIA
  - London
  - Mumbai
- Americas
  - New York
  - Cleveland
  - Detroit

Additional services:
- Attorney commentary
- Review management
- Technology Assisted Review
- Document classification coding
- Foreign language review
- In-country review
Working with EY MDR

EY MDR may utilise a large team at the outset, which is likely to reduce over the time and need of the review.

**Benefits**

- **Time savings**
  - Combining technology with human expertise

- **Flexible charging models**
  - Lower overall cost of review

- **Consistent Quality**
  - Qualified legal reviewers with specific experience

- **Lower Risk**
  - Experienced review management team

**Example '3 Pass' workflow**

1. **Initial relevance tagging**
   - EY MDR
   - 1 Targeted searches
   - 2 Quality assurance
   - 3 Surgical review
   - 4 Qualitative review

2. **Further more complex tagging as required**
   - EY MDR
   - 1 Quality assurance
   - 2 Surgical review
   - 3 Qualitative review
   - 4 Review of segmented docs from 1st Pass

3. **QC Mop-up batches**
   - Law Firm
   - Law firm performs further filtering, deciding on importance of document subset, plus sorting into folders for production

4. **Disclosure lists and production**
   - Law Firm
   - Creation of draft disclosure lists and further filtering of the document set, resulting in the final disclosure set

**You need to...**

- Control the time and cost impact proportionately, particularly in large and complex reviews
  - Balancing the use of EY MDR teams with our Technology Assisted Review (EY TAR) services such as prioritised review, predictive coding and data analytics. This is integrated into our approach to yield cost efficiencies and improvements in review accuracy without sacrificing quality. We provide project metrics that enable swift corrective action, critical historical evaluation, and innovative structuring of our projects in order to promote efficiencies.

- Manage the review in a consistent and defensible way
  - Utilising our consistent global methodologies to balance resources, workflow, technology, jurisdictional constraints and substantive content. Our templates, protocols, procedures and reports are specifically designed to meet the objective of transparency in our projects.

- Conduct reviews in multiple jurisdictions and multiple languages
  - Utilising our global network to provide the rapid response required, either at an EY MDR centre or onsite globally. Our contract lawyers have knowledge of local privacy and data protection laws, sector-specific regulations, cross-border restrictions and give us the ability to perform multi-lingual review. Our reviewers are carefully assessed based on their experience and ability to work on high-profile and fast-paced review matters.

- Reduce the burden of having to manage multiple eDiscovery vendors
  - We offer an end-to-end, eDiscovery Managed Services approach. We can support you from information management, governance, identification, preservation, collection, processing, analysis, hosting and review through to production. We maintain strict chain of custody and employ EY’s information security standards in each step of the process to give our clients confidence in the integrity and security of their data.
Intelligence Connected

A joined up approach to Global Review for multiple regulators

A global pharmaceutical client received simultaneous requests from European and US regulators that necessitated document reviews in multiple languages across multiple jurisdictions. The client was challenged by the large quantity of document review required worldwide (2.5 million documents, across five jurisdictions), as well as the compliance requirements of the reviewers for each jurisdiction. EY formed a combined document review team with resources residing in various jurisdictions, and developed a cross-border operational methodology to be used by our legal reviewers worldwide. Our professionals performed the first pass review for simple relevance assessment (2.5 million documents), as well as second pass review for more complex issues that involved tagging/coding, redaction and privilege, all in local languages (approximately 400,000 documents). By adopting a single global methodology, we presented results to the client and their external legal counsel with consistency and quality, regardless of the jurisdiction. Our rapid set-up and response enabled the client to quickly understand the issue and control the scope of the review, thus saving costs in the initial review phases. We also helped manage legal and compliance risks by leveraging resources with local knowledge of privacy and data protection regulations and cross-border know-how.

Support for urgent reviews with language and deadline challenges

An oil and gas client had to respond to a regulator inquiry into an oil price fluctuation incident within tight timeframes. All of the documents were in a language that the client’s outside counsel did not have the capability to review. Within three hours of being contacted, we were able to assemble a team of 10 contract lawyers who not only possessed the language skills but also the oil and gas sector experience. Our team set up a series of briefing and question-and-answer sessions, based on requirements provided by the client’s outside counsel, to ensure that all team members had the correct level of understanding of the matter in hand. The EY review team were able to review 20,000 documents within three days, allowing the client’s legal advisors to assess the results and create the relevant response. The regulator was satisfied with the client’s explanation of executive conduct during the time period inquired, which was made possible due to the fast and extensive review work provided by our MDR team. As a result, further review was not required, which would have been very costly due to the potential wide-ranging collection of data (approximately 20-times that of the initial dataset reviewed) and subsequent high-volumes of review that would then have been required.

End-to-end services resulted in large cost saving

A global bank was under regulatory scrutiny regarding trade finance transactions. The regulator required an initial review of trades over a six-year period from a small set of custodians. The volume of data to be reviewed was in the region of 120,000 documents, and based on the results of the review exercise, decisions would be made to determine if a much larger and more expansive review of the trades over the same period would be necessary (potentially 2 million documents to be collected and reviewed). Upon strategising with the client and its external advisors, EY decided on a unique approach by teaming EY professionals from the trade finance practice with contract lawyers who focus on trade finance. In this exercise, EY provided end-to-end services starting with strategy development and following through to collection, processing and subsequent document review. The results of the initial review were communicated with the regulator and it was then agreed that the review process had been thoroughly carried out, deeming that the results were sufficient for the purposes of their request, and no further review was needed. As a result of not needing to move onto review of the larger data universe, the client saved circa £3 million in potential review fees.
Global expertise, local knowledge, relevant skills

eDiscovery Managed Services are provided by the Forensic Technology & Discovery Services (FTDS) group, part of EY’s Fraud Investigation & Dispute Services (FIDS) practice. We bring you the people, tools and insights you need to help protect your business from financial and reputational risks. We have a truly global reach with dedicated local teams, enabling us to support your initiatives and respond quickly to your incidents.

Multidisciplinary professionals

- Over 4,500 FIDS professionals worldwide, including 1,400 FTDS professionals with access to over 4,000 contract lawyers.
- Forensic accountants, technologists, former law enforcement and intelligent agency professionals
- Working in 70 countries
- Across 27 industry sectors

Understanding how regulations, laws and compliance issues vary by country and region

Cross-sector specialists – including:

- Financial Services
- Life Sciences
- Extractive Industries
- Government & Public Sector
- Construction & Infrastructure

Market-leading breadth and depth of insight into complex, international business processes

Talk to us

Find out how we can help you protect the financial and reputational value of your business. We will react quickly and efficiently to prevent, detect and resolve any threats you face, however complex.

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Global Forensic Data Analytics Survey

Cyber breaches and insider threats, which include malicious insiders stealing, manipulating or destroying data, are the fastest-growing risks driving investment in Forensic Data Analytics.

Global Fraud Survey

EY’s 14th Global Fraud Survey, Corporate misconduct – individual consequences, explores how global enforcement trends are shining the spotlight on executive integrity.

Does Pyrrho signal the rise of the robolawyer?

A recent case was notable for its heavy use of technology-assisted review, but there is no need to fear the rise of the machines just yet. (Industry comment, The Lawyer 2016)
About EY
EY is a global leader in assurance, tax, transaction and advisory services. The insights and quality services we deliver help build trust and confidence in the capital markets and in economies the world over. We develop outstanding leaders who team to deliver on our promises to all of our stakeholders. In so doing, we play a critical role in building a better working world for our people, for our clients and for our communities.

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About EY's Fraud Investigation & Dispute Services
Dealing with complex issues of fraud, regulatory compliance and business disputes can detract from efforts to succeed. Better management of fraud risk and compliance exposure is a critical business priority — no matter the industry sector. With over 4,500 fraud investigation and dispute professionals around the world, we can assemble the right multidisciplinary and culturally aligned team to work with you and your legal advisors. We work to give you the benefit of our broad sector experience, our deep subject-matter knowledge and the latest insights from our work worldwide.

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