



## GET TO KNOW BDO

# BDO CONSULTING Q&A:

*A Q&A session with Adam Wright Strayer, Technology-Assisted Review (TAR) Leader, Forensic Technology Services*

**How did you make the transition from a practicing attorney to an e-discovery consultant?**

When I started as a young attorney at the Federal Trade Commission (FTC) after law school, I worked on merger investigations in the Mergers II division of the Bureau of Competition. Parties to large corporate mergers must notify the FTC and Department of Justice before they close the deal to allow for antitrust review. That investigation process involves drafting large document requests commonly known as "Second Requests," conducting interviews and reviewing the information submitted in response to those Second Requests. Since the penalties for failing to provide relevant documents are so significant, many of those companies approach Second Requests with a "more is more" mindset. Thus, as you can imagine, I began dealing with large data productions very early on in my career—and discovered I enjoyed it. I also quickly learned the value of organization, automation and efficiency, which spurred my interest in analytics. When I pivoted my career from practicing attorney to consultant, I looked for ways to leverage my antitrust experience to help clients effectively navigate e-discovery challenges in investigations, litigation and operations.

**What do you enjoy most about using TAR?**

TAR adds a method to the madness that isn't possible with traditional linear review. Without it, attorneys have to go through each document, which is time consuming and expensive when you're dealing with hundreds of thousands or even millions of data points. Frankly, that process can be overwhelming. With TAR however, you can extract real value from data by homing in on what's important and eliminating what's not needed. It adheres to the philosophy of "work smarter, not harder." When used correctly, TAR is a powerful knowledge tool that helps counsel make better strategic decisions, provide more informed direction and operate more efficiently—all at a lower cost.

**Explain how e-discovery is unique in antitrust litigation.**

Nowhere is TAR more important than antitrust litigation. When you're dealing with a Second Request, the turnaround time is short—often only 30 to 60 days after the request is issued. The general goal is to get the regulatory agency—whether it is the FTC or the DOJ—as much relevant information to digest as possible and to start the clock running on the window in which they must complete their review. Because of the short timeframes and high volumes of data involved, Second Requests are more demanding and typically carry a higher level of risk than other e-discovery projects. Multi-billion dollar deals can fall apart if contractual deadlines are missed. Using data analytics and minimizing e-discovery workloads on the front-end really can help your team find the most critical materials quickly. This, coupled with TAR, yields the most efficient and effective e-discovery process.



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### How has TAR evolved?

We're moving beyond first impressions into use case maturity. For the most part, corporate counsel understand the value TAR brings to the e-discovery process—and increasingly recognize they cannot do their jobs without it. While holdouts still exist, the use of TAR is now relatively mainstream, and thus, we're shifting our focus from basic implementation to best practices. We've also started to see more organizations use TAR for nontraditional projects, such as internal investigations and information governance initiatives.

With respect to the technology itself, e-discovery providers have focused on improving the user experience and graphical capabilities to make the functionality and results more intuitive. Data visualization has come a long way since the early days of TAR.

### What will be the next big innovative push in TAR, and what changes would you like to see?

While we have seen great improvements to ease-of-use, we are still far from tapping TAR's full potential. With communication between humans and computers, a lot of "lost in translation" moments can happen, and data winds up misinterpreted by one or both parties. Newer forms of communication like text messaging and tweeting use abbreviations and acronyms, and require more sophisticated natural language techniques to be properly analyzed. While the industry has already made some strides in this arena, we're going to see progressive pushes in Natural Language Processing and deep machine learning to further those capabilities.

Adding to that, the industry as a whole needs greater understanding of the algorithms and the software decision-making processes that power TAR—specifically, why certain documents are returned as relevant to a given issue. Understanding how TAR models actually work will help us to create better parameters at the onset of a project and produce more relevant and reliable results.

### What's the best part about working at BDO?

The firm places a premium on innovation and diversity of experience, both on a personal and professional level. We are leading the charge into TAR and analytics in e-discovery, and we're making the investment in time and resources to do that. The emphasis on relationships—with our clients, and with each other—makes for great client service and a collaborative workplace.

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