

Agreed Facts and Metrics in the Losey Baron Mock Debate on Search

- 1. Baron's position using requester's keywords and the traditional "Go Fish" method will likely:**
 - a. Avoid discovery of the large numbers of relevant ESI employing the secret nicknames and other slang. Baron and Losey have both looked at samples of these documents and both agree:
 - i. that most seen in the sample are harmful to our client,
 - ii. but none are known to be highly relevant "smoking guns"
 - iii. conversely, none are known to be silver bullets either.
 - iv. Losey and Baron haven't seen them all, just a sample.
 - b. Produce 1,000,000 files to review. Baron agrees his method will produce more hits than Losey's proposed "Where's Waldo" approach.
 - i. Losey contends his approach will produce 500,000 files to review.
 - ii. Baron disputes that and predicts Losey's approach will produce 750,000 files to review.
 - c. Produce more "false positives" and perhaps also more "false negatives" than Losey's proposed "Where's Waldo" approach. In other words, the Go Fish method will be less Precise and may also have lower Recall. Losey and Baron agree on that principle, but disagree on the estimated differences.
 - i. Losey again claim 50% less for both Precision and Recall.
 - ii. Baron agrees on 50% less Precision, but claims Recall will be equivalent.
 - d. Confidential and privileged materials will be evenly distributed in the ESI collections of both; including both relevant (true positives and false negatives) and irrelevant (false positives and true negatives).
 - i. Losey and Baron agree from sampling that 10% of ESI is all classifications are confidential.
 - ii. Losey and Baron also agree another 10% are privileged.
- 2. Losey's Position using alternative "Where's Waldo" approach will likely:**
 - a. Uncover and cause to be produced most of the ESI employing the secret nicknames, and thus more damaging ESI.
 - b. Result in a lower number of files to be reviewed before production.
 - i. Losey claims 500,000 files (50% reduction).
 - ii. Baron claims 750,000 files is more likely (25% reduction).
 - c. Result in better Precision and Recall.
 - i. Losey claims 50% less for both,
 - ii. Baron agrees on Precision, but does not admit Recall will be better.
 - d. Result in fewer Confidential and Privileged files to try to exclude before production because fewer files are created by the initial "Where's Waldo" culling methods.
 - iii. Losey claims 50% less, and
 - iv. Baron claims only 25% less.

3. **The initial cost to search the client's ESI for review before production using Baron's "Keyword" approach will be \$100,000 less than Losey's more complex, multi-modal "Where's Waldo" approach.** Losey and Baron agree that:
 - a. The traditional keyword culling and extraction method Baron proposes will probably cost \$25,000 to implement.
 - b. Losey's alternative Waldo method will probably cost \$125,000.

4. **The most expensive phase of pre-production preparation is the human review for final determination of: 1) relevance; 2) confidentiality; and, 3) privilege.**

5. **Losey and Baron propose to use the same new online review platform by "Client's Favorite Software" and agree they can both accomplish the following average review rates:**
 - a. 100 files per hour for relevance review and ranking (that is very fast as the files average 7 pages a piece, thus they are reviewing 700 pages per hour);
 - b. 100 files per hour for spotting of confidential documents (10% of total), segregation, and redaction; and,
 - c. 50 files per hour for spotting of privileged documents (10%), removal, and logging.

6. **Both Losey and Baron have top-notch attorney reviewers lined up to do this work at the same rates of \$200 per hour.**

7. **Thus we have the following projected expenses:**
 - a. Relevance review cost under Go Fish - \$2 Million (10,000 hours for 1,000,000 files)
 - b. Relevance review cost under Waldo - Between \$1 Million (5,000 hours for 500,000 files) and \$1.5 Million (7,500 hours for 750,000 files)
 - c. Confidentiality costs under Go Fish - \$200,000 (1,000 hours for 100,000 files).
 - d. Confidentiality Costs under Waldo - Between \$100,000 (500 hour for 50,000 files) and \$150,000 (750 hours for 75,000 files)
 - e. Privilege review and logging Go Fish - \$400,000 (same as confidentiality, but times are doubled as rate is only 50 per hr)
 - f. Privilege review and logging Waldo - between \$200,000 and \$300,000
 - g. TOTAL COSTS WITH FISH: \$2,600,000
 - h. TOTAL COST WITH WALDO: \$1,300,000 - \$1,950,000

8. **ISSUE ONE: LOSEY'S ALTERNATIVE METHODS *WHERE'S WALDO* APPROACH IS PROJECTED TO SAVE FROM \$1,200,000 TO \$550,000**
 - a. Losey's Position: $\$1,200,000 = (2,600,000 - 1,300,000) + 100,000$
 - b. Baron's Position: $\$ 550,000 = (2,600,000 - 1,950,000) + 100,000$