

## Tips for Running a Successful Foreign Language Document Review: It's Not All Greek

The ability to manage a successful FLDR in an increasingly global social system can be tricky.

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The trends toward globalization mean at least one thing for legal professionals: increased amounts of foreign language document review (FLDR). And while it's not a new piece in the e-discovery puzzle, the ability to manage a successful FLDR in an increasingly global social system can be tricky. Here are four key tips for legal professionals to efficiently and successfully manage these projects:

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**1. Start early.** Much of the time, foreign language reviews get off the ground later than they should. Foreign language documents get back-burnered while attorneys focus first on the English documents that they can address on their own. As a case progresses and everyone's full plates get fuller, the foreign language docs get pushed further down the priority list until something (e.g., deposition and/or discovery deadline) catapults them to the top of it. This creates a sudden storm of recruiting, interviewing, hiring, onboarding, training, reviewing, analyzing, translating and sometimes even interpreting. To exacerbate matters, the pace of a foreign language review will always be slower than anyone wants or expects. A CJK review will be even slower than that. (CJK stands for "Chinese, Japanese, Korean," and anyone who's done a review in one of these can guess how they got their own label within the industry lingo.) Bottom line: The sooner you can convince clients to get the ball rolling on an FLDR, the more time you will have to assemble a competent review team.

**2. Choose wisely.** Any bilingual with a passing ALTA score does not a good reviewer make. Foreign language skills are not the only assets that will make your review team most successful.

- Try to pick team members with multiple areas of expertise. Pay attention to resumes submitted and keep in mind that every bit of knowledge or previous experience in the relevant industry means faster, more accurate work on the part of that reviewer once hired.
- Don't shy away from hiring nonattorneys, especially if they have the applicable industry-specific experience. For instance, a nonattorney with previous review experience on an antitrust, pharmaceutical or automotive case could turn out to be a bigger asset to your team than a barred attorney having to start with the ABCs of what are often incredibly complex industries. (Caveat: You may need to have at least one barred attorney, so remember to check your jurisdiction's requirements.)
- Don't underestimate the importance of your foreign language reviewers' English skills as well. Try to make time for even a brief phone conversation as part of the interview process. Learning the case, studying the protocol, review platform training, HR instructions, protocol updates—all of this will require English reading and comprehension skills. The quicker the intake, the sooner the docs start getting reviewed. Furthermore, it is very possible that your reviewers will end up in front of

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the client at some point to offer insight on anything from a salutation in a seemingly hot document to any number of cultural chasms. A well-delivered question or statement in a status meeting with counsel or a well-written attorney comment to describe or summarize a hot or scorching doc can save hours and dollars aplenty.

- Lastly, when it comes to FLDR, you don't just want reviewers. Foreign language reviews are replete with built-in difficulties that stem from the reality of operating in two different languages and cultures. If you can equip your team with bilingual and (better yet) bi-cultural individuals who can also serve as effective consultants and translators, you will have a valuable resource on which to draw for the duration of your current case and, ideally, your next.

**3. Recycle, reuse.** Build up a bench of trusted foreign language reviewers from which to draw each time you have a case involving their language. A tried-and-true “core” review team can take advantage of institutional knowledge, thus requiring less training time. You will notice an increase in accuracy, efficiency and consistency in your reviews since that core team will have already learned and worked with the various custodians, documents types, platforms, privilege protocols, etc.

The value of this approach increases tenfold in the case of FLDR where various time- and money-consuming hiccups in the process are as good as guaranteed, without having to create a new ad hoc process or feel out individual reviewers' skills each time you start a new project. And speaking of feeling out skills, consider this added bonus of building your trusty bench: If and when you do need to hire others, you can enlist one of your veteran reviewers to help gauge bilingual competency in future potential hires.

**4. Use the right tool for the job.** A review tool that groups documents by topic and separates out by language will serve you well in FLDR. For example, Brainspace links to equivalent documents in English, has a smart tool for eliminating template language or other bits of repeated copy that slow down review, and can integrate with other platforms like Relativity and InControl. Not all review tools process the unstructured text of languages like CJK, and it's good to be aware of that before choosing a platform for the case. Look for something with linguistic analysis and machine-learning capabilities that can expedite review by accurately processing unstructured text and grouping documents with similar context together. Your best choice is a tool that reveals valuable

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information and conceptual connections in virtually every major language, including all European languages, Farsi, Chinese, Japanese and Korean.

Long gone are the days of thumbing through paper documents stashed in Bankers Boxes. On a machine the size of an index card, I can file my federal taxes, see the view from my seat at Carnegie Hall or watch Mickey Mantle hit a home run in 1964. Indeed, the procedural difference between my first document review project 20 years ago and my most recent one is mind-boggling. However, when it comes to foreign language review, particularly for CJK, there still is no substitute for human capital. As the global scope of corporations and their legal cases increases, so does the need for effective foreign language document reviews. Whether your “smoking gun” doc is in Hebrew, Korean or Swedish, following these tips will help ensure that it’s not only caught and tagged correctly, but also allocated and utilized in the most effective way.

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