Insights: Publications

A Game of Chicken? Setting Forth a Detailed TAR Review Protocol

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Technology assisted review, or TAR, "uses software that can be trained by a human being to distinguish between relevant and non-relevant documents." *Progressive Cas. Ins. Co. v. Delaney*, No. 2:11-cv-00678-LRH-PAL, 2014 WL 3563467, at *8 (D. Nev. July 18, 2014). It "allows parties to prioritize and/or categorize documents for purposes of document review." *Winfield v. City of New York*, No. 15-CV-05236 (LTS) (KHP), 2017 WL 5664852, at *4 (S.D.N.Y. Nov. 27, 2017). TAR works by having an experienced attorney or subject matter expert involved in the litigation prepare a "seed set" of responsive and non-responsive documents in order to "train the computer system how to distinguish between them." *Id.*; *Progressive*, 2014 WL 3563467, at *8.
