

Why You Need Experienced Local Lawyers for Your Managed Review in China

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Managed review, a quickly developing e-discovery construct, involves the large-scale collection, processing, and analysis of electronic evidence and information, often performed in conjunction with internal investigations, proactive compliance audits, and sanitizing data in preparation for cross-border transfers. In China, managed review service providers are in high client demand. As part of a local Chinese law firm with global reach, the MWE China-McDermott Discovery team combines electronic discovery industry expertise with a focused understanding of the Chinese legal landscape to create unparalleled managed review services.

Why Lawyers?

Lawyers, more than any other non-governmental profession in China, have unique rights, duties, and privileges to conduct managed review, as well as the underlying legal knowledge to maintain compliance and truly optimize the entire process. Given that underlying charges of bribery, corruption, antitrust violations, intellectual property infringement, and employee misconduct involve legal issues, the ultimate review and analysis of the documents in each such case must be conducted by lawyers with the requisite training, practical experience, and skills that are specific to the relevant practice area. Additionally, lawyers have more rights to access and obtain evidence

than might be available to other professionals. And, although the attorney-client privilege does not exist in the same form as in other countries, Chinese attorneys are under a legal obligation to maintain confidentiality and have traditionally enjoyed certain privileges to shield client information from most government inquiries. Having MWE China's lawyers perform the actual document review not only creates downstream efficiencies in the overall process, but it also saves the initial time required for training non-lawyers on legal issues and ensures a higher standard of quality analysis. You can trust that the legal system protects the McDermott Discovery managed review services provided by our MWE China lawyers throughout all stages of the process.

Why Local Lawyers?

The significant legal impediments facing non-domestic law firms in China prohibit certain evidence collection, government negotiations, trial work, and client guidance that only domestic law firms like MWE China can deliver during managed review. The legal prohibition on non-Chinese firms employing PRC-licensed attorneys further limits the already substantially restricted capabilities of international law firms, especially in the current climate of protectionism and the overall crackdown against foreign companies in China. As a domestic-based law firm in China, MWE China is not burdened by these types of legal restrictions.

How Much Experience Is Needed to Conduct a Managed Review?

Every stage of the managed review



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life cycle creates significant and complex practical and legal challenges. The types of managed review projects currently occurring in China require not only traditional e-discovery skills and technical tools, but also an understanding of the unique requirements of Chinese law and the experience necessary to implement more versatile applications of e-discovery workflows to internal investigations, sanitizing data for cross-border transfers, or proactive compliance audits.

Data collection is one of the most legally sensitive components of managed review. The imprisonment of an American and British citizen in the ChinaWhys trial this summer illustrates the severe consequences that can result from illegally obtaining the personal private information of Chinese citizens in the context of an investigation or due diligence. These same restrictions apply to managed reviews. Vague data privacy laws, spread across a complex patchwork of general, industry-focused, and format-specific legislation, create a legal minefield for lawful collections. The similarly vague and difficult state secrets laws add an extra layer of liability and complexity to this already challenging task.

Processing documents presents a more practical set of issues. Most mature e-discovery platforms were designed and developed for Western languages, and require specialized knowledge and techniques to effectively deal with character-style languages like Chinese, Japanese, or Korean. The fundamental differences between these types of languages and the added challenges of dual and multi-lingual reviews create review

projects of significant complexity.

The review and analysis of Chinese language documents during a managed review in China requires significantly more attention than a traditional e-discovery review project. While e-discovery reviewers in the United States can often review between 70 and 80 documents per hour, the comparatively more challenging requirements of typical managed review projects in China involve more complex issues that present unique hurdles in reaching expected levels of efficiency while still performing effective analysis. Scaling these projects to handle millions of documents requires both experience in traditional e-discovery techniques and an understanding of the unique Chinese legal issues and environment.

At MWE China, experienced leaders of managed review cases understand the technical expertise, specialized software, and large-scale project management that is necessary to efficiently and effectively complete a review. Merely completing such a difficult undertaking is a challenge, and achieving success while also maintaining low costs and quickly delivering results is a level of excellence that requires substantial experience. “Learn as you go” or “do it yourself” projects are guaranteed not only to suffer a string of technical setbacks but are also sure to move slowly and, in an industry that is largely based on hourly billing, in a way that incurs unnecessary expenses. MWE China’s experienced counsel and McDermott Discovery technology professionals can guide

you through the use of advanced review technologies, including analytics and predictive coding, to increase precision and speed while reducing costs.

It is important to be able to leverage your findings once a managed review project is complete. Having experienced attorneys involved at this stage is a necessity, but early and deep involvement at all previous stages creates the most optimal conditions for maximizing a company’s chances of successfully achieving its goals.

Conclusion

MWE China is uniquely positioned to meet the distinctive managed review needs for multinational companies operating in China. As a locally licensed law firm, we have the full advantages, rights, duties, and privileges of lawyers. As a part of the strategic alliance with McDermott Will & Emery, we have the resources, knowledge base, and quality standards of the renowned McDermott Discovery team and the legal network of a leading global law firm. As counsel with experience in large and small-scale managed reviews, the MWE China-McDermott Discovery relationship provides a rare combination of the right platform with the right people to make every one of your managed review projects a success. **PAB**



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