

10 Things New Lawyers Should Know About Technology-Assisted Review

[Zviad Vladimir Guruli](#)

Jul 14, 2026 6 min read

Summary

- TAR uses software to learn what a relevant document looks like and then applies that learning across the entire population to reduce the volume requiring human review.
- Document review remains the single most expensive part of discovery, and TAR continues to drive real efficiency.
- If you are early in your career, understanding the fundamentals of TAR will make you a more valuable member of any case team.
- Just as important as understanding the fundamentals of TAR is learning to weigh the full range of options, from culling and search terms to TAR and emerging generative AI, and to ask which combination will achieve the desired results.
- Running an effective and defensible TAR workflow is not a solo act. It takes a multidisciplinary team.



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When a federal magistrate judge wrote in 2012, “computer-assisted review is an acceptable way to search for relevant ESI in appropriate cases,” it opened a door that has never closed. That decision—[*Da Silva Moore v. Publicis Groupe*](#)—was the first to formally approve technology-assisted review (TAR). In the years since, TAR has become one of the most reliable ways to control the cost of discovery.

So, what is TAR? At its core, it is the use of technology to help lawyers search for and review electronically stored information (ESI) subject to discovery. Instead of having human reviewers read every document in a collection one by one, TAR uses software to learn what a relevant document looks like and then applies that learning across the entire population to reduce the volume requiring human review.

Much of today’s conversation has shifted toward generative AI tools, and for good reason—they are powerful and evolving fast. But whether you think of generative AI as just another “T” in TAR or as something entirely separate, traditional TAR has not lost its place. Document review remains the single most expensive part of discovery, and TAR continues to drive real efficiency. If you are early in your career, understanding the fundamentals below will make you a more valuable member of any case team. Just as important is learning to weigh the full range of options, from culling and search terms to TAR and emerging generative AI, and to ask which combination will achieve the desired results. Cultivating that habit early will mark you as someone who helps shape discovery strategy, not just carry it out.

The 10 Considerations of Technology-Assisted Review

1. Start with the Legal Standards and Agreements

Before you choose any technology, understand the rules of the road. Review the governing case law, any applicable local rules or standing orders, and—critically—any ESI protocol or agreement with the requesting party. These documents may dictate what you can and cannot do, whether you need to disclose your use of TAR, and what validation you will need to demonstrate. The workflow you design should live within these guardrails.

2. Decide Who Is Running the Technology and Learn How It Works

Will you use an in-house platform or engage an outside service provider? Either way, you need to be able to explain the tool—what it is and how it functions from a process standpoint. You do not have to be a data scientist, but if opposing counsel, the government, a judge, or even your client asks you to describe your workflow, you need to be

knowledgeable about the process. Know enough to describe how technology learns and how it ranks or classifies documents to demystify the process.

3. Understand How TAR Fits with Search Terms, Scoping, and Other Review Objectives

TAR rarely operates in a vacuum. It is often used alongside search terms, date filters, custodian limits, or other scoping methods. Decide early on whether you will apply search terms before TAR, run TAR across a broader population, or blend the two approaches. Any of these approaches can work depending on the circumstances, but how you scope the inputs directly shapes what TAR can deliver. Although TAR is more commonly used for relevance reviews, consider how it aligns with other review objectives, including assessing documents for attorney-client privilege, work-product protection, confidentiality, privacy, and other protected information.

4. Choose Your Workflow: TAR 1.0, TAR 2.0, or a Hybrid

This is one of the most important strategic decisions. TAR 1.0 is primarily driven by single-instance training, in which subject matter experts train a model on a sample set, and the model is then applied to the rest of the population. TAR 2.0 has technology that continually identifies the most likely relevant documents for prioritized human review, learning and improving as reviewers work. You can also land on a hybrid. The right choice depends on the size and richness of the collection, the timeline, and how relevance is defined in your case.

5. Know What's In—And What's Out: Scoping Your TAR Population

Decide what documents go into the TAR population. Account for de-duplication, email threading, filtering, and other culling options. Just as important, have a plan for the documents that fall outside the TAR population. Options include bulk tagging, statistical sampling, and targeted human review. Documents you set aside still need a defensible explanation.

6. Design the Workflow in Detail

A defensible TAR workflow is built on deliberate choices, and it can look quite different from a conventional, linear review. Address each of these up front: who your subject matter experts will be and how they define relevance; whether you will use upfront sampling (random, diverse, or both) to jumpstart the process; what model calibration techniques you will use to tune performance; what ongoing quality control will catch reviewer inconsistency or model drift; and how reporting and analysis will capture metrics

throughout. Documenting these decisions as you go makes the workflow far easier to defend later.

7. Set Benchmarks for When to Pause and Assess

TAR is iterative, and you need to know when you are “done” or at least when to stop and evaluate. Establish benchmarks in advance for pausing and assessing whether the workflow has reached the desired results. Without predefined stopping points, it is easy to either keep reviewing long past the point of diminishing returns or to stop too soon.

8. Determine Your Statistical Sampling Criteria

Validation often rests on statistics, so set your parameters deliberately. The two key inputs are your Confidence Level (how confident you want to be in your result, often expressed as 95 percent) and your Margin of Error (the acceptable range around your estimate). These choices drive your sample sizes and the strength of the conclusions you can draw. Picking them thoughtfully—and being able to explain them—is part of doing this defensibly.

9. Document and Execute a Validation Protocol

Choose a validation approach, write it down, and follow it. A common method is Elusion testing, where you sample the documents the model categorized as nonrelevant to estimate how many relevant documents potentially “eluded” the process. That figure helps you calculate the Recall rate—the share of truly relevant documents your workflow actually found. For deeper treatment of these concepts and case law examples, [*The Sedona Conference TAR Case Law Primer, Second Edition*](#), is an excellent reference and worth keeping on your shelf.

10. Prepare a Disclosure Statement When Appropriate

In some matters, you will need to inform the requesting party that the TAR workflow was completed successfully (no disclosure is called for when TAR is used for review prioritization and/or quality control purposes only, rather than to reduce the volume requiring human review). When applicable, assess whether disclosure is required and prepare a clear statement describing the completion of the process and the validation results. Thoughtful, accurate disclosure builds credibility and can head off disputes before they start.

TAR Takes a Team

If this list feels like a lot, that is the point. There are foundational technical and legal concepts that young lawyers should become familiar with when it comes to TAR, and getting comfortable with them early will set you apart.

But here is the most important lesson: running an effective and defensible TAR workflow is not a solo act. It takes a multidisciplinary team. A successful effort typically brings together discovery law practitioners who understand the legal standards, technical and legal workflow managers who design and steer the process, data processing and scripting architects who handle the mechanics of the data, and review managers and reviewers who carry out the day-to-day work.

You do not need to master every one of these roles. What you do need is enough fluency to ask the right questions, coordinate across disciplines, and stand behind the workflow when it counts. Learn the vernacular, understand the process, and trust your team. Do that, and TAR becomes exactly what *Da Silva Moore* promised more than a decade ago—a smart, defensible, and cost-effective way to get through the most expensive part of discovery.

Author



Zviad Vladimir Guruli

Zviad Guruli is Director, eDiscovery and Data Analytics for WilmerHale DiscoverySolutions and a member of the Securities Litigation and Enforcement Practice. Zviad is responsible for coordinating and developing the WHDS teams'—DA&I Attorney, Discovery Attorney, Litigation Support, and Technology—subject matter expertise to provide consultation and strategy in complex discovery matters. He advises the law firm community and clients on eDiscovery best practices, emerging technologies and trends. Zviad designs and implements workflows using advanced predictive and AI methodologies, statistical modeling and other advanced discovery tools. He has direct experience with all phases of eDiscovery for securities enforcement, regulatory, cyber breach response, litigation and

compliance matters, and issues arising under the attorney-client privilege and work product doctrines. Zviad also consults on protected data categories, including data privacy issues arising in cross-border discovery. Focusing on efficiency and risk mitigation, he coordinates the establishment of eDiscovery processes with in-house IT departments, Litigation Support and external service providers. For more information about Zviad, check out his profile [here](#).

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