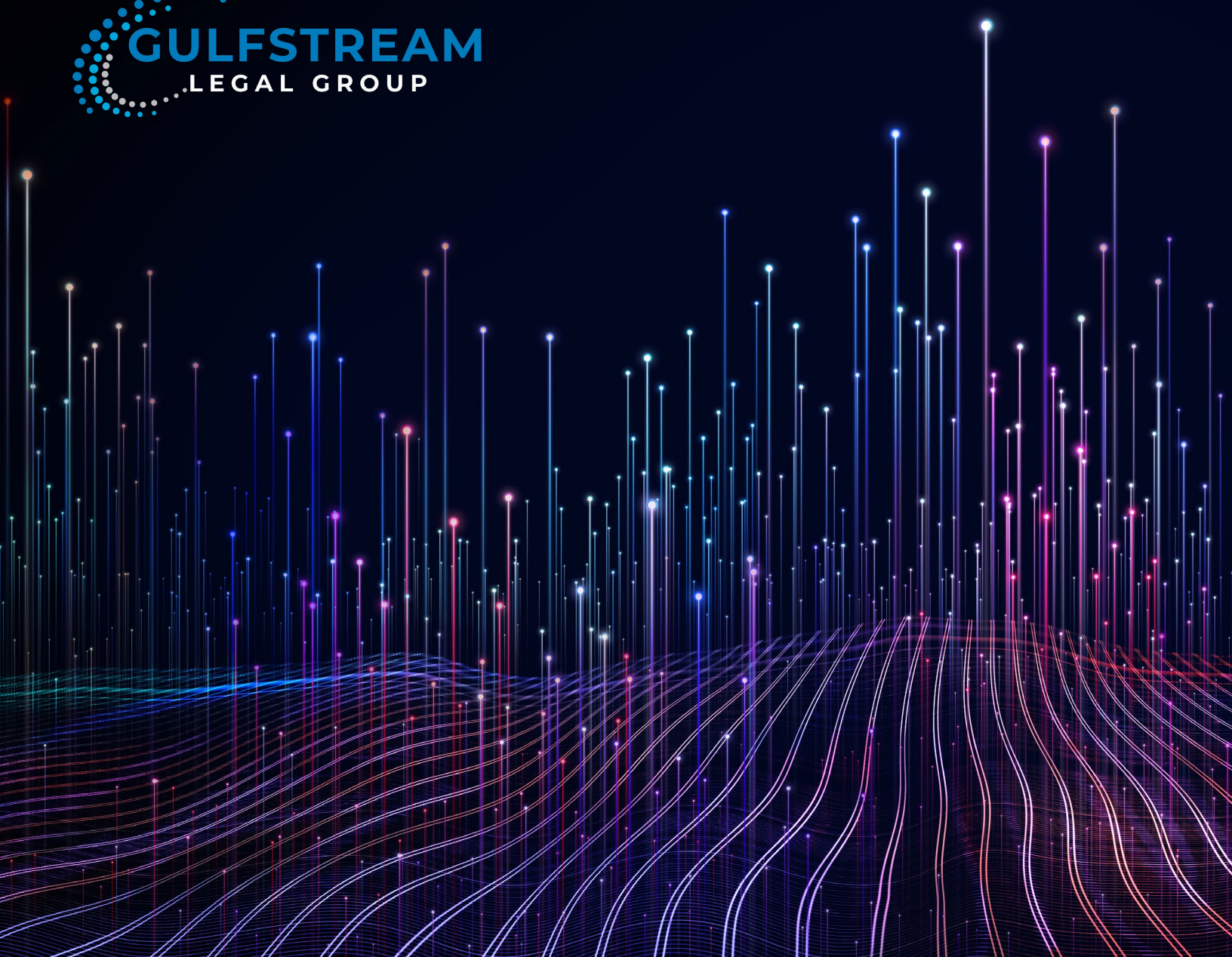


How Law Firms of All Sizes Can Easily and Painlessly Integrate AI Tools into eDiscovery



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Artificial intelligence tools have become prevalent in legal practice in recent years, particularly in eDiscovery. As with other new technologies that have been introduced to the legal industry over the years, though, law firms have been slow to embrace them. AI tools bring many valuable benefits to eDiscovery, including cost savings and increased efficiency and accuracy. Because of their appeal, more legal professionals at law firms of every size should educate themselves on the technology and begin to identify areas of their firm where it can be implemented in the coming year. The value AI can bring to any firm will help increase productivity and thus profitability as well as, importantly, overall client satisfaction.



What's Behind AI Hesitation?

23%

of law firms reported
no interest in AI

**from ABA's 2020 Legal Tech Survey*

34%

don't know enough
about AI to answer
for their firm

**from ABA's 2020 Legal Tech Survey*

35%

cited concerns about
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**from ABA's 2020 Legal Tech Survey*

The [ABA's 2020 Legal Tech Survey](#) identified that 23% of law firms reported no interest in AI, while 34% said they didn't know enough about AI to answer for their firm.

About 35% of responders cited concerns about consistency and accuracy as a major hurdle in implementing AI-based tools. Such fears often stem from a lack of education and a preconceived notion of what AI does – and doesn't – do. In fact, most lawyers already use AI daily, likely without realizing it. In our personal lives, we use tools like Google search, online maps and navigation and smartphone facial recognition, which rely on AI to return swift results. At work, tasks like legal research and contract generation rely on AI. Also at work, however, some attorneys and legal professionals were exposed to early AI tools and had disappointing experiences. Remember early speech recognition when you had to pause between each word? Luckily, AI tools have developed exponentially in terms of speed, accuracy and consistency since their introduction.



Another major reason for AI hesitation is a fear that AI tools will take over an attorney's hard-earned position. AI is good, but not that good. The legal profession will continue to need attorneys to be creative at solving problems, provide interpretation of laws, rules and regulations and decide how to apply the information that AI uncovers. Practicing law will continue to require an element of human judgment that AI tools cannot replace.

AI's value lies in its predictive abilities as applied to routine, repetitive tasks. Rather than replacing lawyers, AI allows them to be **better at their jobs** and frees them up to spend more time on higher-value, more interesting work. AI's efficiency and accuracy on routine tasks eliminate the drudge work that introduced so many young associates to the practice of law. AI won't replace lawyers, but lawyers who adopt AI will replace lawyers who don't.

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If you are concerned your firm has yet to adopt AI, don't be. The legal profession isn't unique in its resistance to AI. Technology leaders have had to reassure users across all sectors that AI is here to help them, not replace them. Accountants, transportation professionals, the manufacturing sector and medical professionals – to name a few – have to face the reality of AI in their professional lives. Artificial intelligence requires human ingenuity and – just like in the legal sector – has the potential to eliminate tedious repetitive tasks in these industries as well.

Accompanying the fear of being replaced is an incentive in certain segments of the legal community to work more hours. At most law firms, partnership offers are still largely based on years of experience, new client development and number of hours billed. When associates see the potential for hundreds of hours spent on tasks like document review being eliminated by AI tools, they may be understandably concerned. The solution to these concerns, however, will require law firms to rethink the prevalent billable hour models, not reject the benefits that AI brings to eDiscovery.

How Are Law Firms and Legal Departments Using AI Today?

Law firms and corporate legal departments have successfully implemented AI tools for many day-to-day legal functions. Some of the [legal functions](#) being positively impacted by AI are eDiscovery, expertise automation, legal research, document management, contract and litigation document analytics and generation and predictive analytics. Examples include:



EXPERTISE AUTOMATION

Software tools allow clients to find answers to questions and do some self-service work such as drafting a basic will or power of attorney.



LEGAL RESEARCH

Publishing companies have developed software tools for both attorneys and clients to quickly and accurately search their vast databases of laws and regulations.



DOCUMENT MANAGEMENT

These systems can scan documents to determine context and perform actions based on that information. Specific documents can be found in seconds.



CONTRACT/ LITIGATION DOCUMENT ANALYTICS AND GENERATION

These tools help lawyers draft documents that are frequently used, such as contracts and discovery requests.



PREDICTIVE ANALYTICS

These tools can be part of any of the above systems and can identify the likelihood of future outcomes based on the analysis of historical data.

All of these AI tools can increase accuracy while saving time and money. In eDiscovery in particular, AI's benefits are even greater.

Predictive coding and continual active learning can be used in eDiscovery to analyze documents, determine whether they are relevant and accurately categorize them according to issues, privilege and more based on the language in the documents. Sentiment analysis can be utilized to analyze the tone of that language for even further categorization. Name normalization applies machine learning to eDiscovery to find all of an individual's aliases, correctly coding documents regardless of how that individual is referenced, whether by name variations or emails.

Predictive coding uses a repetitive process to group and code documents. The process takes a small group of manually coded documents and treats them as a representation of the entire document set. Based on the text in that group of documents, predictive coding categorizes all the documents in your workspace. How you proceed with your project depends on your case and the risks involved in the production of privileged or nonresponsive material. Using an assisted review layout, reviewers can validate the system-categorized values.

Generally, cases fall into one of a set of common scenarios. Note that these scenarios represent suggested workflows and only provide an overview of the process. If you need assistance with a specific matter, please contact pmo@gulfstreamlegal.com.



Review prioritization

In this scenario, attorneys may want to review the entire document population. The goal is to get the most important documents to the review team as soon as possible. The remaining documents will still be reviewed, but perhaps later by a review team at a lower billing rate. This process can be used to determine resources after a couple of rounds. Prioritization projects typically don't require as many rounds as other types of projects, because all documents are eventually reviewed.

Quick production

In this scenario, documents need to be produced in a very short time frame. Whether the production is overinclusive isn't a strong concern, meaning it can include a few nonresponsive items. In addition, privilege screening isn't typically a major issue for this scenario. The basic goal of this approach is to achieve a low uncategorized percentage along with a low estimated defect percentage before finalizing the project and proceeding to an accelerated production.

Review all responsive items

In this scenario, the review team manually reviews all responsive documents but trusts the system based on acceptable error rates to cull the nonresponsive population. The nonresponsive documents are set aside and aren't reviewed. Privilege is not a major concern for this group. Using search terms across responsive items for privilege is an acceptable method of privilege review.

Identify the opposition production's most relevant documents

When the other side of a litigation produces documents to you, there is an inclination to presumptively treat the entire production as responsive. As such, assisted review projects of this nature are designed to locate the documents that are most beneficial to your case.

QC a document set prior to production – In this scenario, the project manager leverages the technology to assist with QC of an existing manual review project. It's a conservative and very useful method to learn if any documents have been missed or coded inconsistently.

Continual active learning technology gathers information while documents are being coded by subject matter experts to continuously update documents for review. Active learning is a technology-assisted review tool that helps

you quickly organize your data and predict which documents are most likely to be relevant to reviewers. With very little training needed to see documents of interest, active learning can be used for cases of all sizes, even those as small as 1,000 documents. By applying active learning, you can reduce the total time to review.

Active learning works by using a technology called support vector machine learning to continuously learn from your reviewers' coding decisions. Reviewers code documents using a binary classification system – for example, relevant and not relevant. These coding decisions are ingested by the active learning model where machine learning takes place. As reviewers code, the model gets better at discerning what makes a document responsive or not responsive and serves up the best documents to reviewers.

Active learning is a technology-assisted review tool that helps you quickly organize your data and predict which documents are most likely to be relevant to reviewers and can be used for cases of all sizes.

Active learning provides two methods of review, making it flexible to your case needs:

- ▶ Prioritized review finds the documents most likely to be relevant to reviewers.
- ▶ Coverage review quickly separates your document set into your two categories.

Accuracy is critical in eDiscovery. AI tools bring an accuracy to review that humans cannot hope to match. In the process, lawyers receive a better foundation for making the critical judgment calls that only humans can make, such as the merits of the case and the likelihood of a successful outcome for the client.

How Do I Get Started with AI for My eDiscovery Projects?

Implementing AI within the scope of a case that involves eDiscovery requires having an honest conversation among your in-house teams and your external AI experts. If you are concerned your in-house teams lack understanding into how AI works, you are not alone. Your outside eDiscovery experts will listen to your goals for eDiscovery and recommend ways to implement AI. Your eDiscovery experts will suggest ways that processes can be improved so AI works the way your lawyers do on a day-to-day basis.

Next, your chosen AI tools should start learning from your documents as soon as possible. The more time systems spend with your documents, the better they will be when you get to the heart of your case. Your eDiscovery experts can train your team on how to use the AI tools that are available to you and continue to train users on any new updates to AI systems so you are making the most of their capabilities.

When firms and legal departments engage with a company like Gulfstream Legal Group to help with eDiscovery, they gain the expertise of eDiscovery professionals who have spent years solving the challenges eDiscovery presents. Gulfstream also offers cutting-edge AI tools that are best-of-breed and can significantly reduce the time and costs associated with eDiscovery. With expertise and tools combined, Gulfstream offers a powerful eDiscovery solution for law firms and corporate legal departments of any size.

You can't let potential hurdles – like fear of the unknown or previous disappointing experiences – prevent you from capitalizing on the benefits that AI tools offer. AI tools are here to stay, whether lawyers like it or not. The time is now to learn more about them and then figure out how to use them to reduce costs, minimize risks, develop better business strategies and deliver the best legal services possible.

