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# How Artificial Intelligence Will Revolutionize eDiscovery

Are the robots coming to take lawyers' jobs, or to make them better?

By DAVID LAT

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Are the robots coming for lawyers' jobs? Perhaps I'm a Pollyanna, but I'm inclined to say no, at least not anytime soon. Good lawyers offer their clients a certain amount of insight, wisdom, and judgment that computers cannot (yet) provide.

But it's definitely the case that advanced technology will dramatically transform lawyers' jobs. I agree with legal technology columnist Jeff Bennion, who [believes](#) that even if robots won't displace human lawyers in the near future, certain parts of a lawyer's job, especially those aspects that are more rote or mechanical, will be outsourced to technology.

And this is not necessarily a bad thing. Technology will help lawyers work more efficiently, effectively, and enjoyably.

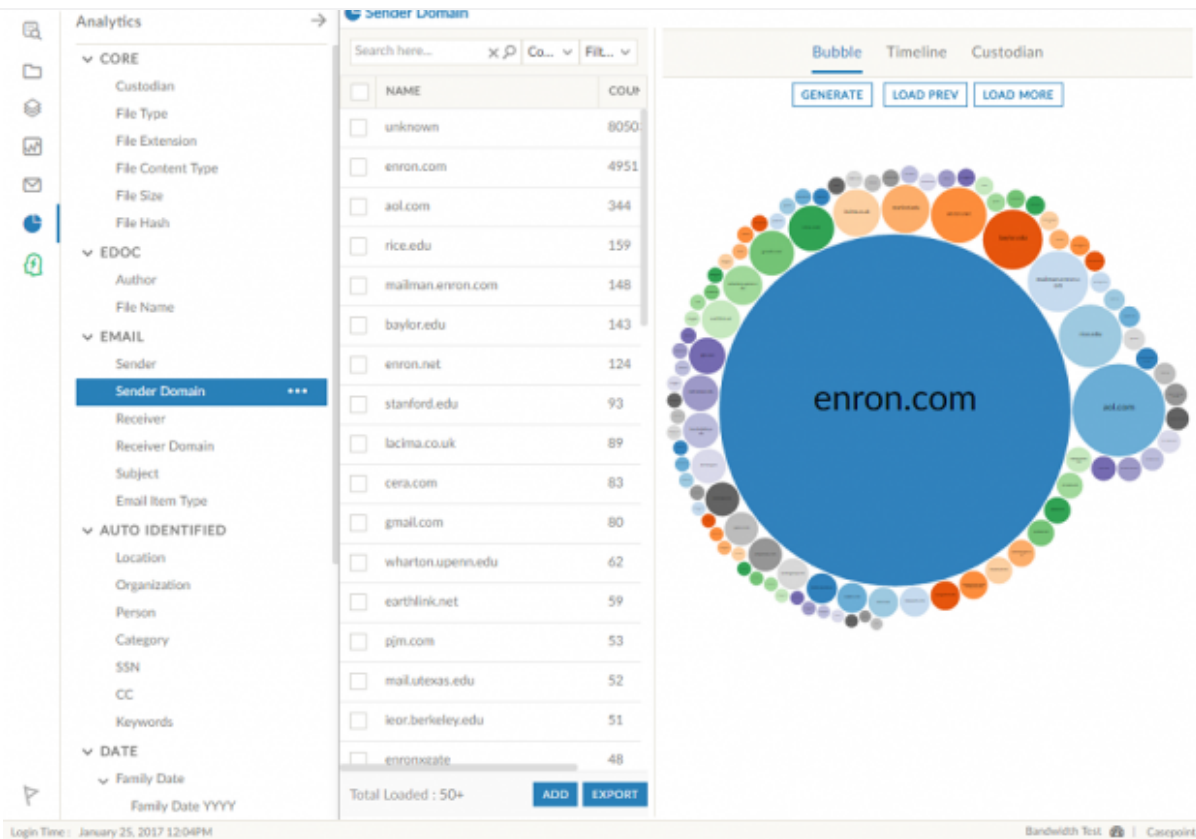
Here's a good case study: artificial intelligence ("AI") and eDiscovery. Last week I spoke with Haresh Bhungalia and David Carns, the CEO and EVP, respectively, of [Casepoint](#), a leading

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First, a bit of background about Casepoint. The company launched in 2008 with the goal of being an innovator in the eDiscovery space, Bhungalia explained to me. The company built its eDiscovery software from the ground up, as opposed to repurposing a third-party tool, so that it could exercise maximum, end-to-end control over the platform. This has allowed Casepoint to be an early adopter of innovations such as technology-assisted review (“TAR”), cloud collection of documents, 256-bit TLS encryption, and an HTML5 reviewer (i.e., being able to use the platform as long as you have a web browser, without any additional plug-in or software installation).

AI has been enhancing the eDiscovery process, in the form of technology-assisted review, for years now. TAR, along with standard features like threading, batching, and encryption, gives Casepoint all the functionality that lawyers need to fulfill their obligations around discovery.

But Casepoint wants to take AI and eDiscovery to the next level. This year it’s adding to its platform a feature called CaseAssist, which will help lawyers not just satisfy their discovery obligations, but also make better strategic decisions in litigation. David Carns filled me in on how CaseAssist will work (and for those of you who will be at LegalTech aka Legal Week, you can stop by Casepoint to see for yourself).



*The Casepoint dashboard, featuring robust analytics.*

“A lot of our corporate clients approach us and say, ‘I’m not sure I even want to litigate this matter,’” Carns said. “These clients want the ability to make strategic and tactical decisions about whether to even face litigation. This is where CaseAssist comes in.”

Like TAR, CaseAssist begins by taking information from the lawyers. The user provides CaseAssist with some basic data about the cause of action — for example, the nature of the case and when some key events took place. CaseAssist takes this information as a starting point, goes through all the documents, and pushes to the lawyers additional data and documents that it deems related and therefore helpful to what it was initially given.

From day one of a matter, using its powerful artificial intelligence, CaseAssist starts pushing to the legal team noteworthy information that it sees in the documents. This might include the cast of characters who are relevant to a litigation, additional key dates, and suggested alternative search terms that lawyers might want to use when going through the documents. And like other forms of AI, CaseAssist can be “educated.” Lawyers can flag certain documents for CaseAssist as crucial or related, and this “trains” the system more, making it even more accurate in identifying relevant material in the future.

nail. So CaseAssist is, in essence, an automated case evaluation system, which can help lawyers conduct early case assessment. And in an age where the cost of fulfilling discovery obligations can come close to or even exceed what it might cost to resolve a case, knowing when to fight and when to settle is crucial information.

Casepoint expects CaseAssist to be eagerly embraced by its corporate or in-house clients, Carns said, because it will help them manage their litigation spend. But he predicted that outside counsel will also quickly learn, just as they did with technology-assisted review, that in a highly competitive environment for legal services, providing a client with better and more efficient service will earn lawyers the right to work with that client in the future. So using AI tools like CaseAssist to serve their clients more effectively is in the best long-term interest of outside counsel (even if it might, in the short term, reduce revenue by getting cases settled earlier).

There is no additional charge for CaseAssist for Casepoint clients; it will be “baked into” the platform, Bhungalia explained. As a result, additional updates and enhancements to CaseAssist will also appear automatically. It will roll out to selected clients in February and then become available to all Casepoint users, Carns said.

At the end of the day, artificial intelligence does not and cannot replace lawyerly intelligence. Attorneys will make the final decision over how to proceed in a given case or transaction. But if AI can at least help those lawyers make better, more well-informed decisions, it should be welcomed with open arms.

[How AI is transforming eDiscovery \[Casepoint\]](#)

[eDiscovery predictions for 2017 \[Casepoint\]](#)

**Earlier:** [Are Robots Going to Take Our Legal Jobs?](#)

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**David Lat is the founder and managing editor of *Above the Law* and the author of *Supreme Ambitions: A Novel*. He previously worked as a federal prosecutor in Newark, New Jersey; a litigation associate at Wachtell, Lipton, Rosen & Katz; and a law clerk to Judge Diarmuid F. O'Scannlain of the U.S. Court of Appeals for the Ninth Circuit. You can connect with David on [Twitter \(@DavidLat\)](#), [LinkedIn](#), and [Facebook](#), and you can reach him by email at [dlat@abovethelaw.com](mailto:dlat@abovethelaw.com).**

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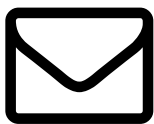
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