WINSTON & STRAWN LLP

Bobby Malhotra Speaks at The Sedona Conference Working Group 1 2023 Annual Meeting

OCTOBER 26, 2023

Winston & Strawn partner Bobby Malhotra spoke on a panel entitled "The Path from GenAI to Next Gen Discovery" at The Sedona Conference Working Group 1 2023 Annual Meeting on October 26, 2023.

In this program, panelists discussed the impact and implications of Generative AI (GenAI) in the eDiscovery process, with a particular focus on its applications, risks, ethical considerations, and the challenges associated with its integration. The discussions revolved around defining GenAI in eDiscovery, differentiating between containerized and non-containerized solutions, and addressing critical risks such as confidentiality breaches and competence issues.

Moreover, the program delved into the potential ethical concerns related to bias and transparency, emphasizing the need for human oversight in maintaining ethical standards. The panelists also examined the various use cases of GenAI in document review workflows and privilege logging, while shedding light on the challenges of negotiation, validation, and proportionality within the eDiscovery process.

KEY TAKEAWAYS

- Understanding the distinction between containerized and non-containerized GenAI solutions is crucial, considering the associated security risks and the trade-offs involved in terms of data containment and accessibility.

- Prioritizing transparency and human oversight in AI-driven eDiscovery workflows is essential, particularly in addressing potential biases, maintaining attorney competence, and upholding ethical standards, including confidentiality and privilege.

- Leveraging GenAI for document review workflows can offer significant benefits in terms of improved efficiency and categorization. However, ensuring transparency, validation, and careful negotiation with opposing parties are vital considerations in the adoption of GenAI tools.

- Anticipating the impact of GenAI on cost structures within the eDiscovery process and recognizing the potential shifts in job roles and legal thought is crucial for legal professionals to adapt to the evolving landscape effectively.

- Establishing clear GenAI guidelines and procedures, staying updated with technological advancements, and focusing on education and competence development are essential best practices for successfully navigating the integration of GenAI in eDiscovery.

Related Capabilities

eDiscovery & Information Governance

Related Professionals

Bobby Malhotra