

Bobby Malhotra Shares Predictions for eDiscovery in 2026 with *LegalTech News*

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Winston & Strawn partner Bobby Malhotra was featured in a *LegalTech News* article where legal professionals share their insights for what is in store for the e-discovery industry in 2026. Bobby shared that he believes AI transcription rollouts will drive a surge in privacy-based wiretap litigation in 2026.

He noted that companies and vendors will face increasing lawsuits alleging improper interception, inadequate notice, and unclear third-party data handling. He warned that many enterprises underestimate these risks and often overlook basic safeguards such as transparent disclosures, employee training, and robust acceptable-use policies.

“Even with baseline measures, meaningful residual risk will persist given variability in state consent regimes, evolving interpretations of ‘interception,’ reliance on external processors, and divergence in tool capabilities and data flows,” he said. “The practical result will be heightened litigation risk for deployers and users, increased compliance spend, and a premium on carefully staged, defensible implementations that align notice, consent, vendor management, and information governance with applicable law.”

[Read the full article.](#)

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Bobby Malhotra