Elevate eDiscovery in 2024 with Next-gen Solutions for Persistent Problems

Shifting legal complexities and technological advancements continue to shape the ever-evolving landscape of eDiscovery. As in almost every other industry, AI dominates the conversation around eDiscovery in 2024. But other trends also play a key role, from complex privacy regulations to the challenges of diverse file formats.

AI Plays Both Sides

Last year, we predicted that AI would streamline the eDiscovery process by suggesting related documents and providing deep insights. And it did. For instance, AI has taken technology assisted review (TAR) to new levels.

Clearly, AI will continue to figure prominently in eDiscovery strategies and discussions this year. But it will show up on both sides of the equation, driving efficiency while also creating new challenges.

On the one hand, AI-powered eDiscovery solutions will see more widespread adoption. By automating tasks such as data identification and classification, deduplication, redaction, review, and analysis, they save time and money. And by enabling newer capabilities such as sentiment analysis, entity extraction, and topic modeling, they take a step into the future.

On the other hand, the lack of transparency in AI solutions introduces increased security and compliance risks. Use of AI also raises the possibility of unintended bias and unpredictable results.

Further, legal teams must take care not to submit deep fake images or other problematic AI-generated evidence.

To leverage the benefits of AI while guarding against possible pitfalls, eDiscovery practitioners need to implement key safeguards. This will include human oversight of AI processes and results. Legal teams will also need to revise ESI protocols to account to include provisions around AI use.

Privacy Regulations Require Increased Vigilance

When [GDPR](link) came into effect in 2018, it sparked a host of privacy regulations globally and across the United States. And every year we see more complex and stringent restrictions on how organizations collect, process, store and transfer personal data.

Consequently, legal teams must implement appropriate measures to protect personal data throughout the eDiscovery lifecycle. These measures will include practices such as pseudonymization, encryption, data minimization, and consent management.

Additionally, organizations need to monitor changes in the legal landscape and make any necessary adjustments to maintain compliance. This proves especially important when cases cross state and national boundaries.

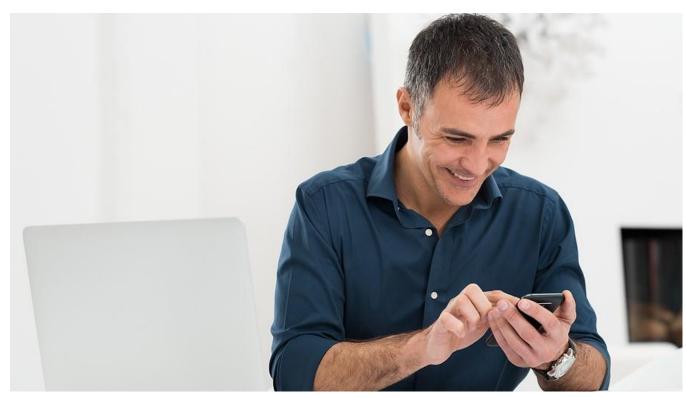## Dominance of Cloud-based Solutions Continues

Cloud-based and SaaS eDiscovery solutions will gain more of a market share in 2024, as they provide increased accessibility, flexibility, and scalability. By design, cloud-based solutions handle vast amounts of data more efficiently. They also facilitate seamless collaboration among legal teams and external stakeholders across various locations and devices.

Further, because the cloud provider manages the IT infrastructure, use of these solutions reduces the burden on the organization's IT department. The provider ensures regular updates, enhanced features, and security controls. Typically, these solutions also provide customizable options, so legal teams can tailor the service to meet specific needs.

Short Messages Pose Unique Challenges

Increasingly, social media, mobile devices, and the IoT generate data that provides valuable evidence and insights for legal matters. This can include text messages from various platforms, video and audio recordings, location data, and more.

While potentially critical to a case, however, these non-traditional types of data introduce new challenges. For instance, a conversation may begin in meeting minutes and continue through texts and Teams chats. Locating, collecting, and reviewing this information requires innovative solutions. Hopefully, 2024 will see more consensus on how to handle these types of evidence.

ECA Continues to Evolve

Legal teams have used early case assessment (ECA) for some time. However, 2024 should see increased automation and improved use of analytics, allowing for greater accuracy and cost reduction. Updated ECA tools will focus on early identification of key evidence and enable legal teams to improve strategic decision making while reducing dependance on external advisors.

Powered by AI and machine learning, predictive coding and smart filtering will allow legal teams to develop clarity around the case early on. Using cutting-edge algorithms, practitioners can quickly comb through massive data sets, finding trends and patterns. These improved insights allow teams to reduce the size and improve the relevancy of data sets for review.

Level Up with Strategic Partnership

Developing technologies promise to transform the legal space, strengthening ECA and allowing more organizations to utilize in-house eDiscovery. But these technologies also introduce new challenges, further complicated by disparate data types and complex privacy regulations.

By partnering with eDiscovery technology experts, legal teams gain access to deep expertise and next generation tools. Messaging Architects solutions quickly deliver essential visibility across the data landscape, accelerating ECA and reducing litigation costs.