

AI 'Game Changer' In E-Discovery, But Challenges Remain

By **Steven Lerner**

Law360 (August 11, 2025, 4:03 PM EDT) -- As generative artificial intelligence continues to reshape the legal landscape, a panel of experts expressed optimism Monday about its potential in e-discovery, despite challenges such as fake legal citations surfacing in court filings.

A roundtable of practice group, litigation support and legal operations leaders discussed the impact of generative AI in e-discovery during the International Legal Technology Association Conference in National Harbor, Maryland.

David Horrigan, discovery counsel and legal education director for the e-discovery software provider Relativity ODA LLC, moderated the panel discussion. Speaking on the topic of hallucinated citations getting into courts, Horrigan said the issue is not the technology, but how it is being used.

A wave of legal briefs containing fake citations, produced by so-called hallucinations from generative AI tools, has made headlines in recent months, landing the submitting attorneys in trouble.

The culprit in these instances seems to be lawyers disregarding their responsibility to review the briefs before they are submitted, according to Melissa Weberman, counsel and head of eData at Arnold & Porter Kaye Scholer LLP.

"Generative is a total game changer, but our obligations as lawyers don't change," Weberman said during the panel discussion.

Weberman added that some consumer-grade generative AI tools should not be used for legal research.

Even the hallucinations produced by generative AI have evolved from just fake cases, making these mistakes more difficult to spot. Scott Milner, a partner at Morgan Lewis & Bockius LLP, said there are instances when the case that generative AI produces is real, but the information about the case is not correct.

As more law firms use generative AI in e-discovery, the way they charge clients might change. Milner said he expects generative AI to impact the billable hour in some fashion, especially as law firms save time on tedious tasks and focus more on high-value work.

Even if a law firm saves time on tasks due to generative AI, the tools can be expensive. Weberman said firms could potentially explore task-based billing as an alternative, but that firms would need more data

to determine how much a task will cost.

Janis Cheston, the lead of e-discovery services and operations at Miller Thomson LLP, said during the panel that generative AI might reduce some time for certain legal tasks, but the billable hour won't go away because firms will shift their time from burdensome review to case preparation.

"Generative AI is the new frontier," Cheston said. "Success is up for grabs."

Cheston said the success of generative AI in a law firm won't necessarily depend on the number of attorneys, but rather on how the individuals in that firm effectively use the technology. Larger firms will have more resources to deploy generative AI, but the technology may also help smaller firms compete.

For all the complications of generative AI in e-discovery, the panelists were also confident in its future possibilities.

Milner said there are new career opportunities as firms hire for more generative AI roles. Weberman said the technology could close the access to justice gap by helping litigants with legal work.

"In the age of generative AI, there are so many things that you can do," Phil Weldon, director of e-discovery and litigation support technology at Hecker & Fink LLP, said during the panel. "I am endlessly optimistic."

Weldon added that firms should adopt AI policies to ensure the technology is safe.

--Editing by Drashti Mehta.