• So let’s just start with the obvious: AI. Where do you think AI will take us in 2024? How will lawyers and support staff use AI in 2024 that we’re not using it for now?

I expect the coming year will be marked by the start of a transition from evaluation and limited experimentation to more active use, first with an emphasis on administrative and process focused tasks as opposed to client work product. Technology will be increasingly infused into the traditional workflows and applications. In other words, rather than being faced with a proliferation of new tools, many of our tools will become more capable or at least easier to use. As technology evolves each of us will be on a journey to figure out how to engage with it to make us more effective in our work. Those who invest the time and energy to learn how to use them effectively and responsibly will be rewarded.

• We’ve also heard reports of low adoption of AI, especially in corporate law settings. What steps can the industry take to either assuage the fears lawyers might have about AI or make it less unapproachable?

Let’s talk first about fears related to accuracy and hallucinations. Clearly, anything that can be done to reduce the incidence of hallucinations at the outset is good. Crafting systems that include citations for its output makes sense. Leveraging more innovative approaches in systems to verify results before presenting them appears promising. Those ideas all move in the direction of seeking to reduce hallucinations. It remains important to stress that the systems are most effective to support the work of someone who is skilled at a task and not replace that individual. A more experienced practitioner should know how to work with a relative novice or less experienced practitioner to take less than final work and turn it into the final product. If lawyers gauge their expectations accordingly, they may be more willing to use the systems as intended.

• Are we approaching AI overload? Have those who are going to adopt it already done so. Is there too much hype?

We have reached AI overload. There is too much hype. The last year has been dominated by fascination with technology and consideration of what it might be. It has been time for initial experiments. Now we will learn from those experiments and for the leaders, move to adoption. There are always early adopters, fast followers, stragglers and so on. Too much attention is devoted to either extreme – whether it is a bold announcement that “this thing is better than all the others so you should drop what you are doing and switch” or “this failure proves it’s all useless.” As always, reality is in the middle. We need to focus less on technology for the sake of technology and get back to the problems we want to solve.

• In the Fall of 2023, President Biden signed Executive Order on AI that have some thresholds and reporting requirements to be met. What impact will that EO have in 2024?

President Biden’s Executive Order signals a desire to create a sweeping regulatory framework. It is but one of a collection of frameworks being assembled around the world. The Bletchley Declaration, a policy agenda focused on AI risk, was signed by representatives of 29 countries, including the United States and China just after the Biden Executive Order. Expect that 2024 will bring an array of new legal constructs that we will, as a society, need to contend with. It remains to be seen whether regulation will dampen the explosive growth we have seen in this arena.

• Speaking of regulations, will we finally see national legislation on cybersecurity and/or data privacy in 2024? More state laws?

I do not believe that we are well served by our patchwork quilt of state laws pertaining to cybersecurity and data privacy. The compliance burdens placed on organizations that are active across the nation are enormous. That said, heading into an election year, it is difficult to see meaningful progress being made to address this need until after the current election cycle.

• We’ve also seen federal agencies such as the FTC get involved in data breach reporting. What impact will those regulations have in 2024 and will other agencies get more involved (ie, DOJ)?

[I have no comment here.]

• Toward the end of 2023, we still saw reports of cyber theft in law firms and other companies. What new types of cyber theft will we see in 2024, And what new defenses can be put in place against them?

[I have no comment here.]

• On the e-discovery front, what, if any, new developments will 2024 bring?

[I am not sure what posture you want to take since we are a vendor in this space, and I don’t want to make predictions that can be read as statements about what we will or will not do. But that said…]

I expect that eDiscovery platforms will continue to be enhanced to incorporate generative artificial intelligence features in line with announcements made from leading participants. There will be more beta programs and then generally released offerings. The better approaches will successfully harmonize more traditional machine learning approaches with newer capabilities. The ability to more effectively search for concepts instead of lists of words will lead to better review overall. Summarization capabilities will be received as increasingly valuable. While the technology should allow for reviewers to be more efficient, suppliers will need to do a good job of offering solutions that are reasonably priced to make sense to clients.