

**What Works,  
What Doesn't,  
and Why**



**ACEDS** | ASSOCIATION OF CERTIFIED  
E-DISCOVERY SPECIALISTS  
A BARBRI Professional Association

# **GENERATIVE AI IN EDISCOVERY**



**ACEDS** | ASSOCIATION OF CERTIFIED  
E-DISCOVERY SPECIALISTS  
A BARBRI Professional Association

**CLE certification  
sponsored by  
Nextpoint**



**Angela Emmerling Shapiro**

Shareholder and Head of eDiscovery  
Butzel Long



**Martha K. Louks**

Director of Technology Services  
McDermott Will & Schulte LLP



**Brandon Mack**

Counsel, Director of Legal Technology and AI  
Tanenholz & Marr



**Joel-Henry J. Mansfield**

Managing Counsel, Discovery Management Unit  
Nationwide



# OVERVIEW

Phase	Task	Prep	Prompt	Iterate	Proof
<b>Early Case Assessment</b>	Summaries, themes, timelines	Threading, OCR, metadata normalization	Require doc IDs & quotes	Refine prompts and scope	Verify citations and timeline
<b>Document Review</b>	Rationales, summaries, log drafts	Defined issue tags and criteria	Embed criteria in prompts	Test prompts on known docs	Confirm decisions against evidence
<b>Case Development</b>	Evidence synthesis, hypotheses	Curated document sets	Require citations & gaps	Test alternate theories	Validate supporting documents

# AI RESULTS IN EDISCOVERY ARE MIXED

Generative AI is entering litigation workflows rapidly

Some teams report meaningful efficiency gains

Others encounter unstable outputs or unsupported conclusions

The difference is usually workflow design rather than the AI tool itself

# THE COMMON MISTAKE



Many teams treat generative AI like a search engine



In practice it behaves more like a drafting assistant



It works best when integrated into a structured workflow



Without structure, the model will fill gaps with plausible language

# WORKFLOW FOR ALL USE CASES

Task	Define the Task: what we are asking the model to produce
Prep	Prep: data preparation is required before analysis
Prompt	Prompt: the structure used to guide the model
Iterate	Iterate: testing and refinement of prompts and scope
Proof	Proof: verifying that outputs are grounded in the evidence



# **EARLY CASE ASSESSMENT**

# ECA: DEFINE THE TASK



Help attorneys orient themselves within large document collections



Summarize document sets or clusters



Identify emerging themes



Generate preliminary timelines and custodian summaries

# ECA: PREP

---

Deduplication and email  
threading

---

Attachment family  
reconstruction

---

OCR quality verification

---

Normalization of  
timestamps and metadata

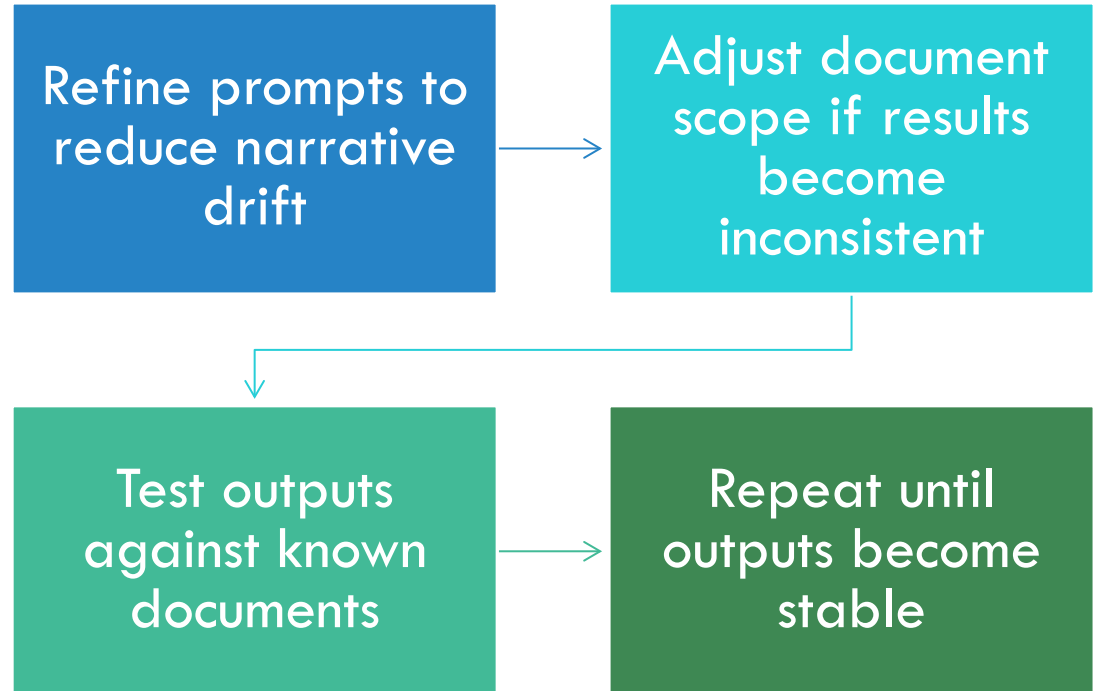
---

Selection of bounded  
document sets for analysis

# ECA: PROMPT

Require	Require document IDs for all assertions
Require	Require quotations from supporting text
Limit	Limit analysis to defined document sets
Allow	Allow the model to identify missing or unclear evidence

# ECA: ITERATE



# ECA: PROOF

Verify

Verify cited documents directly

Confirm

Confirm timeline ordering against metadata

Check

Check whether key documents were omitted

# ECA: WHAT WORKS / WHAT FAILS

---

**Works:** document-grounded summaries

---

**Works:** bounded dataset analysis

---

**Fails:** prompts like 'summarize the case'

---

**Fails:** narrative conclusions about intent or causation

# DOCUMENT REVIEW

---

# REVIEW: DEFINE THE TASK

Assist

- Assist reviewers with drafting and organization

Draft

- Draft coding rationales

Summarize

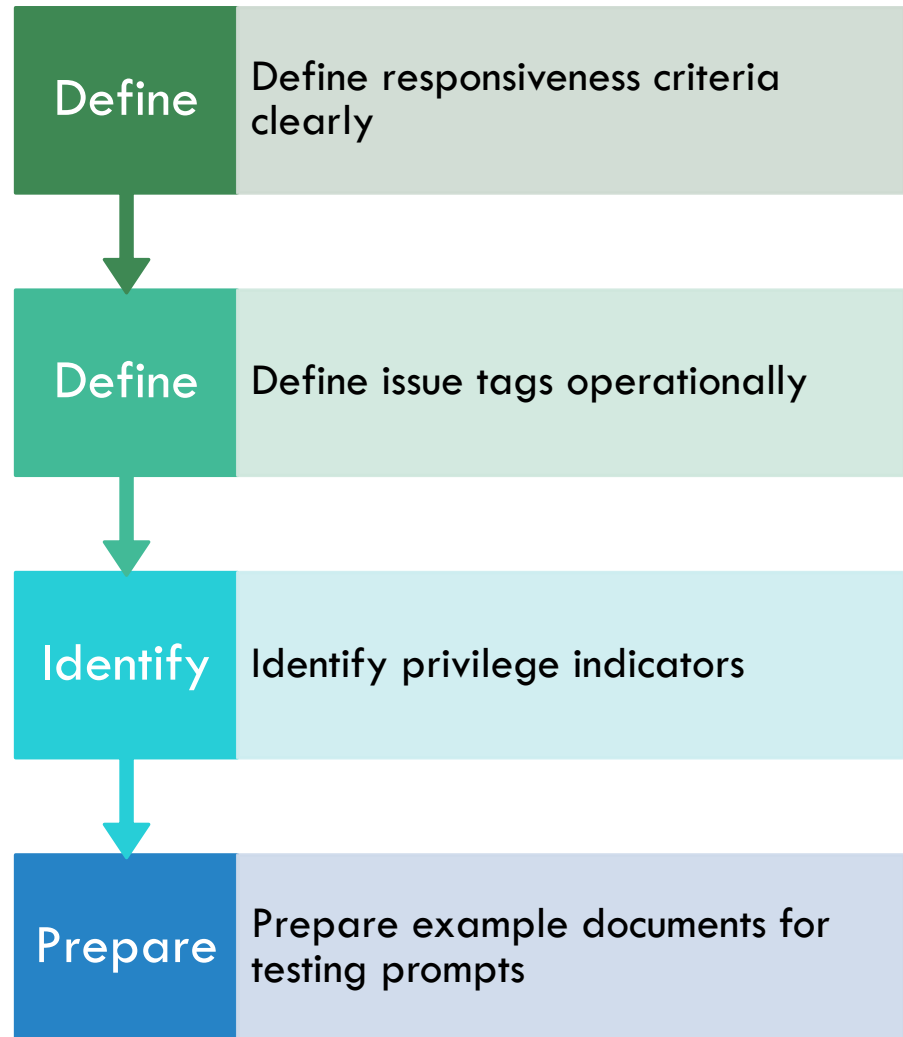
- Summarize documents for reviewer context

Privilege Log

- Draft privilege log descriptions

# REVIEW: PREP

IN ADDITION TO ECA DATA  
PREP DISCUSSED  
PREVIOUSLY



# REVIEW: PROMPT

1

Embed review criteria directly into the prompt

2

Require quotations from supporting language

3

Specify structured output formats

# REVIEW: **ITERATE**

Test

Test prompts against known responsive documents

Adjust

Adjust prompts to reduce false positives

Validate

Validate outputs against reviewer decisions

# REVIEW: PROOF

01

Verify quoted language against the document

02

Confirm reviewer decisions remain correct

03

Ensure privilege determinations are reviewed by attorneys

# REVIEW: WHAT WORKS/ WHAT FAILS

---

**Works:** drafting rationales tied to structured criteria

---

**Works:** document summaries for reviewer context

---

**Fails:** automated privilege determinations

---

**Fails:** relying on model explanations without checking the document

# CASE & FACTUAL DEVELOPMENT

---

# CASE DEVELOPMENT: DEFINE THE TASK

1

Help attorneys  
move from  
documents to  
case  
understanding

2

Summarize  
evidence  
collections

3

Identify key  
events

4

Generate  
possible case  
theories

# CASE DEVELOPMENT: PREP



Curate relevant  
document sets



Ensure timeline  
accuracy



Restrict analysis to  
known evidence

# CASE DEVELOPMENT: **PROMPT**



Frame outputs as hypotheses rather than conclusions

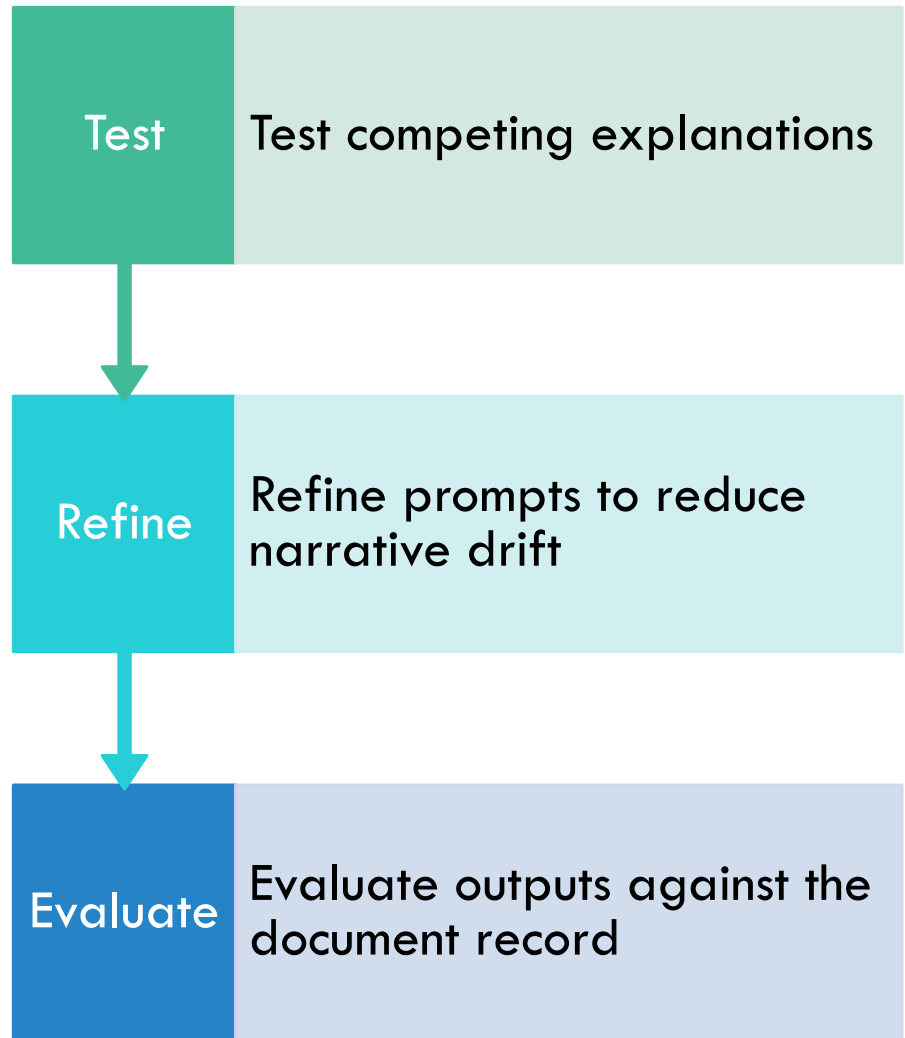


Require document citations



Ask the model to identify evidentiary gaps

# CASE DEVELOPMENT: ITERATE



# CASE DEVELOPMENT: **PROOF**



Verify supporting documents



Look for contradictory evidence



Ensure narrative claims remain evidence-grounded

CASE  
DEVELOPMENT:  
WHAT WORKS/  
WHAT FAILS

---

**Works:** evidence-grounded  
summaries

---

**Works:** hypothesis generation  
tied to documents

---

**Fails:** narrative synthesis  
beyond evidence

---

**Fails:** confident claims about  
motive or intent

# YOU'VE DONE EVERYTHING RIGHT BUT IT STILL LOOKS WRONG: WHEN THE AI TOOL IS THE PROBLEM

Context window limits can truncate long email threads

Model instability can produce different answers for identical prompts

Retrieval layers sometimes fail to surface key documents

Narrative synthesis behavior can fill evidentiary gaps

**WAR STORY:  
CONVINCING  
BUT WRONG  
NARRATIVE**

Problem: AI summary claimed engineers warned leadership about a defect when documents only discussed testing delays.

Lesson: Always verify citations before relying on generative summaries.

# WAR STORY: TIMELINE FAILURE

Problem: AI timeline suggested a key decision occurred before a meeting due to mixed time zones across custodians.

Lesson: Metadata normalization is essential before generative analysis.

# WAR STORY: PROMPT FAILURE

Problem: Prompt asked the model to 'tell the story of what happened', producing a confident narrative unsupported by evidence.

Lesson: Prompt design must require citations and evidence.

# FRAMEWORK SUMMARY CHEAT SHEET

Phase	Task	Prep	Prompt	Iterate	Proof
Early Case Assessment	Summaries, themes, timelines	Threading, OCR, metadata normalization	Require doc IDs & quotes	Refine prompts and scope	Verify citations and timeline
Document Review	Rationales, summaries, log drafts	Defined issue tags and criteria	Embed criteria in prompts	Test prompts on known docs	Confirm decisions against evidence
Case Development	Evidence synthesis, hypotheses	Curated document sets	Require citations & gaps	Test alternate theories	Validate supporting documents



**ACEDS** | ASSOCIATION OF CERTIFIED  
E-DISCOVERY SPECIALISTS  
A BARBRI Professional Association

**CLE**  
certification  
sponsored by  
**Nextpoint**



### **Angela Emmerling Shapiro**

Shareholder and Head of eDiscovery  
Butzel Long



### **Martha K. Louks**

Director of Technology Services  
McDermott Will & Schulte LLP



### **Brandon Mack**

Counsel, Director of Legal Technology and AI  
Tanenholz & Marr



### **Joel-Henry J. Mansfield**

Managing Counsel, Discovery Management Unit  
Nationwide