

Defense Firms Race To Close Gap As Plaintiff AI Tools Surge

By **Steven Lerner**

Law360 (December 2, 2024, 1:04 PM EST) -- Plaintiff lawyers are boosting production through new specialized generative artificial intelligence offerings, leaving the litigation defense side shorthanded, experts say.

These new tools help plaintiff attorneys quickly craft demand packages, summarize documents and organize fact sheets for cases. For personal injury cases, generative AI can quickly analyze medical records, draft medical chronologies and spot potential untreated symptoms.

While the tools enable plaintiffs to complete more work in less time, some firms on the defense side may find it more challenging to keep up with the higher workloads, as few generative AI tools are being built or marketed specifically for them, according to experts.

David A. Rueff Jr., the chief client solutions officer at Baker Donelson Bearman Caldwell & Berkowitz PC, told Law360 Pulse the firm is likely experiencing the impact of those tools in defense matters.

"You're seeing plaintiffs firms that can produce a significant volume of complaints and requests for discovery," Rueff said. "You wonder how they can do that without scaling their teams significantly."

Rueff concluded that plaintiff firms are turning to AI and automation to increase production rapidly.

The current process by which defense firms respond to complaints and discovery requests can be cumbersome at best. Paralegals and associates often scramble through laborious document management systems to locate prior responses to similar matters.

"That's a time-consuming process," Rueff said.

Document management systems often use machine-learning algorithms for searches, and e-discovery platforms use technology-assisted review, or TAR, to help with this process, but both fall short compared to the potential capabilities of generative AI. In cases involving large data volumes, generative AI could cut down on the time it takes to locate information and respond to requests.

There's been a proliferation of legal tech companies in recent years incorporating generative AI functionality specifically for plaintiffs.

Perhaps the most prominent example is the claims intelligence platform EvenUp, which says it serves

plaintiff attorneys in over 1,000 law firms and has helped them get over \$1.5 billion in damages since it was founded in 2019. In October, EvenUp raised a \$135 million investment that earned the company a \$1 billion valuation.

EvenUp declined a request from Law360 Pulse to discuss questions about generative AI for defense attorneys.

As the generative AI plaintiff market expands, it seems there really isn't an equivalent in generative AI tools marketed specifically for defense firms.

Other growing plaintiff tools include the AI legal assistant Anytime AI, the personal injury startup Supio and the generative AI legal assistant Eve. Through its robust legal drafting and case analysis software, Eve acts like a "second brain" to small plaintiff firms, the company's founder claims.

Jay Madheswaran, founder and CEO of Eve, told Law360 Pulse that it doesn't plan on making tools for attorneys on the defense side.

"Eve is working towards the goal of augmenting and accelerating every part of the litigation lifecycle — from client intake to discovery to various forms of case resolution," Madheswaran said.

Before generative AI, plaintiff firms often struggled with optimizing their staffs to serve more clients, according to Madheswaran. Plaintiff firms often are paid on outcomes rather than billable hours, necessitating the need for better efficiency in casework.

"From a technical perspective, the vast majority of work goes towards fitting our tool into their existing workflows seamlessly, and continuing to increase accuracy for tasks in the case life cycle," Madheswaran said. "Focusing on plaintiff work has allowed us to do that."

As more plaintiffs leverage generative AI, defense firms will likely need new technologies to respond and compete. It's a growing market in need of more vendors to step up.

In 2022, a client of Baker Donelson faced thousands of litigation matters. The undisclosed client, which is in the automotive manufacturing industry, needed Baker Donelson to respond to a high volume of discovery requests.

Rueff reached out to LegalMation to see if it could streamline the development of response discovery. He first came across the litigation software company in 2018, and since then it has added generative AI to its systems.

While not exclusively marketed for defense attorneys, LegalMation's AI software can be used for responding to complaints, subpoenas and discovery, as well as summarizing depositions. And like other legal tech providers in 2022 and 2023, LegalMation added generative AI capabilities to generate content. This year, LegalMation launched a demand letter response service.

When Baker Donelson contacted LegalMation in 2022 to see if it could help respond to discovery requests, generative AI was still getting off the ground. After adopting LegalMation and adjusting the software to fit its needs, Baker Donelson trained the tool on historical discovery responses that it had completed over the past few years. The software matches new requests for discovery with the firm's prior work and then drafts a new response to speed up the process.

Depending on the volume of historical responses, Rueff said the tool can save 30% to 50% in responsive discovery costs.

"This brings a whole new layer of knowledge management capabilities to firms," Rueff said. "I'm creating columns of data that will help us streamline the production of responses to discovery."

Rueff said the firm has talked to other clients about potentially introducing this tool into future matters. Baker Donelson is also looking at other legal generative AI tools in the market.

--Additional reporting by Rachel Rippetoe and Matt Perez. Editing by Robert Rudinger.