



AI 2035: The Legal Profession and the Judiciary in the Age of Artificial Intelligence

Predictive Analytics in Case Strategy: What's Real, What's Hype

This session examines the role of predictive analytics in litigation strategy, separating practical, data-driven tools from overhyped capabilities. Attendees will gain insight into how these technologies are being used to assess case outcomes, inform decision-making, and support litigation planning in real-world practice.



Arnold Blair, Discovery Counsel, MoloLamken

Arnold Blair is Discovery Counsel at MoloLamken specializing in eDiscovery and litigation support for high-stakes matters. Arnold advises clients on managing risk and cost through technology-driven discovery strategies. He has over 25 years of experience across leading law firms. Arnold frequently writes and speaks on the evolving role of technology in legal practice.



Omid Jahanbin, Senior Vice President, Global Marketing & Product Experience, Consilio

Omid Jahanbin is Senior Vice President of Product Experience and Marketing at Consilio, where he has played a key role in transforming the company into a global, AI-enabled legal technology platform. Omid brings over 20 years of experience in legal technology product design and development. He has led the creation of major platforms including Aurora Legal AI Suite, Sightline, and Verity Review. Omid's work spans product strategy, brand positioning, and global market expansion. He focuses on aligning technology innovation with client needs and business growth.



Moderator: Meghan O'Donnell, Account Executive, LexisNexis Legal

Meghan O'Donnell is an account executive at LexisNexis. Meghan is a strategic, decisive and action oriented technology leader with over two decades of experience helping customers achieve their goals. With a proven track record in revenue and market share growth at every position, Meghan works with Chicago area lawyers to create customized plans that ensure success in both business and the practice of law.

Predictive Analytics in eDiscovery and Litigation

What's Real, What's Hype

CLE Program Materials

- **Omid Jahanbin** — Product Marketing & Go-to-Market, Aurora Platform, Consilio (*Moderator and Technical Panelist*)
- **Arnold Blair** — Discovery Counsel, MoloLamken LLP (*Practitioner Panelist*)

Segment 1: Introduction and Analytical Framework

- Introduction to the program's organizing framework:
 1. Production-ready and judicially accepted AI capabilities
 2. Emerging capabilities likely to mature within 12–24 months
 3. Marketed capabilities lacking reliable evidence of performance or defensibility
- Discussion of how misclassifying speculative technologies as mature solutions creates procurement, supervision, and ethics risks.

Segment 2: Current State — Production-Ready AI Capabilities in eDiscovery Technology-Assisted Review (TAR / Predictive Coding)

- Review of foundational case law:
 - *Da Silva Moore v. Publicis Groupe*, 287 F.R.D. 182 (S.D.N.Y. 2012)
 - *Rio Tinto PLC v. Vale S.A.*, 306 F.R.D. 125 (S.D.N.Y. 2015)
 - *In re Broiler Chicken Antitrust Litigation*, 2018 WL 1146371 (N.D. Ill. 2018)

LLM-Assisted Document Classification

- Mechanics of large language model review workflows
- Rationale generation and citation tracing
- Differences between LLM-based classification and supervised-learning TAR
- Human-in-the-loop validation and quality-control sampling

AI-Assisted Privilege Review

- Privilege likelihood scoring
- Automated privilege-log narrative drafting
- Defensibility considerations under attorney-client privilege and work-product doctrines

Natural-Language Investigation and Early Case Assessment

- Semantic search and retrieval-augmented generation (RAG)
- Difference between sampled interrogation workflows and exhaustive classification approaches

Practitioner Discussion

- Meet-and-confer implications
- ESI protocol negotiation considerations

Segment 3: Hype, Risk, and Professional Responsibility

Hallucination Risks and Containment

- Distinction between:
 - Citation-backed, retrieval-bounded systems
 - Ungrounded generative output
- Reliability and defensibility implications

Sanctions and Supervisory Liability

Discussion of:

- *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443 (S.D.N.Y. 2023)
- *Park v. Kim*, 91 F.4th 610 (2d Cir. 2024)
- Subsequent AI-related sanctions decisions

Focus on:

- Technology failure versus supervisory failure
- Verification obligations for practitioners

ABA Formal Opinion 512 (July 29, 2024)

Application of:

- Rule 1.1 — Competence
- Rule 1.4 — Communication
- Rule 1.5 — Reasonable Fees
- Rule 1.6 — Confidentiality
- Rule 3.3 — Candor Toward the Tribunal
- Rules 5.1 and 5.3 — Supervisory Responsibilities

Practical implications for:

- Vendor selection
- Client consent
- AI-assisted billing practices
- Verification and review obligations

“Defensibility” as a Workflow Property

- Evaluating unsupported vendor marketing claims
- Importance of:
 - Audit trails
 - Sampling protocols
 - Reproducibility mechanisms

Outcome Prediction Claims

- Statistical limitations of litigation forecasting
- Difference between aggregate analytics and matter-specific prediction
- Risks in client communications and strategic reliance

Segment 4: Practical Framework for Vendor and Workflow Evaluation

Five-Question Evaluation Framework

1. Data Residency and Processing Architecture

- Data storage location
- Public cloud versus private infrastructure
- On-premises deployment considerations

2. Audit Trail and Reproducibility

- Preservation of:
 - Prompts
 - Outputs
 - Model versions
 - Rationales

3. Human-in-the-Loop Protocol

- Meaningful oversight versus rubber-stamp review
- Sampling, overrides, and QC calibration

4. Model Portability

- Ability to substitute underlying models
- Avoiding long-term vendor lock-in

5. Defensibility Narrative

- Explaining methodology and validation processes in plain language
- Preparing for meet-and-confer discussions and judicial inquiry

Practitioner Discussion

Application of these considerations to:

- ESI protocol drafting
- Vendor agreements
- Internal supervision procedures

Segment 5: Emerging Capabilities and Strategic Outlook

Agentic AI Workflows

- Multi-step reasoning systems
- Iterative investigation and follow-up questioning
- Structured narrative generation with human validation checkpoints

Cross-Matter Intelligence and Knowledge Graphs

- Institutional knowledge aggregation
- Governance and privacy implications

Model-Agnostic Infrastructure

- Strategic implications of adaptable AI architectures
- Long-term platform planning considerations

Market Structure Shifts

- Relativity Server end-of-life timeline (2028)
- Procurement and migration planning implications

Future Evolution of ESI Protocols and Judicial Guidance

- Anticipated developments in:
 - Case law
 - Model orders
 - Ethics guidance

Segment 6: Audience Q&A and Closing

Moderated audience discussion addressing:

- Matter-specific implementation issues
- Smaller-matter economics

- In-house deployment considerations
- Client communication strategies
- Illinois-specific procedural and ethics considerations

Closing recommendations and practical takeaways from each panelist.

Substantive Reference Authorities

Authorities referenced during the program include:

- *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443 (S.D.N.Y. 2023)
- *Park v. Kim*, 91 F.4th 610 (2d Cir. 2024)
- *Da Silva Moore v. Publicis Groupe*, 287 F.R.D. 182 (S.D.N.Y. 2012)
- *Rio Tinto PLC v. Vale S.A.*, 306 F.R.D. 125 (S.D.N.Y. 2015)
- *In re Broiler Chicken Antitrust Litigation*, No. 16 C 8637, 2018 WL 1146371 (N.D. Ill. Jan. 3, 2018)
- ABA Standing Committee on Ethics and Professional Responsibility, Formal Opinion 512 (July 29, 2024)
- ABA Model Rules of Professional Conduct:
 - Rules 1.1, 1.4, 1.5, 1.6, 3.3, 5.1, and 5.3
- Federal Rules of Civil Procedure:
 - Rules 26(b)(1), 26(f), and 26(g)