

# New York Law Journal

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PROFESSIONAL EXCELLENCE

## INNOVATION AWARDS



### Cravath, Swaine & Moore

RESPONSES PREPARED BY WES EARNHARDT, A PARTNER WITH CRAVATH, SWAINE & MOORE, AND SCOTT REENTS, LEAD ATTORNEY AT THE FIRM, DATA ANALYTICS AND E-DISCOVERY.

**Q&A** **What are some of the firm's most satisfying successes of the past year and why?** The use of AI is often discussed in terms of how it might eventually impact the practice of law, so it has been incredibly satisfying to be able to apply AI in ways that deliver concrete benefits to our clients today. By tracking

the latest innovative technology, investing in the people who understand the technology and partnering with our clients in deploying it, we have been able to deliver real litigation advantage with AI in current matters. For example, with respect to the identification of privileged information through AI, we deployed software called

Text IQ to accelerate discovery schedules without sacrificing—and instead, enhancing—the accuracy of our privilege review. From our perspective, the use of AI in law is not about replacing attorney analysis and judgment, but about empowering our lawyers to conduct their analysis more accurately and effectively.

**What, if any, boundaries stood in the way of the firm's innovative accomplishment, and how were they surmounted?** Any client would be cautious about using AI to identify privileged documents and communications, given their sensitivity and capacity to affect the outcome of a litigation. When it comes to identifying privilege, a “good enough” effort is not good enough.

Overcoming this understandable caution requires two things. First, we need to convince clients that we are not substitut-

ing Cravath's judgment for a computer's. With appropriate training by Cravath attorneys, the AI enhances our ability to spot the markers of privilege, but it remains for Cravath attorneys to decide (in consultation with clients) what is privileged and what is not. Fortunately, we work with many clients who are innovators in their own right, and who trust us to lead them through this process.

Second, we need to develop new methods of accomplishing a traditional task. Using AI means understanding things like machine learning, seed sets and margins of error, but it also means figuring out workflows that are reliable, repeatable and defensible. Not every document requires the same level of analysis, and a good process allows us to apply the right level of scrutiny to each document, focusing the most attention on the "close



calls" that can be the most important documents in a litigation.

**What is the best advice for younger attorneys looking to advance their own innovative ideas or visions?**

Understanding the technology is necessary but not sufficient for successful legal innovation. Having a deep appreciation of the legal context and goals is

also essential. A legal innovator needs to understand not just what is technologically feasible (though that is critical), but also what is legally defensible and strategically advisable. A complete legal-technology understanding allows one to develop better legal innovations, and to convince clients, courts and opposing parties of the value of those innovations.

CRAVATH, SWAINE & MOORE LLP