How Legal Intelligence Is Transforming Case Discovery and Risk Management

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Artificial intelligence (AI) in the legal field is most commonly associated with tools that streamline workflows, such as case law research, document summarization, and drafting support.

However, these applications only scratch the surface of what AI can contribute to legal practice. A growing category of AI-powered technologies is beginning to redefine how attorneys identify legal risk, discover harm or damage, and develop cases before violations become public or escalate into litigation.

These tools fall under the category of Legal Intelligence, and are especially relevant for attorneys and general counsel who must stay ahead of emerging threats and make sense of large volumes of unstructured data.

Defining Legal Intelligence

To understand Legal Intelligence, it is important to first define "intelligence." Intelligence is the ability to gather and interpret infor-
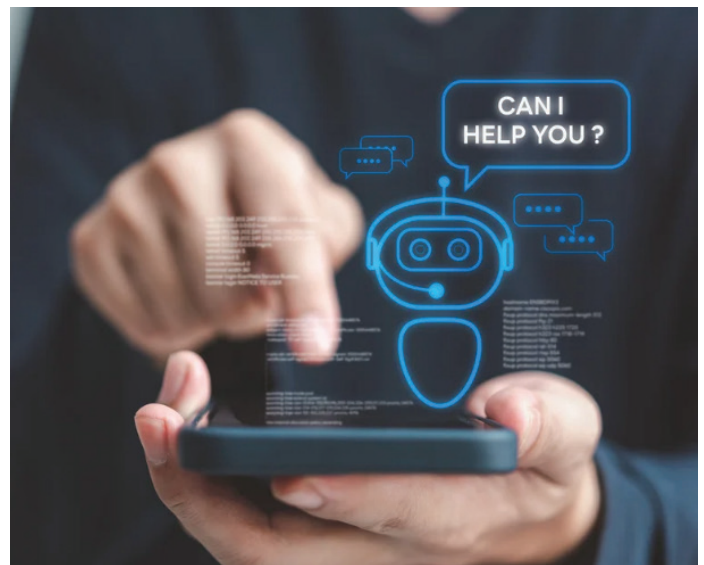
Chatbot conversation Ai Artificial Intelligence.

mation with the intention of uncovering patterns, anticipating risks, and informing strategic actions.

For example, in national security matters, intelligence officers analyze data like intercepted communications, travel patterns, and financial transactions to identify threats before they materialize. In criminal investigations, analysts might trace a series of thefts, phone records, and cash transfers to expose a larger organized crime syndicate.

In the legal context, one also looks to identify threats, detect wrongdoing, and surface digital footprints indicating harm. Legal Intelligence encompasses the use of web intelligence, data analysis, AI, and legal expertise to detect potential legal violations by examining complex, unstructured sources of data and information.

These may include government records, health and safety complaints, regulatory filings, online reviews, and public databases. Rather than responding to legal issues and concerns after the fact, Legal Intelligence offers a proactive approach to legal investigation, identifying legal risks before they escalate.

Reviewers, including lawyers, can anticipate and address violations early, and identify and remediate them, rather than react to them once the "harm" has occurred.

A Strategic Tool for Plaintiffs' Law Firms

Thousands of potential legal violations go unnoticed each year. However, this is not because the issue is undocumented. More often than not, evidence indicating legal risk is scattered and located among many different publicly-available sources.

This data is often difficult to obtain, process and/or interpret and its link to a legal problem or violation may not be self-evident without a "deep dive" into terabytes of data. This is impossible to do without harnessing AI. Legal Intelligence creates an opportunity to uncover meritorious class actions and mass tort cases which would have otherwise been impossible to identify.

Using AI, lawyers can spot legal problems or violations not identifiable through traditional investigative work and data analysis, but rather can build cases proactively. Lawyers can validate theories using public data, support causation arguments with pattern analysis, and ensure that cases are grounded in strong evidence.

Two examples

Take the dissemination of a herbicide containing a known carcinogen in several fields, along with a cluster of a specific cancer diagnosis in nearby towns, known to be linked to this substance.

Legal Intelligence not only can juxtapose these two data points and place them on a map to locate hotspots, but it can then analyze additional environmental data, such as wind and water flow patterns, along with medical reports and local complaints, to establish not only a connection, but an actual legal causation to the affected communities.

Similarly, in order to establish a potential ERISA violation alleging a breach of fiduciary duty claim, one must look at fund performance, and continuously compare its alleged underperformance over similar funds and benchmarks. However, because funds often change their names and databases are complex and not always accurate, performance data is scattered and difficult to analyze.

Legal Intelligence can surface and uncover alleged violations by scanning and monitoring plans, matching fund names across public filings, normalizing performance data, and comparing returns against benchmarks. It can then connect alleged underperformance to specific plans and participants, overcome inconsistencies, and reveal patterns evidencing potential breaches of fiduciary duty.

A Risk Lens for General Counsel

General counsels face a different challenge. They must protect organizations from legal exposure, while keeping pace with shifting regulatory environments and stakeholder expectations. Legal Intelligence can support this work by identifying early indicators of risk.

For example, if a company is receiving repeated complaints about a product across several regions, Legal Intelligence can help determine through internal data analysis and public information scanning, whether the issue reflects a broader trend.

It can reveal whether the company's public disclosures align with other public statements or information, whether a certain company has a track record of violations or other problems, or whether regulators are paying attention to similar issues with respect to other companies.

Legal Intelligence provides a way to contextualize legal risk within a wider landscape of data, allowing legal departments to take action and correct the problem before an issue becomes public or reaches the courtroom. Surely, with respect to the issues described above as it relates to class actions and mass torts, general counsel would want to be ahead of the curve and to first identify and then to cure problems before they surface.

Changing the Legal Workflow

Like all AI tools, Legal Intelligence is not a substitute for legal expertise. It is a complementary tool that enhances attorneys' abilities to detect and evaluate problems and issues early, addressing a core challenge in modern legal work: identifying legal risks that have not yet come to light.

Rather than waiting for harm to escalate, attorneys now have a means to work upstream. They can bring, prosecute and defend cases that have strong legal foundations and social impact, informed by data and supported by context.

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