



E-DISCOVERY (& BEYOND) FORECAST

LEGAL TECHNOLOGY PREDICTIONS FOR 2020

BDO's forensic technology professionals share their top predictions for the year ahead.

1

AI BIAS LITIGATION WILL PROMPT NEW DISCOVERY CHALLENGES

Researchers have identified more than 180 cognitive biases, and algorithms learn these from training data. Companies face increasing scrutiny about bias in using AI for recruiting, credit scoring and more. There will be litigation about underlying biases in AI, which present significant new challenges for discovery.



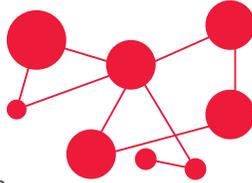
99% of words that Google's AI technology BERT associated with men rather than women in a test by computer scientist Robert Munro.

Source: [New York Times](#)

2

MASTERING THE ART OF DISAPPEARING DATA

New privacy laws have put data retention and disposition practices in the spotlight. Billions of people use encrypted messaging services, some of which offer auto-deletion capabilities, and copious temporary data is stored in RAM and caches. Discovery will have a reckoning with encrypted and ephemeral data in 2020.



3 SEXDECILLION YEARS

Amount of time required for a powerful computer to brute-force AES 256-bit encryption.

Source: [Make Tech Easier](#)

3

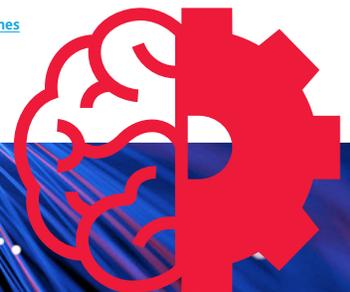
THE YEAR OF THE INNOVATIVE LAWYER: LEGAL DISRUPTION IS HERE—AND FINALLY GETTING EMBRACED BY THE LEGAL INDUSTRY

From PayPal and Square to Lyft and Lime, lawyers have been at the forefront of innovation and disruption. Those companies have transformed industries, and 2020 will be the year that lawyers turn disruption to adoption in their industry, maximizing client value with smart contracts, distributed ledger technology, DIY legal software and more.

General Motors, Western Union, Bristol-Myers Squibb:

Non-tech companies with **top-10 ranked in-house legal teams** by the FT North American Innovative Lawyers Awards.

Source: [Financial Times](#)



4

EXPANDING PRIVACY REGULATIONS WILL DRIVE UP THE COST OF E-DISCOVERY

From GDPR to CCPA and beyond, data privacy legislation increases the cost of e-discovery. Litigation will result from privacy breaches and noncompliance, so companies must understand their data landscape and integrate e-discovery processes with their privacy compliance program. With additional state or federal privacy legislation looming, enhanced consumer privacy rights necessitate swift identification and collection of data for any ensuing litigation or regulatory investigations. Data analytics and other techniques can help classify and quantify in-scope data.

463 EXABYTES

Estimated amount of data that will be created each day globally by 2025.

Source: [International Data Corporation](#)



5

GROUNDBREAKING ADVANCES IN MOBILE DATA MANAGEMENT AND PRESERVE-IN-PLACE METHODOLOGIES

Failure to preserve electronically stored information is a growing problem for e-discovery that requires new solutions. Methodologies for in-place preservation must address the proliferation of email and intracompany messaging, mobile and IoT devices, cloud storage and more. In 2020, solutions for enterprise mobility management and data backup will integrate with companies' sign-on and authentication protocols.

15

Average number of connected devices per consumer by 2030.

Source: [IHS Markit](#)



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