

AI Hones Bet-the-Company Cases Early, Scaling Back Discovery Woes

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Large-scale litigation historically has followed a familiar pattern: gather everything, review everything, argue everything, and trust that exhaustive effort would produce advantage. That model is now too expensive, too slow, and too blunt for the demands facing modern legal departments.

General counsel no longer are asked merely to win motions or survive discovery. They must protect enterprise value, reduce volatility, preserve management attention, and create clarity in matters that can threaten earnings, reputation, and strategy at once.

That is why artificial intelligence's real significance in litigation isn't speed. It's strategic compression—getting to the point of decision faster, with better information, under rigorous pressure. The strongest legal departments use AI to identify the key set of facts, documents, witnesses, and pressure points that will drive the outcome of a dispute.

This won't replace lawyers with machines; it will replace waste with judgment. The mandate for the modern GC is to know earlier, and with greater confidence, which 20% of the case will determine 80% of the risk rather than know about every document in a file.

The rule is simple: Use AI to apply the 80/20 rule, then concentrate legal and business resources on those critical facts with ruthless discipline.

Every outside team should be able to answer one question: What are the five pieces of evidence, testimony, or analysis most likely to control outcome and cost—and why are we spending money anywhere else?

Compression, Not Efficiency

Litigation has always suffered from a scale problem. The modern lawsuit arrives wrapped in millions of emails, contracts, board materials, and chat logs.

Traditional discovery treats this mass as something to be processed. AI allows it to be treated as something to be interpreted. Processing data is expensive housekeeping. Interpreting data is strategy.

When deployed correctly, AI doesn't simply reduce review hours—it accelerates the drive toward a pressure-tested, trial-ready theory. In complex litigation, teams once spent weeks mapping the factual terrain and stress-testing their narrative. AI compresses those weeks into days. Speed matters here not as an end but as a means: the faster you have the facts, the more time you have to pressure-test the your case theory before it is finalized.

The best litigation teams don't pick a theory on day one and cling to it. They take a theory and test it, using AI to challenge assumptions and surface what the other side is most likely to exploit. Moving faster with a bad theory doesn't improve the theory. Speed amplifies mistakes as readily as insights.

A GC who understands the factual center of gravity of a dispute in the first 30 days occupies a fundamentally different position from one receiving a sprawling update after six months of document review. The former shapes settlement posture and reserve analysis with discipline. The latter casts about in the dark.

Prioritization, Not Preservation

The old playbook prized optionality above all else: Keep every argument alive, pursue every claim, take every deposition that might matter. There was comfort in abundance. There also was staggering inefficiency.

AI exposes a harder truth. Most cases turn on a narrow cluster of decisive facts and human behaviors. A handful of emails shapes the intent narrative. A small group of witnesses defines credibility. One or two damages assumptions drive exposure. A few business decisions explain why the dispute exists at all.

The right question no longer is what we can do in this case, but what must be true for this case to resolve on acceptable business terms. That shift moves litigation from activity to architecture.

It forces counsel to identify the moves that matter—the document set that frames the opening demand, the deposition sequence that exposes weakness in the opposing theory, the early motion that can reset leverage. AI is the force multiplier for strategic discipline, not the strategist.

Enterprise Risk Implications

The legal department's audience extends well beyond trial counsel and courts. It includes the CEO, CFO, board, investor relations, and sometimes the public. Litigation decisions must therefore be measured both on their legal merits and by impact on the enterprise.

A targeted, AI-informed strategy improves that broader performance in three ways. It reduces uncertainty, protects executive attention, and strengthens reputation management. When a GC can explain—with evidence—the few facts most likely to control liability or settlement range, the business can plan. Reserve discussions improve. Leadership avoids overreaction.

A focused strategy keeps senior executives engaged where their judgment creates leverage rather than concerned that their calendars will be consumed by the litigation process. And where litigation can become a public narrative overnight, early identification of reputational flashpoints lets the company manage the case in alignment with its values.

Absence of Judgment, Exposed

AI can't read a jury, negotiate a settlement, or build trust with a client. It can't tell a CEO which path creates the least long-term damage or weigh whether a trial victory is worth the cost to a commercial relationship. These remain human functions—and the margin of advantage in hard cases still lives there.

But AI will expose weak lawyering faster. It will reveal which teams hide behind volume, which strategies lack a unifying theory, and which firms bill clients to find answers that should have surfaced months earlier.

AI is a powerful tool that demands supervision, governance, and a lawyer willing to own the judgment call. And it's increasing, not eliminating, the premium on legal talent.

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