The Evolution of Predictive Coding in eDiscovery

Here are some key developments as legal tech has evolved from linear review to TAR to CAL and now prepares to enter the Generative AI era.

TAR 1.0

Relied on a subject matter expert (SME) coding a seed set of documents that ranged anywhere from 1,000 to 5,000 depending on the consistency of choices the SME made during the review.

2006
2007
2008
2009
2010
2011
2012
2013

2006 — Chicago-based technology consulting kCura launches a technology solution called Relativity

2009 — TAR 1.0 hits the marketplace as Recommind releases Axcelerate. A Subject Matter Expert reviewed a random selection of documents, then junior attorneys or vendors reviewed documents predicted to be relevant.

2010 — Cloud-based discovery platform, Everlaw, is founded

2011 — Maura R. Grossman and Gordon V. Cormack publish a study that reveal TAR can yield more accurate results than linear review.

2012 — Magistrate Judge Andrew Peck issues a ruling in the Da Silva Moore case, officially approving TAR.

The ABA updates Rule 1.1 to include the benefits and risks associated with relevant technology.

2013 — A Vanderbilt study finds TAR improved attorney review speed by 70%.

TAR 2.0

2013
2014
2015
2016

2013 — TAR 2.0, aka Continuous Active Learning (CAL), arrives with former litigator John Tredennick and Catalyst CEO (now OpenText). Eliminating the seed set, CAL continually adjusts it's predictions as documents are coded.

2014 — Maura Grossman and Gordon Cormack publish a study finding CAL delivers "generally superior results" to TAR 1.0 with "substantially and significantly less human review effort."

2016 — kCura (now Relativity) launches RelativityOne

GENERATIVE AI

2023
2024
2025
2026
2027

2023 — Software providers including Relativity, Everlaw, and others launch beta programs for Generative AI features.

THE FUTURE

Court watchers are eager to see when Generative AI gets it's "Da Silva Moore" moment of explicit approval.

Technology will continue to advance, so finding defensible, ethical uses that increase the just, speedy, inexpensive access to justice is a worthy pursuit.

For more, read our eBook, "AI in Document Review: Skeptical? We are Too".

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