

## Leveraging AI In MDL Discovery And Case Management

By **George Carry, Emily Tucker and Daniel Campbell** (July 1, 2026, 3:53 PM EDT)

On June 5, a jury in the Los Angeles County Superior Court returned a verdict in favor of Johnson & Johnson, finding the company was not negligent in selling the cosmetic talc products that three plaintiffs' families had alleged caused their loved ones' ovarian cancer deaths — the latest chapter in one of the largest and most sprawling mass tort proceedings in American legal history.

The J&J litigation is perhaps the highest-profile example, currently, of multidistrict litigation, which continues to be on the rise in the U.S., now accounting for upward of 50% to 70% of all pending federal civil cases.

And with tens of thousands of claims involving plaintiff fact sheets, medical records, product use histories and other supporting materials, this litigation illustrates a reality familiar to every MDL practitioner: Before legal teams can evaluate individual claims, settlement value, trial strategy or the full scope of an MDL, they must first figure out how to accomplish organizing, reviewing and understanding this enormous volume of information.

In a large MDL like the J&J litigation, case teams can be dealing with tens of thousands of claims, often supported by a plaintiff fact sheet for each claim, and sometimes also including medical records and other claim-supporting materials. These numbers can add up quickly.

For example, using the 68,000 plaintiffs in the J&J litigation as an example, a typical 20-page fact sheet per plaintiff will yield roughly 1.36 million total pages. At this extreme document volume, even a brisk review rate at around 30 minutes per fact sheet file will still cost nearly 34,000 attorney hours. Standard linear document review and traditional discovery workflows for organizing and digesting all of this information simply do not scale at this level.

This is where technology comes in to give case teams a reliable way to manage high document volume more deliberately and efficiently. Modern legal technology tools can help narrow, organize and prioritize what needs attorney attention. Importantly, however, these tools should not be making legal decisions or determining strategy, and they are not yet a full substitute for human review.



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This article addresses the key advantages and current limitations of these technologies, as well as related practical and ethical considerations.

### **A Layered Approach: Matching the Right Tool to the Right Task**

The most effective technology-driven MDL workflows are not built around a single tool. Rather, they are built around a structured, layered methodology that deploys different technologies according to their respective strengths. Understanding the technology distinctions is essential to using them well.

### ***Technology-Assisted Review and Continuous Active Learning***

Some legal technological tools have been available for years, while others are brand new and still emerging.

Traditional machine learning, including technology-assisted review and continuous active learning, has been used in discovery for years. Technology-assisted review and continuous active learning, utilizing predictive coding models, are still very effective for large-scale document classification, organization, sorting, helping to identify missing information, flagging duplicates and prioritizing review. These are all distinct, repeatable tasks, and the models already have established and proven validation methods.

### ***Generative AI***

What has changed more recently is the use of generative artificial intelligence tools to support discovery workflows and case preparations. GenAI refers to AI-powered large language models capable of analyzing large amounts of information and generating new content, such as summaries, reports, classifications and written work product, based on user prompts and underlying data.

In the MDL context, GenAI can support case teams in more targeted ways by summarizing medical records, extracting key dates, identifying inconsistencies across claims, helping draft deficiency notices, identifying bellwether trial candidates and even informing settlement ranges.

In a large MDL, like the J&J litigation, where legal teams may need to compare and evaluate tens of thousands of claims to identify representative bellwether candidates, GenAI-assisted workflows can help organize claims data, identify common characteristics and highlight outlier cases for further attorney review. To be sure, the ultimate bellwether selection remains a strategic and legal decision, but GenAI technology can significantly reduce the time required to analyze the underlying claims inventory.

When used carefully and responsibly, GenAI can help reduce the time spent on early case assessment and analysis. However, GenAI requires human oversight, particularly where its output feeds into legal decision-making and strategy formation.

### ***Agentic AI***

Agentic AI is another emerging tool that legal teams are beginning to incorporate into structured discovery and case management workflows. Unlike GenAI, which is generally used to perform discrete tasks such as summarizing documents, extracting data or drafting content, agentic AI is designed to execute a series of interconnected tasks as part of a larger workflow in an automated fashion with minimal human intervention and direction.

Instead of using technology-assisted review, continuous active learning or GenAI for isolated tasks, teams can now deploy agentic AI to accomplish multiple-step processes. In an MDL, this can involve ingesting plaintiff submissions, extracting and normalizing that data, applying document classification models, ranking claims, and then escalating certain claims for human attorney review based on defined criteria.

While GenAI may be used to complete these individual steps within the overall workflow, agentic AI coordinates those steps end-to-end, making it particularly suited for high volumes of claims in MDL-related projects. This multitask automation is a more scalable and consistent review process that reduces manual handoffs, accelerates claim assessment and helps legal teams focus attention on substantive legal strategy, as opposed to voluminous data review.

### **What an AI-Enabled MDL Workflow Looks Like in Practice**

For a typical pharmaceutical or medical device MDL with thousands of plaintiffs, an efficient and cost-effective workflow incorporating GenAI and agentic AI layers within a broader claims management structure can accomplish the following:

- Extract key data points from each plaintiff fact sheet and/or the related medical records;
- Categorize and organize plaintiffs according to attorney-defined criteria, including dates of product use, specific injuries, preexisting conditions and treating physicians;
- Generate concise summaries to support early case assessment and surface escalation issues, such as deficient claims, duplicate claims or potential dismissal candidates; and
- Prioritize, score and rank claims based on factors tied directly to plaintiff- or defendant-side case strategy.

This claims management framework, when orchestrated by agentic AI, is faster, more consistent and more scalable than a traditional linear review, and it can also be adapted as the case develops and priorities evolve.

### **Related Ethical Considerations**

Importantly, regardless of the workflow design, if it involves GenAI or agentic AI systems, human quality control and oversight are imperative throughout the process.

While this new and emerging technology is potentially game changing, it is important to keep in mind that the underlying discovery fundamentals remain the same. AI-supported workflows still depend on proper sampling, validation, human checkpoints and supervision.

Attorneys taking advantage of AI tools do not shift responsibility for the work product to the AI; attorneys still remain accountable to clients and the court for their work, and the same ethical duties of competence, supervision and confidentiality apply. We see these concepts playing out in the scores of decisions across the U.S. involving case filings that include improper or hallucinated case citations. These lessons apply to the use of AI in evaluating MDL claims as well.

### **Looking Ahead**

At the same time, client expectations are also evolving.

Many in-house legal departments are adopting AI tools in their own operations, and it is becoming more common to see questions about AI use in corporate legal requests for proposals. Clients want to understand how these tools are being used, how data is handled and what safeguards are in place. Some clients are requiring AI use. Firms should watch this trend directly and continue to educate themselves and adapt their approaches to responsibly incorporate and leverage GenAI and agentic AI tools in response.

In sum, AI is not a magic bullet, at least not yet, but it does provide some practical solutions to make MDL discovery and case management more efficient and, in turn, reduce attorney costs. We will undoubtedly see greater implementation of AI in MDL management moving forward, as the volume of electronically stored information, from email to digitized medical records, continues to grow exponentially.

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