Consilio

Is Your Discovery Partner Ready for the Future of Litigation?



The 2026 CLM Litigation Management Study, conducted by Suite 200 Solutions with more than 70 chief claim and litigation officers, highlights the changing pressures facing organizations managing discovery spend, workflows, and vendor relationships.

For legal and litigation teams, evaluating a discovery partner requires a closer look at how a provider approaches the work. Use the questions below to ask your provider how they handle technology, data, workflows, costs, and the decisions that shape a matter.

AI CAPABILITIES

- ☐ Which discovery tasks would you recommend using AI for, and what makes those tasks suitable for AI?
- ☐ How would you decide whether an AI-assisted workflow is appropriate for our matter?
- ☐ What steps would your team take to check the accuracy of AI-assisted work?
- ☐ What results have you measured after using AI on similar discovery matters?

DATA & TECHNOLOGY

- ☐ Which data sources would require the most attention in a matter like ours, and why?
- ☐ How would you select the technology and workflows for our specific data and review requirements?
- ☐ How would you handle a new communication platform or data source introduced after discovery begins?
- ☐ What issues would you look for when connecting your technology with our existing legal systems?

WORKFLOW OPTIMIZATION

- ☐ Which steps in our discovery process would you examine first for opportunities to reduce manual work?
- ☐ How would you measure the effect of a workflow change on time, staffing, and cost?
- ☐ Which parts of the discovery process would you standardize across matters, and which would you tailor to the needs of each matter?
- ☐ How might you use experience from related matters when planning the workflow for a new matter?

COST MANAGEMENT

- ☐ What factors would drive our discovery costs, and which decisions would have the greatest effect on those costs?
- ☐ Where would technology or workflow changes have the greatest potential to reduce discovery effort?
- ☐ How would you help us weigh cost, speed, and review quality when choosing a discovery method?
- ☐ Which metrics would you use to show whether the discovery process is delivering value?

STRATEGIC PARTNERSHIP

- ☐ Which decisions should be made before collection begins, and what problems could those decisions help prevent?
- ☐ At which stages of a matter would your team provide recommendations or raise potential issues?
- ☐ What experience with similar matters would inform your strategy to ours?
- ☐ How would your approach change if the scope, data volume, or litigation strategy changed during the matter?Data & Technology on page 1.

What to Look for in the Answers

Here's what your team must look for in the answers:

- ✔ Specific examples from comparable matters
- ✔ Clear reasons for technology and workflow recommendations
- ✔ Defined measures for time, cost, quality, and efficiency
- ✔ Specific validation steps for AI-assisted work
- ✔ Experience with relevant data sources and communication platforms
- ✔ Examples of workflow changes and their measured results
- ✔ Clear explanations of cost drivers and available tradeoffs
- ✔ Specific roles for experienced professionals throughout the discovery process



Questions Worth Asking Every Discovery Provider

When comparing discovery providers, ask each one to address the same practical issues:

1. What would you do first?

Ask the provider to identify the first technology, data, or workflow decisions it would make and explain why.

2. What would you measure?

Ask which metrics the provider would use to track time, cost, quality, and efficiency.

3. What could go wrong?

Ask the partner to identify potential data, technology, workflow, or AI-related problems before they affect the matter.

4. What would change your approach?

Ask which developments in scope, data, or litigation strategy would lead the provider to change its workflow.

5. What have you learned from similar matters?

Ask for examples that show how prior experience influenced decisions on comparable engagements.

Evaluate the Approach Across Discovery Partners

A partner's technology, services, and experience are of high importance, but the way their capabilities are applied to a specific matter also deserves close attention. Ask for examples, request measurable results, and examine how each provider explains its decisions.

The answers should give your legal team a clearer view of how a provider would handle your data, manage the workflow, control costs, and support the decisions that shape discovery.

Learn more about the findings shaping the future of discovery in Consilio's webinar:

Blind Spot: What the 2026 CLM Litigation Management Study Tells Us About eDiscovery, ALSPs, and the Changing Economics of Defense.