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A PRACTITIONER'S GUIDE TO DEPLOYING GENERATIVE AI IN DUE DILIGENCE AND CORPORATE INVESTIGATIONS

This article discusses the rapidly evolving role of generative AI in due diligence and corporate investigations, mapping its capabilities against the risks practitioners must navigate. Covered topics include the current state of industry adoption, what AI can and cannot do, practical and operational limitations, factors impacting the pace of adoption, risk mitigation opportunities, and a defensible 2026 operating model. The article also analyzes recent federal cases showing that courts are holding AI-assisted work product to existing ethical and procedural standards.

By Jackson D. Toof *

Generative artificial intelligence, also referred to as “Gen AI,” is rapidly transforming the landscape of legal practice, particularly in the areas of due diligence and corporate investigations. It enables attorneys and their teams to cull and analyze massive amounts of data, uncover critical insights earlier, streamline key workflows, and reduce time spent on repetitive tasks, all of which allows the legal teams to focus on strategic analysis and decision-making. While these tools offer significant opportunities to reduce costs and accelerate workflows, they also present novel risks, ethical challenges, and operational limitations that practitioners must carefully navigate. This article examines the current state of Gen AI adoption in investigations and eDiscovery, explores what AI can and cannot do, discusses emerging case law, and offers practical guidance for practitioners seeking to deploy these tools responsibly.

GENERATIVE AI AND eDISCOVERY

Generative AI is a type of artificial intelligence designed primarily to create, when prompted, new content based on patterns learned from training data.¹ Like other forms of artificial intelligence, Gen AI learns how to take actions based upon past data, but it also creates brand new content based on that training — such as images, videos, text, or computer code — rather than simply categorizing or identifying data, in response to specific, step-by-step human input. Gen AI works by recognizing patterns and making statistical predictions to generate human-like outputs, making it particularly

¹ Thomson Reuters, *Agentic AI vs. generative AI: The core differences* (June 5, 2025), at: [Agentic AI vs. generative AI: The core differences](#) | Thomson Reuters.

* JACKSON TOOF is a partner in the Complex Litigation group and Financial Restructuring & Bankruptcy group at ArentFox Schiff LLP and leads the Complex Litigation department in the firm's Washington, D.C. office. Jackson is a frequent speaker on bankruptcy litigation-related topics, including the use of Gen AI in litigation. His e-mail address is jackson.toof@afslaw.com.

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