

AI Has Gone Mainstream. Debevoise Is Ready

Debevoise's AI-dedicated practice includes Avi Gesser and six associates, Up from three associates 18 months ago.

By Patrick Smith

What You Need to Know

- Debevoise has been investing in its cyber practice and the AI component of that in anticipation of AI's commercial viability.
- The firm's AI practice includes a partner and six associates, up from three associates 18 months ago.
- Issues of privacy, bias, intellectual property and other concerns will begin to surface around the usage of AI.

After investing in and building out a cyber practice, Debevoise & Plimpton lawyers feel that the commercial arrival of AI ushered in by ChatGPT is a signal that those efforts over the past several years are about to pay dividends.

While a host of large law firms have built out cyber practices to advise clients on data breaches and data security issues, Debevoise says it is advising clients on these issues as well as the next generation of cyber issues: legal and compliance challenges related to AI.

"We've been thinking about generative AI for a long time," said Debevoise partner Avi Gesser, referring to AI that can

generate content and not just analyze existing data. "And so we've put together a team. Any new technology that comes in, we can analyze it and provide advice to clients relatively quickly, because we've already got the structure in place to quickly absorb new information

Gesser, co-chair of the firm's decade-old data strategy and security group, said the firm began investing in the AI element of the practice several years ago. The AI team consists of one partner, Gesser, and six associates who are dedicated to the AI practice, up from three associates 18 months ago. There are four other partners who are increasingly spending more of their time on artificial intelligence legal matters, Gesser said, as well as 10 additional associates who can also advise.

The data strategy and security practice as a whole has four partners, inclusive of Gesser, as well as three counsel and more than 25 associates.

The AI sub-group addresses questions related to intellectual property, privacy, cybersecurity, quality control, consumer protection and even bias. These are



Avi Gesser, with Debevoise & Plimpton.

the sort of issues that clients need answers to right away, not in a couple of weeks after their law firm has looked into the issue, said Gesser.

For instance, he said, does an AI algorithm for approving someone's home or auto loan potentially have built-in biases? Is there an expectation of property rights for someone who used AI to generate product or content?

Debevoise's AI practice has been advising clients in "highly regulated" industries, such as insurance and banking, although Gesser said that "lately we've also been doing a lot of work for technology companies. And in the last week, we've had requests for help with drafting generative AI policies from companies in pretty much every sector."

Gesser says the arrival of ChatGPT has been a “watershed moment” for AI and related legal issues.

“A lot of AI up until now has been sort of commercial AI that you needed an enterprise license to use. So if you wanted to use it, it had to go through some vetting process at your organization, and it only got to you after a lot of people looked at it,” he said.

But now, he said, individuals are using it at work for “drafting marketing materials, writing code, responding to clients, fixing their memo and all sorts of things.”

That’s creating lots of different legal issues, he said, “and it’s a good example of where our practice can add a lot of value for clients.”

Jonathan Trimble, a former supervisory special agent with the Federal Bureau of Investigation and former chief technology officer of the bureau’s Information Management Division, said that, as it stands now, the usage of AI is novel ground for all.

Trimble added that this phase of AI usage, and the consequences that come with it, is akin to how humanity first approached the internet and how to use it: Through trial and error.

But errors, in this case, could be costly for companies, he said, and open them up to a bevy of potential legal risks, and as of now the regulations

on how to use it properly are still being formed.

Cyber Team

As of now, Debevoise’s AI group doesn’t have revenue goals, as Gesser said the firm is still “in the investment and building stage” for the practice.

Debevoise’s lockstep model makes the group’s work easier, Gesser said, as origination and ownership of the client prove to be less intrusive in that compensation model.

“I think other firms can probably pull together experts here and there, but it’s kind of ad hoc,” he said. “It’s not going to be as systematic and as coordinated and with the right incentives, as we are doing

And unlike at most firms, the firm’s cyber group doesn’t have people parachuting in on matters and calling that their “team.”

“You want to be able to pull together people who have expertise in all those different areas,” he said. “These are not people who are doing you a favor and giving you five minutes based on their best guess. They have been invested in getting smart about these issues over the long term.”

The enthusiasm and desire to understand and be able to explain AI usage and its consequences falls heavily on the shoulders of his associates, he said.

“We have a number of people who have come to the firm for this practice and with an interest

and a lot of background in artificial intelligence, so they’re adding value right away,” he said.

The firm, of course, sees a benefit by adding associates with a background in cyber or AI, but the practice also provides unique opportunities for the associates, such as leading a high-level client discussion, that they might not get so soon in other, more established practice areas, Gesser said.

Bringing these people in over the last couple of years has been paramount to building out the necessary expertise to deal with issues that are now starting to emerge, Gesser said. And while he expects other firms to follow suit as client demand increases, he likes the first-mover advantage Gesser believes Debevoise has created for itself by investing in talent and expertise now.

He said he moved to Debevoise from Davis Polk & Wardwell in 2020 partly because Debevoise had a history of investing in emerging practices, including, for instance, in an international disputes practice about 30 years ago.

“When I started I was a white-collar lawyer,” he said. “I came here, and there obviously wasn’t enough AI work to keep me busy at the time,” but the firm continued building the AI and cyber practice, he said. “We were committed, and it’s an investment that’s paid off.”