

How Litigators Can Leverage AI

A Comprehensive Guide

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LLM Comparison for Litigation Use Cases

The following table compares major AI models across key litigation functions. Ratings are based on current capabilities as of October 2025.

Use Case	ChatGPT	Claude	Gemini	Perplexity	NotebookLM
Legal Research & Analysis	Strong	Strong	Strong	Good	Limited
Document Analysis	Strong	Strong	Strong	Limited	Excellent
Legal Writing & Drafting	Good	Excellent	Good	Limited	Good
Citation Verification	⚠️ Prone to Errors	⚠️ Prone to Errors	⚠️ Prone to Errors	Fair	N/A
Strategy & Argument Development	Strong	Strong	Strong	Good	Limited
Content Creation	Strong	Strong	Strong	Good	Excellent
Audio & Video Overviews	Limited	Limited	Limited	No	Excellent

⚠️ ⚠️ IMPORTANT NOTE

Models tested: ChatGPT-4o, Claude Sonnet 4.5, Gemini 2.5, Perplexity Pro, NotebookLM.

General chatbots show materially higher hallucination rates on legal queries than legal-tuned tools.

Always verify AI-generated legal content. Individual experiences may vary.

1. RESEARCH: Prompt the Prompt

The difference between a basic prompt and an expert prompt can be dramatic. Rather than accepting mediocre results, ask the AI to optimize your prompt for you.

Basic Approach (Suboptimal)

Basic Prompt

Write a short memo about whether COVID-19 counts as a 'casualty' under force majeure clauses. Give arguments on both sides and a conclusion.

Expert Approach (Optimized)

Optimized Prompt

Start by asking the AI to improve your prompt:

I want to research whether COVID-19 counts as a 'casualty' under force majeure clauses. Please create an optimized prompt that will generate a comprehensive, practitioner-ready analysis with arguments on both sides, case citations, contract drafting implications, and litigation strategy considerations.

Key Elements of an Optimized Legal Research Prompt

- **Define the role:** "You are a seasoned advocate and contracts expert"
- **Specify deliverables:** Arguments pro/con, controlling framework, top arguments with authority, drafting implications
- **Set interpretive tools:** Canons of construction, ordinary meaning, ejusdem generis, noscitur a sociis
- **Demand citations:** Treatises, Restatements, leading cases with parentheticals
- **Require structure:** Clear headings, lead with conclusions, tight prose
- **Define quality standards:** No hallucinations, mark uncertainties, concrete examples

Additional Optimization Techniques

- **Iterative refinement:** Ask follow-up questions to deepen analysis in specific areas
- **Jurisdiction specification:** "Focus on California law" or "Compare approaches in the Second and Ninth Circuits"
- **Format requests:** "Provide as a table" or "Create a decision tree" for complex analyses
- **Audience targeting:** "Prepare for a sophisticated federal judge" vs. "Explain for a jury"

2. RESEARCH: Verify Accuracy and Uncover Hallucinations

⚠️ ⚠️ CRITICAL WARNING

AI hallucinations remain a critical concern in legal practice.

General-purpose AI tools (ChatGPT, Claude, Gemini) are especially prone to fabricating cases and statutes when used for legal research.

Never rely on AI-generated citations or legal analysis without rigorous verification through official legal databases.

Even legal-specific AI tools can produce errors.

Verification Prompts

Verification Prompt 1

I suspect that some of this analysis is flawed. Please review your previous response and identify any statements that might be incorrect, any citations that might not exist, and any logical inconsistencies. Be rigorous and critical.

Verification Prompt 2

For each case you cited, provide: (1) the full citation in Bluebook format, (2) the holding in one sentence, (3) a URL where I can verify the case exists, and (4) your confidence level that this citation is accurate (High/Medium/Low).

Verification Prompt 3

Cross-check your legal analysis against the following authoritative source I'm providing [paste relevant section]. Identify any discrepancies or areas where your analysis conflicts with this authority.

Best Practices for Verification

- **Cross-reference multiple sources:** Ask different AI tools the same question and compare results
- **Request source documents:** "Provide the PDF or link to the actual case" helps catch fake citations
- **Verify through legal databases:** Always confirm citations in Westlaw, Lexis, or court websites
- **Look for red flags:** Unusually perfect facts, citations that seem too good to be true, or dates that don't align
- **Challenge confidently stated facts:** "Are you certain about this statute number?" often reveals AI uncertainty

Red Flags for Hallucinations

- Citations with incorrect reporters or unusual case name formats
- Statutes with section numbers that don't exist in the actual code
- Holdings that perfectly support your position without any nuance
- References to cases or statutes from jurisdictions where they don't exist
- Inconsistent dates or procedural history that doesn't make sense

3. SUMMARIZE AND ANALYZE Documents

AI excels at analyzing large volumes of documents, depositions, emails, and contracts to extract key information, identify patterns, and flag issues.

Document Analysis Prompts

Deposition Analysis

Please list all times when _____ contradicts herself in this deposition transcript. For each contradiction, provide: (1) the page and line number of the first statement, (2) the page and line number of the contradictory statement, (3) a brief explanation of why they conflict.

Contract Analysis

Analyze this contract for provisions that favor one party over the other. Create a table with three columns: Provision, Which Party Benefits, and Why This Matters.

Email Review

Review these 50 emails and identify: (1) any statements that could be construed as admissions, (2) evidence of intent or knowledge, (3) timeline of key decisions, and (4) any privileged communications that should be withheld.

Contract Comparison

Compare these two contracts side-by-side. Identify all material differences and assess whether the changes favor the buyer or seller. Present as a table.

Advanced Analysis Techniques

- **Pattern recognition:** "Identify recurring themes in these 100 customer complaints"
- **Timeline creation:** "Create a chronological timeline of all events mentioned in these documents with citations"
- **Entity extraction:** "List all individuals, companies, and locations mentioned with the context of each reference"
- **Gap analysis:** "What information is missing from these documents that we need to prove our case?"
- **Risk assessment:** "Identify potential weaknesses in our position based on these documents"

Pro Tips for Document Analysis

Use NotebookLM for longer documents (it handles up to 50 sources and 500,000 words)

Claude excels at nuanced analysis of complex contracts and legal documents

Break large document sets into batches for more thorough analysis

Ask for citations to specific pages/paragraphs to facilitate verification

Request both summaries and detailed findings for different audiences

4. STRATEGIZE Legal Arguments

Use AI as a strategic thinking partner to develop arguments, anticipate counterarguments, and refine your litigation strategy.

Strategy Development Prompts

Opposition Strategy

I will oppose this motion for summary judgment. Please help me think through my best arguments by: (1) identifying the weakest points in the moving party's brief, (2) suggesting three strong counterarguments with supporting authority, and (3) anticipating how they might respond to each argument.

Socratic Questioning

Ask me a series of questions that will help me plot my strategy for opposing this motion. Focus on factual gaps, procedural opportunities, and potential alternative theories.

Devil's Advocate

Act as devil's advocate. I'm planning to argue [your theory]. What are the three strongest counterarguments I'll face, and how should I preemptively address them?

Theory Evaluation

I have three potential legal theories for this case. Help me evaluate each one by assessing: (1) likelihood of success, (2) resource requirements, (3) strategic risks, and (4) potential damages. Present as a comparison table.

Socratic Method for Strategy

Have the AI ask you strategic questions to uncover weaknesses and opportunities:

Oral Argument Preparation

I'm preparing for oral argument. Please ask me 10 tough questions, one at a time, that the judge might ask. After I answer each one, critique my response and suggest improvements. Start with the hardest question.

Discovery Strategy

Walk me through my discovery strategy by asking me questions about what I need to prove, what evidence I have, what's missing, and who has the information I need.

Advanced Strategic Applications

- **Settlement analysis:** "Assess the strengths and weaknesses of our position for settlement purposes"
- **Jury themes:** "Develop three alternative themes for trial, considering our facts and the jury profile"
- **Witness preparation:** "What are the 10 most difficult cross-examination questions our key witness will face?"
- **Motion sequencing:** "Help me determine the optimal order for filing these four motions"
- **Jurisdictional strategy:** "Compare the strategic advantages of federal vs. state court for this case"

5. TRANSFORM Content into Multiple Formats

Convert complex information into accessible formats for different audiences and purposes—from internal strategy tools to client presentations.

Transformation Prompts

Tables

Party Position Table

Please create a table contrasting the parties' views on the key facts and key legal issues. Use three columns: Issue, Plaintiff's Position, Defendant's Position.

Timeline Table

Convert this timeline of events into a table with columns for: Date, Event, Source Document, Significance for Our Case.

Mind Maps & Visual Structures

Hierarchical Outline

Create a hierarchical outline showing: (1) our main legal theory, (2) the three sub-arguments that support it, (3) the evidence supporting each sub-argument, and (4) potential weaknesses to address.

Audio & Video Overviews (NotebookLM)

NotebookLM's Audio Overview and Video Overview features create engaging podcast-style discussions from your documents—perfect for:

- Reviewing case files during your commute
- Briefing team members who prefer audio learning
- Getting a high-level overview before diving deep
- Creating client-friendly explanations of complex issues

Presentations & Client Materials

PowerPoint Creation

Transform this legal analysis into a 5-slide PowerPoint outline for our client. Each slide should have: (1) a clear headline, (2) 3-5 bullet points, and (3) a recommendation or action item.

Plain English Translation

Convert this technical legal argument into plain English that a business client can understand. Maintain accuracy but eliminate jargon.

Pro Tips for Content Transformation

Specify the audience: 'for a jury' vs. 'for opposing counsel' vs. 'for our client'

Request multiple formats: 'Give me both a detailed version and a one-page executive summary'

Use visual elements strategically: Tables for comparisons, timelines for chronologies, charts for data

Iterate on format: 'Make this more concise' or 'Add more detail to section 3'

6. PERSONIFY Decision-Makers and Preempt Concerns

One of AI's most powerful applications: role-playing as judges, opposing counsel, or other decision-makers to help you anticipate reactions and strengthen your arguments.

Perspective-Taking Prompts

Judge Perspective

You are a federal judge who has read the opening brief and then the opposition. What concerns would you most want addressed in a reply brief? What arguments from the opposition were most persuasive?

Opposing Counsel

Act as opposing counsel. After reading my motion, what would be your top three arguments in opposition? Be aggressive and find every weakness.

Appellate Judge

You are a skeptical appellate judge hearing oral argument. I'm arguing that [your theory]. Hit me with the three hardest questions you'd ask from the bench.

Juror Perspective

Assume you're a juror with no legal background. After hearing these facts and this legal argument, what questions would you have? What would make you skeptical?

Advanced Applications

Judge-Specific Analysis

CAUTION

AI may fabricate information about specific judges' tendencies or past rulings.

Do not rely on AI-generated profiles of individual judges.

Instead, conduct your own research using actual published opinions, local bar resources, and practitioner knowledge.

You can use AI to help analyze opinions you've independently verified, but never trust AI-generated claims about a judge's preferences without verification.

Judge Analysis (After Independent Research)

Based on Judge [Name]'s published opinions and known preferences [provide background], how would this judge likely view our motion for preliminary injunction? What arguments should we emphasize or avoid?

Multi-Perspective Review

Three-Perspective Analysis

Review my brief from three perspectives: (1) as the judge, (2) as opposing counsel, and (3) as a neutral third party. Identify concerns from each perspective and suggest how to address them.

Reply Brief Preparation

Reply Analysis

After reading the opposition brief, you are the judge. What questions remain unanswered? What points need more development? Which arguments from both sides are most persuasive?

Pro Tips

Ask for specific concerns, not just general feedback

Use this technique before filing to identify weaknesses early

Try multiple iterations: 'Now be even more skeptical and find additional problems'

Never trust AI-generated information about specific judges—verify all judicial background through reliable sources

7. POLISH with Specialized Tools

While general AI tools are powerful, specialized legal tools offer features tailored to litigation practice.

BriefCatch Citation Checker

Available at BriefCatch.com

Key Features:

- **Instant verification:** Checks citations against actual legal databases in seconds
- **Format checking:** Ensures Bluebook or other citation format compliance
- **Signal verification:** Confirms you're using the right signal (e.g., "see" vs. "see also")
- **Integration:** Works within Microsoft Word for seamless workflow

Why This Matters

The rise of AI hallucinations in legal briefs has created serious professional responsibility issues. Several lawyers have faced sanctions for filing briefs with fake citations. BriefCatch's Citation Checker provides essential protection by verifying every citation before you file.

Other Specialized Legal AI Tools

- **Clearbrief:** Confirm the accuracy of facts and statements
- **Westlaw Precision:** AI-powered research within the Westlaw ecosystem
- **Lexis+ AI:** Grounded with linked sources; low but nonzero hallucination risk—verify before filing
- **Thomson Reuters CoCounsel:** AI research and brief analysis, migrated to CoCounsel 2.0 platform in 2025
- **Harvey AI:** Enterprise-grade AI for law firms

8. WRITE and EDIT with AI-Powered Tools

Beyond research and strategy, AI can dramatically improve the quality of your legal writing.

BriefCatch: AI-Powered Legal Writing Coach

Available at BriefCatch.com

BriefCatch goes beyond basic grammar checkers to focus on the techniques used by elite advocates:

Core Features

- **Persuasive writing patterns:** Identifies opportunities to strengthen arguments using techniques from top advocates
- **Clarity improvements:** Flags unnecessarily complex sentences and suggests clearer alternatives
- **Concision tools:** Helps trim wordiness without losing substance
- **Legalese detector:** Catches archaic phrases and suggests modern alternatives
- **Judge perspective:** Shows how judicial clerks and judges perceive your writing
- **Citation checker:** Verifies citations and ensures format compliance (as discussed in Section 7)
- **Real-time editing:** Works within Microsoft Word for immediate feedback

Why BriefCatch Is Different

Unlike general writing tools, BriefCatch was built specifically for legal writing and trained on successful briefs from the nation's top advocates. It understands legal context and provides suggestions that improve persuasiveness, not just grammar.

Conclusion: The Future of AI in Litigation

AI is rapidly transforming litigation practice. The lawyers who thrive will be those who learn to leverage these tools effectively while maintaining professional judgment and ethical standards. Start with one or two use cases from this guide, develop your skills, and gradually expand your AI toolkit.

REMEMBER

AI is a powerful assistant, not a replacement for legal judgment.

Always verify AI-generated content.

Never rely solely on AI for legal research.

Maintain your professional responsibility to your clients and the courts.



For more information:

BriefCatch.com

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