

AI Guide for Litigators



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This guide provides an overview for lawyers and legal professionals on how AI can fit into litigation workflows. Even those who are not yet using AI themselves are likely to encounter clients, opposing counsel and opposing parties, judges, court administrators, and other litigation stakeholders who are utilizing AI or referencing its use. This makes understanding AI's capabilities, risks, and appropriate use cases essential for litigation attorneys and legal professionals.

This guide is part of a series on AI use. *The AI Guide for Legal Professionals: A Foundational Overview* offers a broad primer on AI's current state and use in legal practice and the professional considerations it raises. Lawyers and legal professionals should familiarize themselves and refer to the information as needed.

1. AI in Litigation Workflows

AI tools can be applied at nearly every stage of litigation, from early case assessment to post-trial. This overview of where AI is frequently used in litigation workflows is intended to be illustrative, not definitive.

The key is understanding what tasks are appropriate for AI to perform, AI's limitations, and the role and importance of human insight and supervision. AI's abilities to assist with litigation workflows include, but are not limited to:

- Applying structured reasoning to large volumes of data
- Detecting patterns that may be difficult to identify manually
- Reducing time spent on repetitive tasks
- Accelerating work product generation
- Applying rules uniformly and consistently

Litigation Workflow Stage	Illustrative Applications of AI
Early Case Assessment (ECA) & Outcome Analytics	Analyze large volumes of materials to assess a matter's scope, facts, and likelihood of success. ◆ Pre-litigation case assessment, comparing current matter against historical precedents ◆ Identify key custodians, timelines ◆ Inventory and characterize matters of fact or law potentially relevant to the case ◆ Highlight patterns, gaps, inconsistencies, or other anomalies in evidence ◆ Identify advantageous arguments, venues, and courts

Litigation Workflow Stage	Illustrative Applications of AI
Legal Research	Speed up and deepen legal research, identify strongest causes of action, surface most relevant case law, strengthen arguments in legal documents. ◆ Pinpoint key precedents ◆ Analyze opposing arguments and suggest counterarguments ◆ Identification of relevant governing law arguments and counterarguments ◆ Draft research memoranda
Document Drafting	Using precedents, produce initial drafts of documents with familiar structural patterns. For more complex documents, AI can generate discrete sections for attorney review and editing. ◆ Pleadings and discovery ◆ Deposition and trial outlines ◆ Client updates and internal memos ◆ Communications with clients, opposing counsel, courts, other key stakeholders
Ediscovery & Document Review	Both traditional Technology Assisted Review (TAR) and Generative AI enhance consistency and reduce human review time. Large Language Models do not require foreign language translation prior to use. In government or regulatory actions, internal investigations and international proceedings: AI accelerates understanding of data and locating key evidence. ◆ Review documents for relevance, responsiveness, issues, and privilege ◆ Summarize and cluster documents by witness or topic ◆ Extract metadata and full text extraction, image classification ◆ Draft privilege logs
Case Development	Analysis and organization building coherent narratives and case strategies. ◆ Generate robust case timelines, surfacing and synthesizing facts ◆ Create deposition outlines identifying contradictions in the record; monitor witness credibility ◆ Suggest alternate framings of facts, identify new claims or defenses, model damage theories ◆ Revise settlement strategy depending on the disclosure of evidence or rulings on specific motions
Trial Preparation	Organize materials and suggest trial strategies, freeing up time for attorney analysis and judgment. ◆ Identify and assemble best evidence; organize exhibit lists ◆ Generate outlines for opening and closing statements, and witness examination ◆ Summarize witness testimony ◆ Develop visual aids and other demonstratives ◆ Critique proposed arguments, including using AI as a mock sparring partner

2. Considerations for AI Use in Litigation

A few general frameworks for facilitating AI adoption in litigation practice:

Limitations and Risks of AI Use in Litigation

LIMITATIONS OF AI - While AI can assist with litigation workflows, AI should be treated as a starting point -- not a replacement for judgment, strategic thinking, and traditional research. While AI can significantly streamline workflows, it is a tool for information and analysis to support attorneys in their strategic decision-making and in drawing legal conclusions, not for reaching decisions or conclusions of its own.

RISKS IN AI OUTPUTS - Generative AI can produce confident but fabricated legal content, including nonexistent case citations, misstated holdings, incorrect procedural histories, or invented facts. Bad actors can use AI for malfeasance, including deepfakes and other forms of fabricated evidence. This places the litigator at risk of waivers, sanctions, or adverse inference arguments. All AI-generated legal analysis, citations, and factual summaries must be verified with human-in-the-loop review before inclusion in any filing or other attorney work product.

PRIVILEGE & CONFIDENTIALITY RISKS - AI systems may retain or use input data for model training, which can expose privileged or confidential information to third-party vendors or even other users. Litigators should use enterprise or legal-specific AI tools with contractual data-isolation guarantees, understand and verify settings, avoid entering identifying client details unless necessary, and maintain human review before any AI-assisted content leaves the litigation team.

Court Rules, Standing Orders, and Procedures

MANDATORY DISCLOSURE REQUIREMENTS - Courts are increasingly requiring disclosure of AI use in filings. Requirements vary by jurisdiction, and application may vary by venue and judge.

COURT OPERATIONS & PROCEDURES - Courts are adopting or exploring the use of AI for docket management, real-time transcription, opinion drafting, and other judicial processes and court administrative workflows.

Incorporating AI Into Litigation Workflows

TRAINING AND PROCESSES - Standardized AI training and processes establish a common foundation for legal teams to use AI tools in a consistent manner and share AI-enabled work product, from prompting technique and data security to confidentiality protection and ethical obligations. That foundation must also extend to how the organization communicates: attorney-client communications involving AI use must comply with firm policy, and any client- or court-imposed restrictions on AI use must be communicated to everyone working on the matter. Firms should also revisit existing processes, including litigation holds, custodian interviews, ESI protocols, and protective orders, to confirm that each one accounts for AI usage.

FORMAL VERIFICATION - It is essential that training and processes include reviewing AI-generated output; verifying citations, privilege, and legal and factual assertions; and documenting and maintaining internal records of verification steps taken.

WORKFLOW INTEGRATION - Litigation lawyers and legal professionals may find it beneficial to introduce AI into their work in a gradual manner. Workflows should be mapped out and clearly understood prior to incorporating AI. Initial steps may include basic but time-consuming tasks, such as research orientation, internal memos, agendas, and summaries. Similarly, form documents and routine correspondence often require only cursory human review to confirm accuracy and tone. A human-in-the-loop framework should be applied at every stage, where attorneys retain full control over judgment, validation, and final decision-making.

Professional Responsibilities

Responsibility for use of AI rests with the supervising attorney. *ABA Formal Opinion 512; ABA Model Rules of Professional Conduct* -- Rules **1.1, 1.6, 3.3, 5.1, 5.3**; and state bar ethics opinions govern supervising AI usage, verifying outputs, and protecting client data. No AI output should be submitted to a court, transmitted to a client, or otherwise relied upon without independent human-in-the-loop verification. Lawyers and legal professionals should stay current on developments in AI technology and on professional responsibilities regarding its use.

3. Looking Ahead

Currently, AI is primarily used in litigation for managing and analyzing key information, but capabilities are advancing quickly. There is growing adoption of agentic AI tools capable of conducting multi-step legal research, drafting, revising, and synthesizing across sources with minimal human prompting.

Looking further ahead, AI has the potential to move into other areas of the litigation process, including decision-making roles. These uses could raise concerns about diminished attorney or judicial oversight at critical judgment points, difficulty auditing the reasoning chain behind a final work product, and the risk that efficiency gains outpace the ability to supervise and verify output.

Examples of additional AI uses in litigation include:

- ◆ AI-driven arbitration
- ◆ AI judges & judicial decision-making
- ◆ Live virtual AI assistance for deposition and trial
- ◆ AI-assisted jury selection and jury consultation
- ◆ AI in expert witness vetting and cross-examination prep
- ◆ AI-assisted evidence authentication
- ◆ AI transcription and real-time hearing/depo summarization

Practitioners should stay informed as AI technology continues to develop.

Appendix -- Additional Resources

[AI Guide for Legal Professionals: A Foundational Overview](#) (ILTA and Thomson Reuters Institute)

[Florida Rule of General Practice and Judicial Administration 2.515\(d\)\(2\)](#) (The Florida Bar)

Amendment to statewide court rules to require attorneys and self-represented litigants to certify that legal authorities cited in filings are accurate. Authorizes judges to impose sanctions for filings containing fabricated or inaccurately cited authorities, including citations generated by AI tools.

[Standing Order 26-01, in re: Use of Artificial Intelligence \(“AI”\) in Preparing Court Filings](#) (US District Court for the District of Kansas) Court may require sworn statements for filings disclosing AI with certification that the filer personally reviewed and verified accuracy.

General Information on Legal Use of AI

[Court-Mandated AI Disclosure in Court Submissions](#) (ABA Litigation Section)

A jurisdiction-by-jurisdiction breakdown of federal and state courts that require AI disclosure or certification, or that have banned AI use in filings outright. Pre-filing reference for litigators practicing across multiple jurisdictions.

[AI Evidence, Discovery & Hallucination Cases](#) (Damien Charlotin, HEC Paris)

Database of rulings on disclosure of AI use, and legal decisions in cases where AI output included hallucinated content.

[An Introduction to Artificial Intelligence for Federal Judges](#) (Federal Judicial Center)

Educational materials for federal judges on AI technology and its legal implications, including evidentiary gatekeeping, AI in bail/sentencing decisions, and jury instruction considerations. Helpful for litigators in understanding and anticipating judicial perspectives.

[AI Policy Consortium for Law & Courts](#) (National Center for State Courts and Thomson Reuters Institute)

AI resource center, including publications, guides, and forums on court governance, ethics, access to justice, and implementation.

[AI in State Courts](#) (National Center for State Courts)

An interactive map of AI-related court orders, rules, and proposed rules across all state courts, along with guidelines and policies.

[AI and Civil Litigation Conference Materials](#) (The Sedona Conference)

Materials from the Sedona Conference's AI and civil litigation program -- AI in discovery practice, evidentiary issues, bias and reliability, and practical litigation applications.

[Electronic Discovery Resource Model](#) (EDRM)

Resources on ediscovery, privacy, security, and information governance. EDRM has an international presence in 145 countries.

Acknowledgments

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