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AI AI, Captain! Practical Applications of AI That Can Be Used Today to Improve Claim and Litigation Outcomes

Andrew Douberly
DICKINSON & GIBBONS, P.A.
Sarasota, Florida
adouberly@dglawyers.com

Madison Preston
NAMAN HOWELL SMITH & LEE, PLLC
Austin, Texas
mpreston@namanhowell.com

I. Introduction

Artificial intelligence is no longer a technology of the future for the transportation industry. It is a practical tool available today that is already being used by risk managers, claims administrators, and defense counsel to work more efficiently, make better decisions, and reduce liability exposure. Yet many transportation companies and law firms have been slow to implement AI tools in a meaningful way, and even slower to develop the client-counsel communication frameworks needed to use those tools responsibly and effectively.

This panel will discuss practical uses of AI for transportation claims and litigation for both in-house risk and claims professionals, and outside defense counsel, because the most productive AI use in litigation will always require coordination between both. We will discuss where AI is currently making a measurable difference in the claims lifecycle, the specific tools in use today, and the communication practices that should govern how AI is deployed on transportation matters.

The goal of this panel is not to catalog every AI product on the market or to offer predictions about where the technology is heading. Rather, the goal is to answer the question that transportation professionals are actually asking: What can I do with AI right now to do my job better?

II. The AI Landscape for Transportation Claims: Where We Actually Are

There is a wide gap between the AI capabilities that technology vendors describe and the AI that transportation companies have actually deployed. Understanding that gap is the first step to closing it.

A. Three Tiers of AI Adoption

Transportation organizations generally fall into one of three tiers when it comes to AI adoption in claims and litigation:

- Tier 1 - Exploratory: The organization has experimented with general-purpose AI tools like Microsoft Copilot or ChatGPT for individual tasks (drafting correspondence, summarizing documents, conducting research) but has not deployed purpose-built AI for claims operations. Most outside defense firms and many mid-sized carriers currently operate at this tier.
- Tier 2 - Operational: The organization has deployed at least one purpose-built AI tool integrated into its claims workflow. Common examples include AI-assisted triage and severity scoring platforms, AI-enhanced legal research tools, and telematics-linked incident analytics. Larger carriers and the most technologically advanced law firms are reaching this tier.
- Tier 3 - Optimized: The organization has multiple AI tools integrated across the claims and litigation lifecycle, with data flowing between systems to inform decision-making at each stage. True Tier 3 adoption remains relatively rare in transportation, but is an achievable near-term goal for large fleet operators and sophisticated litigation departments.

B. The Risk of "AI Theater"

One significant hazard in the current AI environment is what might be called "AI theater, " i.e. the adoption of AI-branded tools that have the appearance of technological sophistication but lack meaningful operational benefit. Vendors have been quick to attach the "AI" label to products that use basic statistical models or simple automation, and transportation companies buying these tools may overestimate their analytical capability.

The best defense against AI theater is to ask vendors the same questions you would ask any expert witness: What data goes into this model? How was the model trained and validated? What is the false positive and false negative rate? How does the model perform in my specific jurisdiction and claim mix? Vendors who cannot answer these questions may be selling theater, not technology.

III. AI Applications in Claims Triage and Early Case Evaluation

The earliest stages of a claim—the hours and days immediately following an incident—are where AI can have a significant impact on ultimate case outcomes. This is where severity scoring, reserve setting, and litigation versus settlement decisions are made, often with incomplete information and under time pressure. AI tools designed for this environment offer three core benefits: speed, consistency, and pattern recognition at scale.

A. AI-Assisted Severity Scoring

Purpose-built claims AI platforms ingest structured data at first notice of loss. The data typically includes accident type, vehicle and cargo information, reported injuries, jurisdiction, weather and road conditions, driver history, etc., from which the tech can produce a "severity score" or risk classification that helps claims administrators prioritize their workload and make early resource allocation decisions.

The value of AI severity scoring is not that it replaces an experienced claims adjuster's judgment. It is that it ensures the adjuster's judgment is applied to the right files first. In high-volume claims operations, handling hundreds of new incidents per week, AI-assisted triage can flag the five percent of claims that carry eighty percent of the exposure before a human reviewer has completed their first read of the first file.

Critical inputs to an effective severity model include:

- Injury indicators: emergency transport, hospitalization, reported fatalities, mention of specific high-value injury types (traumatic brain injury, spinal cord injury, amputation)
- Venue and jurisdiction risk: some jurisdictions have dramatically higher verdict averages for similar injuries; AI tools trained on verdict data can weight geographic risk automatically
- Driver history: prior incidents, safety score trends, recent coaching interventions, hours of service violations
- Telematics data: hard braking, speed, and distraction alerts in the period preceding the incident
- Third-party indicators: attorney involvement at the outset, social media mentions, news coverage

B. Early Litigation Decision Support

The decision of whether to handle a claim through early settlement efforts, such as alternative dispute resolution, or litigation defense is one of the highest-stakes decisions in transportation claims management. AI can inform this decision in two important ways.

First, AI tools trained on historical claims data can identify patterns that correlate with litigation, such as who is claimant's counsel, or whether the claimant is represented at all, specific injury types, delayed reporting, certain claim narratives, etc ., and flag those claims that are likely to proceed to suit regardless of early settlement efforts. Identifying these claims early allows the carrier to involve outside counsel sooner, preserve evidence more thoroughly, and set realistic reserves.

Second, AI verdict analytics platforms can provide jurisdiction-specific verdict distributions for comparable cases,

helping carriers calibrate reserve adequacy and settlement authority against real-world outcomes rather than instinct alone. Tools in this category include Westlaw Litigation Analytics, Lex Machina, and Bloomberg Law Analytics.

C. What AI Cannot Do in Early Claims Management

AI severity scoring and triage tools have important limitations that claims professionals must understand:

- AI models are backward-looking. They are trained on historical data and may not account for recent changes in verdict trends, new plaintiff tactics, or jurisdiction-specific developments that alter the litigation landscape.
- AI cannot assess credibility. The model cannot tell you whether the claimant's reported injuries are consistent with the mechanism of accident, whether the witness is reliable, or whether the plaintiff's attorney is known for aggressive tactics in your specific jurisdiction.
- AI output requires human validation. A severity score is a tool for the claim handler, not a substitute for their judgment. Over-reliance on AI scoring without experienced human review is a significant risk.

IV. AI Tools in the Defense Lawyer's Toolkit

Outside defense counsel have access to a rapidly expanding set of AI tools that can meaningfully improve the quality and efficiency of their work on transportation matters. Clients should understand what these tools are and how they are being used on their matters.

A. AI-Enhanced Legal Research

The legal research landscape has been transformed by AI integration. The leading legal research platforms, i.e. Westlaw Precision (powered by CoCounsel), Lexis+ AI, and Bloomberg Law AI, now offer AI assistants that can synthesize case law across jurisdictions, identify analogous cases, draft research memoranda, and flag subsequent history for cited authorities. For transportation defense, these tools are particularly valuable for:

- Quickly surveying preemption doctrine across circuits, which can be critically important in broker liability, FMCSA preemption, and cargo claim matters
- Identifying jurisdiction-specific rules on admissibility of driver analytics data, black box data, and electronic logging device records
- Researching voir dire challenges and jury selection law in unfamiliar venues
- Tracking the current state of nuclear verdict litigation and emerging plaintiff theories

The efficiency gains from AI legal research are significant. Tasks that previously required several hours of associate time can often be completed in a fraction of that time, with the AI producing an initial synthesis that the attorney then refines and validates.

B. Medical Record Review and Summarization

Medical record review is one of the most time-intensive tasks in personal injury defense. A catastrophic injury case may involve thousands of pages of records from multiple providers spanning years of treatment. AI tools can now summarize medical records, identify key treatment dates and diagnoses, flag inconsistencies between reported injuries and documented treatment, and create chronologies that would previously have taken a paralegal days to compile.

This application carries significant quality-control risks that outside counsel must manage carefully. AI medical record summaries should always be validated against the underlying records before reliance in court filings, expert communications, or case evaluations. The consequences of an AI summarization error, like a missed pre-existing condition, an incorrect diagnosis date, a misattributed provider note, etc., can be significant.

C. Document Review and Discovery Management

AI-assisted document review platforms can classify documents for relevance and privilege, identify key custodians, cluster related documents, and surface the highest-value documents for attorney review. For carriers involved in serious accidents where extensive internal communications, driver records, and telematics data are at issue, AI-assisted review can assist in compiling relevant documents and looking for patterns in the discovery requests being made to clients and attorneys.

D. Case Evaluation and Verdict Analytics

AI-powered verdict analytics platforms allow defense counsel to analyze historical jury verdicts in a specific jurisdiction, filtered by injury type, case type, plaintiff demographics, and other variables. This data is an important input to case valuation, settlement authority requests, and mediation preparation.

V. The Client-Counsel Communication Framework for AI

The most significant gap in current AI adoption for transportation litigation is not technological. It is the absence of a structured conversation between clients and outside counsel about how AI is being used, what data is involved, how efficiency gains are shared, and what safeguards are in place.

A. Questions Clients Should Be Asking

Every transportation company that retains outside defense counsel should be asking the following questions:

- Are you using AI on my matters? Which tools, and for what tasks?
- Many firms use AI for legal research, document review, or drafting without informing clients. This is not inherently problematic, but clients have a legitimate interest in knowing what tools are applied to their matters, particularly where sensitive data is involved.
- What data of mine goes into these tools, and how is it protected?
- Client confidential information input into a third-party AI platform may be used to train that platform's models unless specific data handling agreements are in place. Clients should require outside counsel to maintain documentation of the data handling practices of any AI tool used on client matters.
- How does your AI use affect my bill?
- If AI tools enable a task to be completed in two hours that previously required eight, the efficiency gain should flow to the client. Clients should request that billing guidelines address AI use explicitly and ask outside counsel to describe their firm's policy.
- What quality control processes are in place for AI-generated work product?
- AI output in legal work must be validated by an attorney before reliance. Clients should ask their outside counsel to describe the review process for AI-generated research, summaries, and drafts.

B. Obligations Outside Counsel Should Proactively Meet

Outside defense counsel should not wait to be asked before addressing AI use with clients. Proactive disclosure

and client education serve both the attorney-client relationship and the attorney's professional obligations. At minimum, outside counsel should:

- Disclose the AI tools in use on a client's matters and the tasks for which they are used, at the outset of the engagement and when new tools are adopted
- Maintain and provide upon request a description of data handling practices for third-party AI platforms, including whether client data is used for model training
- Include AI use in regular matter status reports, describing specifically how AI contributed to case workup and any efficiency gains achieved
- Develop and share firm-level billing guidelines that address how AI-related time and cost savings are passed through to clients
- Flag any AI output that will be relied upon in court filings, expert communications, or case evaluations, and confirm attorney validation of that output

VI. Guardrails, Risks, and Ethical Obligations

Responsible AI adoption in transportation litigation requires attention to four categories of risk: data confidentiality, AI hallucination, over-reliance, and professional responsibility obligations.

A. Data Confidentiality

AI platforms that process confidential client information, such as claims data, medical records, and litigation strategy documents, must be governed by appropriate data handling agreements. The default terms of service for many commercial AI platforms, including general-purpose tools like ChatGPT and Microsoft Copilot in certain configurations, permit the platform operator to use input data for model training. Attorneys who input client confidential information into such platforms without appropriate safeguards may be violating their confidentiality obligations under Rule 1.6 of the Model Rules of Professional Conduct.

Before using any AI tool on client matters, outside counsel should verify: (1) that the platform operator does not use client data for model training; (2) that the platform maintains appropriate data security standards; and (3) that the data handling practices are documented in a written agreement.

B. AI Hallucination

Large language models can produce confident, well-articulated, and completely incorrect outputs. This phenomenon, commonly called a "hallucination," is a structural feature of how these models work—not a bug that will be fully eliminated in future versions. AI hallucination in legal work has produced court filings citing non-existent cases, medical record summaries attributing wrong diagnoses to wrong dates, and research memoranda misrepresenting the holdings of actual cases.

The appropriate response to hallucination risk is not to avoid AI tools, but to implement mandatory human review of all AI output before reliance. Every AI-generated legal research result should be verified against the actual case. Every AI-generated medical record summary should be spot-checked against the underlying records. Every AI-generated draft should be reviewed substantively, not merely proofread.

C. Over-Reliance and Analytical Narrowing

AI tools present their outputs with a confidence and clarity that can suppress the user's critical instincts. When an

AI severity scoring platform assigns a low-risk classification to a claim, even an experienced claim handler may be less likely to probe the underlying facts than they would be without AI assistance. This narrowing effect is manageable but requires deliberate effort to avoid. Claims administrators and attorneys who use AI tools should develop personal protocols for checking their own assumptions and asking whether the AI output is consistent with their experience.

D. Bar Rules and Disclosure Obligations

State bar associations are actively developing guidance on attorney obligations with respect to AI use. Several jurisdictions have issued formal ethics opinions or guidance documents addressing the application of existing competence, confidentiality, supervision, and candor obligations to AI use. Attorneys should review the guidance issued by their state bar and the bars of any jurisdiction in which they are admitted or regularly appear. Key areas of developing guidance include the obligation of competence with respect to understanding AI tools in practice, confidentiality obligations when using third-party AI platforms, supervision obligations for AI-generated work product, and candor obligations when AI-generated content is included in court filings.

VII. Suggestions for Practical Implementation

The following action plan is designed for transportation claims professionals and defense counsel who want to move from theoretical awareness to practical AI implementation.

A. For In-House Risk and Claims Professionals

- Audit your current AI use. Survey your claims team to identify what AI tools are already in use informally (ChatGPT, Copilot, etc.) and what purpose-built tools your TPA or claims platform vendor offers that you are not currently utilizing.
- Send your outside counsel an AI inquiry. Ask your primary outside counsel firms to describe their current AI use on your matters and their data handling practices.
- Request a demo from your claims platform vendor. Many major claims management platforms now have AI-enhanced features for severity scoring, reserve benchmarking, or predictive analytics. If you are not using these features, find out why and what it would take to turn them on.
- Establish a data governance baseline. Before deploying any AI tool on claims data, document what data the tool receives, who has access to it, and how it is protected.
- Review your engagement letters. Identify whether your current engagement letters with outside counsel address AI use, and add those provisions to your next letter negotiation.

B. For Outside Defense Counsel

- Identify the AI tools you are currently using on client matters. Create a simple inventory: tool name, task, data involved, data handling terms. This inventory will be essential when clients begin asking.
- Review your state bar's AI ethics guidance. If your bar has issued an ethics opinion or guidance document on AI use, read it. If not, monitor the ABA's ongoing AI ethics work and apply its framework to your practice.
- Develop a firm-level AI billing policy. Address specifically how AI efficiency gains are reflected in client billing. A clear policy protects the firm and demonstrates good faith to clients.
- Proactively disclose AI use to your transportation clients. Before a client asks, send a brief communication describing the AI tools you use on their matters, the tasks they assist with, and your data handling

practices.

- Try one new AI tool on a low-stakes matter. Identify one task on a straightforward matter and complete it using an AI tool you have not used before. Validate the output carefully and assess what it got right and wrong.

VIII. Conclusion

AI is not a future capability for transportation claims and litigation—it is a present one. The companies and law firms that use it thoughtfully and responsibly will have a measurable advantage in claim outcomes, litigation efficiency, and risk management. Those that wait for the technology to mature further, or that adopt AI tools without the governance frameworks needed to use them well, will find themselves at a disadvantage that grows with each passing year.

The practical steps are clear: understand where AI can add value in your specific operation, select tools with appropriate data governance, establish the client-counsel communication framework needed to use AI responsibly, and implement the guardrails that protect against the real risks of over-reliance and hallucination. Not all of these steps require a major technology investment, but they do require clarity of purpose, a commitment to doing the work, and the willingness to have the conversations with your clients and colleagues that should have started already.

The storm of technological change in transportation law is not on the horizon—it is here. The question is not whether to navigate it, but how to navigate it with intention.