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Pulp Fiction “AI Edition” – Civil Litigation in the Age of Global Artificial Intelligence

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Artificial Intelligence in Litigation: Transformative Benefits and Necessary Caution

I. Introduction

Artificial intelligence (AI) has emerged rapidly as a transformative force across almost every industry, and the legal profession is no exception. In litigation, AI-driven tools are increasingly used to support tasks such as legal research, document review, case strategy development, and predictive analytics. Proponents argue that AI enhances efficiency, reduces costs, and improves the quality of legal services, while critics warn of ethical, procedural, and reliability concerns. As courts and practitioners adapt to this evolving technological landscape, it is critical to assess both the benefits AI offers in litigation and the cautionary considerations that must accompany its use. While AI has the potential to significantly improve litigation practice, its adoption must be guided by careful oversight, professional responsibility, and respect for due process.ⁱ

II. Overview of AI in Litigation

Artificial intelligence in litigation generally refers to systems that use machine learning, natural language processing, and data analytics to perform or assist with legal tasks traditionally carried out by attorneys or support staff. Common applications include electronic discovery (e-discovery) platforms that automatically classify and prioritize documents, legal research tools that analyze case law and statutes, and predictive analytics programs that estimate litigation outcomes or settlement values.ⁱⁱ

Unlike traditional legal software, AI systems improve through exposure to data, allowing them to identify patterns and generate insights that may not be immediately apparent to human users.ⁱⁱⁱ As a result, AI is increasingly viewed not merely as an administrative aid, but as a substantive decision-support tool in litigation strategy and case management.

III. Benefits of AI in Litigation

A. Increased Efficiency and Cost Reduction

One of the most significant benefits of AI in litigation is its ability to dramatically increase efficiency. Litigation often involves reviewing thousands—or even millions—of documents during discovery. AI-powered e-discovery tools, particularly those employing technology-assisted review (TAR), analyze vast datasets in a fraction of the time required by human reviewers.^{iv} Courts have increasingly recognized the validity and reliability of such tools in discovery proceedings.^v

This efficiency translates directly into cost savings. By reducing the number of billable hours spent on document review and preliminary research, AI may lower litigation expenses for clients and allow attorneys to focus on higher-value tasks such as legal analysis and advocacy.^{vi} These cost reductions also may help address longstanding concerns about access to justice by making litigation more affordable.^{vii}

B. Enhanced Accuracy and Consistency

AI systems also may improve accuracy and consistency in litigation-related tasks. Human reviewers are susceptible to fatigue and inconsistency, particularly when reviewing large volumes of documents.^{viii} By contrast, AI applies uniform criteria across datasets, reducing variability in document classification and relevance determinations.

In legal research, AI-driven platforms quickly analyze large bodies of case law and identify relevant authorities, including unfavorable precedent that might otherwise be overlooked.^{ix} This capability enhances both the thoroughness and integrity of legal arguments presented to courts.

C. Improved Strategic Decision-Making

AI tools increasingly support strategic decision-making through predictive analytics. These systems analyze historical litigation data to estimate the likelihood of success in motions, trials, or appeals, as well as potential damages awards or settlement ranges.^x Attorneys can use these insights to make more informed decisions regarding settlement strategy, forum selection, and resource allocation.

While predictive analytics cannot account for every nuance of a case, they provide a data-driven complement to professional judgment. Used appropriately, AI can help attorneys manage risk and reduce uncertainty in complex litigation.^{xi}

D. Expanded Access to Justice

AI's efficiency gains also have broader implications for access to justice. Smaller firms and solo practitioners can leverage AI tools to compete with larger firms that have historically possessed greater resources.^{xii} Additionally, reduced litigation costs may enable more individuals and businesses to pursue or defend legal claims.

In limited contexts, AI-powered tools may assist self-represented litigants by helping them navigate procedural requirements or understand legal standards.^{xiii} Although such applications require careful regulation, they highlight AI's potential to democratize legal services.

IV. Cautionary Considerations and Risks

A. Reliability and Transparency

Despite its advantages, AI presents reliability concerns. AI systems depend heavily on the quality of their training data, and flawed or biased data may produce inaccurate or unreliable results.^{xiv} In litigation, reliance on erroneous AI-generated outputs could lead to poor strategic decisions or unjust outcomes.

Transparency poses an additional challenge. Many AI tools function as “black boxes,” making it difficult to explain how specific conclusions are reached.^{xv} This lack of explainability may be problematic in litigation, where attorneys must justify their decisions to clients and courts.

B. Ethical and Professional Responsibility Issues

The use of AI implicates attorneys’ ethical obligations under the rules of professional conduct. The duty of competence increasingly requires lawyers to understand the benefits and risks associated with relevant technology.^{xvi} Blind reliance on AI tools without adequate supervision may violate this duty.

Confidentiality also is a significant concern. AI platforms often require uploading sensitive client data to third-party servers, raising risks related to data security and unauthorized disclosure.^{xvii} Attorneys must ensure that reasonable safeguards are in place when using such tools.

C. Bias and Fairness

AI systems may perpetuate existing biases embedded in historical data. In litigation, biased predictive models could influence assessments of case value, settlement strategy, or credibility.^{xviii} Such outcomes risk undermining fairness and eroding public confidence in the justice system.

Courts and practitioners must remain vigilant in identifying and mitigating bias to ensure that AI supports, rather than compromises, equitable decision-making.

D. Impact on Judicial Decision-Making and Due Process

The increasing use of AI also raises concerns regarding judicial independence and due process. While judges may benefit from AI-assisted research tools, excessive reliance on algorithmic recommendations threatens the individualized judgment central to adjudication.^{xix}

From a due process standpoint, litigants must have a meaningful opportunity to understand and challenge the basis of decisions affecting their rights.^{xx} The use of opaque AI systems may complicate this requirement, if their reasoning cannot be adequately explained.

V. Balancing Innovation and Caution

To fully realize the benefits of AI in litigation, a balanced approach is essential. AI should augment, not replace, human judgment. Attorneys must actively review AI outputs, exercise independent analysis, and ensure compliance with ethical obligations.^{xxi}

Courts, bar associations, and policymakers support responsible adoption of the use of AI by issuing guidance, promoting transparency, and encouraging continuing legal education on AI-related issues.^{xxii} As technology evolves, ongoing reassessment of AI’s role in litigation will remain necessary.

VI. Conclusion

Artificial intelligence is reshaping litigation by enhancing efficiency, accuracy, and strategic insight while offering the potential to reduce costs and expand access to justice. These benefits make AI an increasingly valuable component of modern legal practice. However, its adoption also presents significant risks related to reliability, ethics, bias, and due process. By approaching AI with informed caution and professional oversight, the legal

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profession can harness its transformative potential while safeguarding the fundamental values of the justice system.

ⁱ See generally Richard Susskind, *Tomorrow’s Lawyers* 19–21 (2d ed. 2017).

ⁱⁱ Andrew D. Selbst, *An Institutional View of Algorithmic Impact*, 126 Harv. L. Rev. 671, 677–78 (2017).

ⁱⁱⁱ Harry Surden, *Machine Learning and Law*, 89 Wash. L. Rev. 87, 90–92 (2014).

^{iv} Maura R. Grossman & Gordon V. Cormack, *Technology-Assisted Review in E-Discovery*, 17 Rich. J.L. & Tech. 1, ¶¶2-4 (2011).

^v *Da Silva Moore v. Publicis Groupe*, 287 F.R.D. 182, 191–92 (S.D.N.Y. 2012).

^{vi} Susskind, *supra* note 1, at 73–75.

^{vii} Deborah L. Rhode, *Access to Justice*, 69 Fordham L. Rev. 1785, 1787–88 (2001).

^{viii} Grossman & Cormack, *supra* note 4, ¶134.

^{ix} Surden, *supra* note 3, at 114–16.

^x Daniel Martin Katz et al., *A General Approach for Predicting the Behavior of the Supreme Court*, 12 PLOS One 1, 2–3 (2017).

^{xi} See *id.*

^{xii} Susskind, *supra* note 1, at 113–15.

^{xiii} Ethan Katsch & Orna Rabinovich-Einy, *Digital Justice* 44–46 (2017).

^{xiv} Selbst, *supra* note 2, at 680–82.

^{xv} Frank Pasquale, *The Black Box Society* 3-5 (2015).

^{xvi} Model Rules of Pro. Conduct r. 1.1 cmt. 8 (Am. Bar Ass’n 2020).

^{xvii} Model Rules of Pro. Conduct r. 1.6 (Am. Bar Ass’n 2020).

^{xviii} Selbst, *supra* note 2, at 689–90.

^{xix} Cary Coglianese & David Lehr, *Regulating by Robot*, 105 Geo. L.J. 1147, 1183-85 (2017).

^{xx} *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

^{xxi} Model Rules of Pro. Conduct r. 5.3 (Am. Bar Ass’n 2020).

^{xxii} Am. Bar Ass’n Resolution 112 (2019).