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TECHNOLOGY | ARTIFICIAL INTELLIGENCE

How Judges Are Using AI to Help Decide Your Legal Dispute

The technology is helping summarize legal filings, prepare for hearings and map out decisions



JEREMY LEUNG/WSJ, ISTOCK

By [Erin Mulvaney](#) [Follow](#)

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Federal judge Xavier Rodriguez uses artificial intelligence to help manage a daunting case backlog in his San Antonio courtroom, deploying it to summarize legal filings, decipher the facts, and write questions to lob at lawyers during hearings.

AI has a somewhat [dubious reputation](#) in the legal world, where lawyers in recent months have drawn ridicule and reprimand for submitting briefs riddled with citations to fictional cases and factual errors. Judges, whose decisions carry grave power to reshape people's lives, have served more frequently as referees of the technology than early adopters.

But a growing contingent of judges are increasingly embracing AI to help them draft opinions, analyze court filings and quickly conduct legal research.

"The cat is out of the bag," said Rodriguez, who says he still always makes the final decision in cases himself. "We need to be heading into the future."

Rodriguez, who has been on the bench since 2003, first used AI experimentally to see how it would have adjudicated a seven-week trial he had recently completed. In deciding the case, involving Texas' election law, he and his law clerks had sifted through hundreds of thousands of exhibits, reviewed testimony from more than 70 witnesses and researched relevant case law. The entire process took 10 months before the judge issued a 140-page opinion.

Out of curiosity, he ran that same evidence through an AI tool. Within minutes the computer had produced a first draft that included the findings of fact that had taken his team weeks to produce. While the final result wasn't perfect and needed some fact-checking, Rodriguez has been using AI ever since.

Technology companies are marketing AI to court systems as a timesaver that can help provide better access to justice for litigants. Some of the largest players in the legal research industry, including [Thomson Reuters](#) and LexisNexis, are developing AI tools for use by lawyers and judges. Lexis's product is now available to all federal court judges.

AI startup Learned Hand, whose product is designed specifically for judges, has active pilots in 10 states, mostly involving state courts including the Michigan Supreme Court, as well as one federal court.

Founder Shlomo Klapper, a Yale law graduate who worked as a law clerk for a New York federal appeals court, said he saw a business opportunity to target court systems while many of his competitors have focused more heavily on marketing AI products to law firms.

Despite concerns about the use of AI, Klapper argues that the public benefits when business disputes are resolved more quickly, divorces are completed and criminal trials concluded. State courts, which handle about 97% of all cases in the country, are particularly overburdened and have fewer resources.

"There's a point where not using these tools is doing harm," Klapper said.

At the same time as judges are gradually embracing the use of AI, they are quickly trying to come up with rules for use of the new technology by lawyers. Some judges [have banned lawyers](#) from using AI in their courtrooms entirely. Lawyers have been sanctioned in a number of instances for submitting inaccurate information generated by AI, including one Florida lawyer who was fined \$85,000.

Sen. Chuck Grassley (R., Iowa) last year [admonished two federal judges](#) who used AI to write opinions with factual errors, including naming fictitious litigants, citing nonexistent sworn declarations and attributing quotes to people who deny ever saying them.

“These do not appear to be simple slips of the pen or mechanical oversights, but substantive errors that undermine confidence in the court’s deliberative process,” Grassley wrote in letters to the judges.

In response, the judges acknowledged AI was used to craft the opinions, but told the senator they had implemented corrective measures to verify accuracy. One of the judges banned law clerks from using AI to draft decisions.

Most judges emphasize that while they are using AI to speed up certain aspects of their jobs, they continue to make the final decisions themselves.

Judge Allison Goddard, a magistrate judge in Southern California, uses AI tools to edit opinions, prepare lists of questions to ask lawyers at hearings and summarize portions of briefs in her written rulings.

Goddard has tiptoed into using AI to draft opinions, with her oversight. She used AI tools to create a database with all of her orders in cases involving Social Security appeals, training it to learn the legal standards she uses in deciding cases. Now, with new appeals, the tool creates a summary of the arguments and a chronology of key events, as well as maps out a framework for making a decision.

In limited instances, AI is beginning to replace human adjudicators. The American Arbitration Association introduced an “AI Arbitrator” last year that can generate decisions in construction-related disputes. It was trained on more than 1,500 past decisions to predict how a human would have ruled.

Individuals or businesses in arbitration—a dispute process that happens outside of courtrooms—can opt to use the AI generator. The tool can generate a decision much more quickly than human arbitrators, said Bridget McCormack, the AAA’s chief executive and a former chief justice of the Michigan Supreme Court.

Since it launched, the AAA has been flooded with requests to use the tool, McCormack said.

“Courts will always and should always have humans in the loop,” McCormack said. Still, she added, for the overburdened court system, “It’s a game changer.”

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