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Speed by Itself Is Not Enough: How Gibson Dunn's Trey Cox Thinks AI Is Reshaping Litigation Strategy

By Ross Todd
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Artificial intelligence is clearly driving speed and efficiency in certain litigation processes such as document review, building case timelines and mapping relationships between potential witnesses.

But **Trey Cox**, co-chair of the global litigation practice at **Gibson, Dunn & Crutcher**, says the biggest way AI is driving change is how it's forcing litigators to exercise their judgment on compressed timelines—accelerating the drive toward pressure-tested, trial-ready strategies.

"Lawyers still think the main value of AI is speed," Trey Cox, co-chair of Gibson Dunn's global litigation practice. "Speed by itself is not enough. The real value is strategic compression—getting you to the point of decision-making faster."

That idea—compression rather than efficiency—ran through my recent conversation with Cox, as well as an essay he wrote last year after what he described as a "90-day deep dive" into using AI in his active litigation practice.

Courtesy photo

Trey Cox of Gibson Dunn

"In complex litigation, trial teams can spend days and weeks and months gathering documents, organizing facts, mapping the factual terrain, the legal standards and pressure-testing things," he said. "Now that we have AI, we can compress those weeks and months into hours and days." That compression, Cox emphasized, isn't about locking into a theory earlier—it's about testing it harder.

"The best trial teams that are out there, they don't pick a theory on day one and cling to it," he said. "They take a theory and they test it."

AI, in his view, is best used not to multiply arguments, but to challenge them. "You should use AI and tell it to test the assumptions, to challenge the facts," Cox said. "That's the magic of what AI allows you to do."

AI and the Limits of Storytelling

Cox is explicit about what AI cannot do—particularly once a case moves into the courtroom.

"AI doesn't care about the courtroom," he wrote in his Law.com essay. "It can't read a jury, negotiate a settlement or build trust with a client."

That distinction came up when we talked about storytelling at trial. Cox said AI can be useful in refining language and exploring alternative ways to frame a narrative, but it cannot replace the human judgment required to persuade judges or juries.

"I can ask AI … to refine a version of a narrative that I create," he said. "But what I don't do is I don't just accept that and stand up in court and read the narrative that it puts forward."

In fact, Cox warned that AI can accelerate missteps just as easily as insights. "Just because we go faster with a bad theory, that just multiplies or amplifies mistakes," he said.

In his essay, he made the same point more bluntly: "AI is not an 'answer engine.' It's a powerful assistant—but one that requires supervision."

Junior Lawyers and the Training Question

One of the most persistent concerns about AI in litigation is what it means for junior lawyers—particularly if machines take over work that once taught them the fundamentals of building a case. Cox didn't dismiss that tension. "It is somewhat in conflict," he acknowledged. But he argues the tradeoff can benefit young lawyers if firms are intentional about how AI is used.

"What young litigators want to do," he said, "is increase their time to being able to stand up in front of a judge in court."

AI can help by filtering massive discovery sets and surfacing what matters most. "Once you get to your hot documents, whether it's 500 or 1,000, you have to learn all of those documents," Cox said. "But what you didn't have to do is sift through 10 million documents to get to that point."

The result, he argues, is earlier judgment development—not less of it. One example involved hearing preparation. Cox described creating a prompt to replicate the five-page hearing prep memo he typically has prepared by an associate as he's readying for oral argument. For the past four years, he said he worked with a particular associate—"a top 10 graduate at a top 10 law school"—to produce those memos in the manner he expects.

Cox rattled it off at the top of his head like this: "Here's your opening. Here's your three best points. Here's their three strongest points. Here's their rebuttal. Here are 15 anticipated hot bench questions. Here's your closing. Here's your prayer. Here's your proposed order."

Cox said he asked the associate recently to track his time on memo preparation, and he came in at 4.2 hours. Cox ran the same briefing set through an AI prompt he's developed and had a similar memo in his preferred format in 90 seconds.

The AI version wasn't perfect. "It was marginally better" when done by the associate, Cox acknowledged. But the point wasn't substitution—it was leverage.

"You get the AI CliffsNotes version," Cox said. "Then you sit down with that same associate, you war game exactly how you're going to make this argument."

Cox contends that junior lawyers stand to benefit the most from the shift away from

repetitive and mechanical tasks towards assignments focused more on advocacy and judgment. Still, I asked if something is lost if tasks such as the hearing memo are taken out of the hands of associates and left for AI. Cox said that if the associate were being taken completely out of the process, he would worry. But, he added, a lot of associate development happens in what he calls "the interstitial spaces."

"It happens in between," he said. "So, in the drive over to the courthouse, as we're talking one last time about it. Or the drive back from the courthouse: 'Why'd you do this? Why did you say that? What did you think the judge was thinking when she asked X?' That's where your same sort of learning and development takes place."

Cox described similar workflow benefits for depositions. He said when associates have taken depositions, he's long offered to go through the transcripts and mark up where questions could have been worded more effectively or where they might have missed opportunities for follow up. Now, he said, he has developed a prompt loaded with his own book about how to conduct efficient depositions that weighs in with the same information and saves him the two hours he used to spend marking up transcripts.

"It gives an additional learning cycle," Cox said. "We can go through each one of those things, and I can comment specifically."

"So, it allows them to develop faster and better."

The Mediation Use Case

Cox said that he and the team have put together a series of prompts for mediation, as well. While he said AI still struggles with drafting briefs–pulling from case law, writing and analyzing—that's less of a concern in mediation, where the focus tends to be on leverage points between the parties. He's developed tools that will outline mediation briefs, then—with tweaks—produce a first draft. "It's not that we're going to turn that mediation brief in. It's that it avoids the blank page problem," he said. "I'm not starting with my keyboard to draft the entire mediation brief."

He said, thanks to AI prompts, he also goes into the mediations now with a draft of an entire settlement agreement, with the dollars and terms left flexible. "Instead of reaching some sort of temporary or inconclusive settlement agreement that's going to be challenged or potentially withdrawn from, I've locked in the entire settlement agreement so we can walk out of there with a complete settlement agreement signed," he said.

Again, it's getting to that decision point quicker.

"It accelerates and allows you to prepare better [and] faster for these events and these episodes that we all face in litigation," he said.

This is the second installment in a series of stories about how artificial intelligence is shaping the way litigators practice. Do you have use cases or stories to share? Reach out to me at ross.todd@alm.com.