

AI Speeds Up Litigation Tasks But Not Overall Pace Of Cases

By Jack Karp

Law360 (July 8, 2026, 2:52 PM EDT) -- Artificial intelligence can plow through mountains of information to unearth pertinent details far faster than any associate or paralegal, but the technology can't really speed up individual cases since lawyers still need to decide how to best use the material to make their arguments in court, litigators say.

"It still takes a human being to stand in front of a jury or stand in front of a judge, and it still takes judgment to know what the right arguments are and what will be persuasive in your case," said Gibson Dunn & Crutcher LLP partner Trey Cox, who co-chairs the firm's global litigation practice group. "AI can give you ideas, but ultimately the human being is the one who has to make those decisions."

The technology also can't hurry the courts, which ultimately control the pace at which cases move.

In fact, if courts wind up being flooded with a growing number of lawsuits generated with the help of AI, something that may already be happening, it is expected to slow the pace of litigation.

"It is a mixed bag," Adam Shartzter, litigation principal at Fish & Richardson PC, said of AI's impact on the pace of litigation. "Cases continue to move on the schedule the court sets, not on how fast either side can work."

Artificial intelligence has helped take some of the burden of certain, mainly tedious tasks off the shoulders of litigators.

At the start of a case, litigators can now use AI to go through and assimilate huge numbers of documents and pick out the details they need from those documents, making it far quicker to put together timelines and organize cases.

"Let's say we have a thousand documents in a case, and you want to know: Where are the conflicts and the information? AI's really good at those types of tasks," said Sharon L. Caffrey, Duane Morris LLP partner and trial practice group co-chair. "And you can get it early in a case, where it would take a paralegal or a young associate several weeks to come up with the same information."

The same is true once a case is in trial and attorneys need to comb through daily trial transcripts to pinpoint needed information, Gibson Dunn & Crutcher's Cox said.

"That's where you get all of your advantages. AI puts the data in an organized fashion in front of the

decision-makers to exercise their judgment to identify key legal or factual pivots," Cox said.

The new tools also accelerate the drafting of pleadings and legal research, helping lawyers more quickly search for cases that speak to certain questions, according to some attorneys.

But litigators also spend more time verifying research and revising pleadings, since the technology sometimes generates hallucinations and mistakes, muting AI's ability to significantly speed up legal research and drafting.

"That acceleration is mostly at the first-pass level," Fish & Richardson's Shartzler said. "These tools can get you to a working draft or a more organized record more quickly, but lawyers still have to finish the work and exercise their own judgment."

Where AI Isn't Speeding Up Litigation

AI hasn't increased the overarching pace of litigation itself, though, according to most attorneys.

That's in part because the speed at which cases move is dependent on so many other factors that AI has yet to impact, such as court schedules, discovery disputes and the actions and decisions of parties, lawyers, witnesses and judges.

"The overall pace remains largely unchanged because litigation is a function of innumerable interactions over time among many people playing different roles, all operating under rules with defined intervals that have not changed," said Day Pitney LLP litigation partner Jonathan B. Tropp.

One of the most important of those factors is the judgment of attorneys.

Lawyers still have to make tons of individual decisions, such as which questions to ask a witness, which arguments will be most persuasive, and how something should be phrased in answering a complaint.

"It hasn't sped up the lawyer-judgment tasks — which of these cases is our strongest and which is our weakest, those types of things," Caffrey said. "It's not capable of doing those things for you."

That's especially true in the courtroom, according to attorneys, where AI has so far had very little impact.

"Examining a witness, arguing to the bench and reading a jury all require real-time lawyer judgment that AI cannot supply or substitute," said Alex Gelberg, Fish & Richardson principal and patent litigator.

And while many law firms are finding ways to implement AI in order to speed their workflows, the courts have been slow to adopt the technology, according to litigators.

"Dockets are really managed now judge-by-judge and court-clerk-by-court-clerk. That process hasn't changed a lot in decades," Caffrey said, pointing to how slow many courts were to adopt Zoom and remote hearings when the COVID-19 pandemic began as an example of the judiciary's storied sluggishness when it comes to new technology.

That could change going forward, according to Caffrey, who thinks that if courts do find ways to implement AI, it could help them manage their dockets better and thus speed up litigation.

But the procurement process for courts is much slower and more difficult than it is for law firms, so it will take much longer for courts to adopt AI, according to Ed Walters, vice president of legal innovation and strategy at legal tech company Clio.

In the meantime, the advent of AI might actually slow down the pace of litigation by swamping courts with additional cases. AI is also making it easier for pro se litigants to file lawsuits, increasing the volume of those lawsuits and pleadings being filed by those litigants, according to Walters.

An April paper found that the number of pro se cases rose to 16.8% of filings in the federal courts in the 2025 fiscal year from a previous average of 11%. The total volume of docket entries generated by pro se cases in their first 180 days was up 158% from pre-AI averages, according to the researchers, Anand V. Shah of the Massachusetts Institute of Technology and Joshua Y. Levy of the University of Southern California.

For court systems on a fixed budget with a limited and already overburdened staff, dealing with such an increased number of cases poses a real challenge, Walters said.

"If the volume is going up and the pace isn't faster, that's a huge problem for courts," Walters pointed out.

While the use of AI may not do much to speed up the overall pace of litigation, the tools do continue to ease the workflow of the litigators — and even enhance the experience of being a lawyer.

Duane Morris special counsel Timothy J. Witczak, for example, said using AI has made "just the practice of law a lot more enjoyable, because it gets you to the point of being able to act like a lawyer as opposed to really grinding through a lot of material."

--Editing by Robert Rudinger.