

# The Importance of Technology in Litigation and the Practice of Law

By Michael Murray, Veritext

July 23, 2024

**T**he legal field is undergoing a significant transformation, driven by the rapid advancement of technology. Law firms, regardless of size, are recognizing the critical need to integrate technological tools into their practices to remain competitive and efficient. The adoption of technology in litigation is not merely a trend but a necessity that enhances efficiency, reduces costs, attracts new legal talent to a firm, and improves client outcomes.

U.S. Chief Justice John G. Roberts Jr. encapsulates this evolution succinctly: “Rule 1 of the Federal Rules of Civil Procedure directs the parties and the courts to seek the ‘just, speedy, and inexpensive’ resolution of cases. Many AI applications indisputably assist the judicial system in advancing those goals. Machines cannot fully replace key actors in court.” This quote emphasizes the essential role of technology in enhancing the legal process, ensuring justice is delivered in a just, speedy and inexpensive manner.

Zach Warren, manager of technology and innovation at the Thomson Reuters Institute,



Credit: DZMITRY/Adobe Stock

summarizes the integration of AI into the practice of law in “Legal AI tools and assistants essential for legal teams,” by stating: “Legal generative AI is supposed to augment what a lawyer does. It is not going to do legal reasoning, not going to do case strategy. What it’s supposed to do is do repeatable rote tasks much more quickly and efficiently,” (Thomson Reuters, 2024) . The shift toward using AI allows legal professionals to focus on the substantive aspects of their work while removing burdens of repetitive duties that take valuable time

away from formulating legal approaches or gaining new business.

### **Staying Updated on Recent Trends**

#### **• Artificial Intelligence and Machine Learning**

Artificial intelligence and machine learning are revolutionizing various aspects of legal practice. AI-driven research tools have transformed case law analysis and predictive analytics, allowing lawyers to quickly identify relevant precedents and predict case outcomes with greater accuracy. AI applications in contract review and summarization streamline these time-consuming tasks, enabling faster and more accurate document processing.

AI, however, is not without risk. In a 2023 instance, U.S. District Judge P. Kevin Castel of the Southern District of New York imposed fines on two lawyers and a law firm for submitting fictitious legal research created by ChatGPT in their argument. The federal judge stated, “Technological advances are commonplace and there is nothing inherently improper about using a reliable artificial intelligence tool for assistance. But existing rules impose a gatekeeping role on attorneys to ensure the accuracy of their filings” (Neuemeister, 2023).

Validating findings or using trusted AI models is critical to maintain accuracy. Yet, if risks are assessed and AI properly sourced, the impact AI can have on efficiency is profound: faster document review, improved case preparation and excellent starting point materials for deeper analysis.

#### **• Cloud Computing**

Cloud computing offers secure, scalable and accessible data storage solutions essential for modern law practices. These platforms facilitate seamless collaboration among team members, regardless of their location, through remote work and virtual meetings. The cost reduction associated with cloud computing is notable, as it lowers operational expenses by automating administrative tasks and reducing the need for extensive physical storage.

#### **• Cybersecurity**

As law firms handle sensitive client information, advanced cybersecurity measures are critical. Vetting modern legal technology to ensure it includes robust security protocols and to protect against data breaches and cyberthreats is vital. Compliance with data protection regulations such as the General Data Protection Regulation, the Health Insurance Portability and Accountability Act of 1996 and the California Consumer Privacy Act is also crucial, ensuring that client information remains confidential and secure.

#### **Selecting the Right Tools**

Selecting the right tools for technology advancements is key to success. Identifying the specific needs of a law firm is the first step in this process. Tailoring technology solutions to address these needs ensures that the tools adopted will enhance productivity and efficiency. Prioritizing security and data privacy is essential when choosing these tools. Law firms must confirm that their chosen technologies comply with relevant

laws and regulations to protect client information. They also should be cognizant of the way an AI model is trained and leery of open consumer-grade AI engines that could share and build from any confidential input. Additionally, a smooth transition to new technologies requires careful planning and execution. Training staff and providing ongoing support are critical components of successful technology implementation so that all team members can effectively use the new tools.

### **Staying Updated on Technology**

Staying up to date on the latest advancements in legal technology is vital for maintaining a competitive edge. The American Bar Association Model Rules highlight the necessity for lawyers to keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology. Firms need to work with a technology partner that can provide regular updates and optimization of tech tools to ensure maximum efficiency and security. Law firms should establish protocols for continuous evaluation and upgrading of their technological resources.

### **Leveling the Playing Field**

Numerous small firms have leveraged technology to compete effectively with larger firms. For example, AI-driven litigation support has enabled smaller practices to handle

complex cases with the same level of sophistication as their larger counterparts. Many firms are using AI to aid in legal research, significantly reducing preparation time and improving case outcomes.

Technology is transforming the legal industry, offering tools that enhance efficiency, reduce costs and improve client outcomes. Law firms are encouraged to embrace these advancements to stay competitive in an evolving landscape. As technology and law intersect, AI presents unprecedented opportunities to enhance legal frameworks. Machines will not replace the human element of law, which is distinctly for humans and by humans. As we navigate this evolving landscape, let us remember that the integration of technology in law is about enhancing and assisting the essential human elements of legal practice. All AI-produced content should be considered draft in nature and always reviewed for accuracy before use. When implemented correctly, it can be a valuable tool in the practice of law that supports the right to a speedy trial.

**Michael T. Murray** *is the director of client solutions for Veritext Legal Solutions. Murray stays on top of litigation technology trends and travels throughout the nation speaking and providing informative and entertaining CLEs, educational instruction and product demonstrations to legal professionals.*