

Closed AI Platform Delivers Fast Answers to Lawyers During Trial

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Authors: [Holly Zheng \(White & Case LLP\)](#) and [Timothy Fraser \(Chief Legal Officer, Toshiba America\)](#)

Trial lawyers are storytellers, and a common story is the behind-the-scenes war story, featuring caffeine, enigmatic exhibits, and the heroes pulling consecutive all-nighters during trial.

But although the war story is a tradition and a rite of passage, it indicates a suboptimal situation: a lack of attorneys and staff needed to execute time-consuming and sometimes mechanical tasks. In the setting of a trial, there is little tolerance for errors or extensions.

While debate rages over whether artificial intelligence in the legal context is constructive, destructive, or even apocalyptic, our experience has been that AI can mitigate a suboptimal situation at trial if attorneys can implement the right process design and take appropriate precautions.

We used AI for what may be its first reported use during a complex commercial trial. Toshiba America Inc. proposed this project to the trial team at White & Case ahead of a six-week jury trial, using a platform built by Eudia. Without a blueprint to follow, we were aware of the risks but were realistic about the need to mitigate risks by building processes.

Considerations and Warnings

Caution and healthy skepticism are appropriate attitudes for attorneys using AI for trial. Most attorneys are familiar with the ballooning number of judges calling out hallucinated case citations in briefs.¹ It's easy to think that the risk of error escalates when the examination or argument begins live, in just a few hours.

The law around using AI in litigation is unsettled. For example, the court's first impression ruling in [United States v. Heppner](#)² — that a criminal defendant's use of a public AI platform to ask strategy questions (without the

¹ See, e.g., *Fletcher v. Experian Information Solutions Inc., et al.*, 168 F.4th 231 (5th Cir. 2026) (issuing monetary sanctions under Fed. R. App. P. 46(c) and the court's inherent power when the attorney used AI to generate an appellate brief containing a number of misrepresentations, and then the attorney provided misleading responses regarding her AI use in response to the court); *Anita Medal, et al. v. Amazon.com Services LLC*, Case No. 2:23-cv-01975, Order, ECF No. 129 (W.D. Wash. Mar. 4, 2026) (ordering counsel to explain each attorney's role in the use of the false citations, whether the drafting was assisted by AI, and what verification processes the attorneys employed); *Lifetime Well LLC v. IBSPOT.com Inc.*, Case No. 25-cv-5135, 2026 WL 195644 (E.D. Pa. Jan. 26, 2026) (sanctioning senior attorney pursuant to Fed. R. Civ. P. 11 for not reviewing the cases in a brief prepared by a junior member of her team that contained multiple false case citations); *Gardner v. Combs, et al.*, Case No. 2:24-cv-07729, 2025 WL 3632704 (D.N.J. Dec. 15, 2025) (sanctioning attorney for citing to a non-existent case and fabricating legal propositions); *Kohls et al. v. Ellison et al.*, Case No. 24-cv-3754, 2025 WL 66514 (D. Minn. Jan. 10, 2025) (excluding an expert declaration which included citations to non-existent sources); *In re Prince Global Holdings Ltd., et al.*, No. 26-10769 (S.D.N.Y. Apr. 18, 2026), ECF 25 (alerting court to inaccurate citations and errors in the firm's own previously filed motion).

² *United States v. Heppner*, 820 F.Supp.3d 292 (S.D.N.Y. Feb. 17, 2026). See also *Concord Music Group, Inc., et al. v. Anthropic BPC*, Case No. 24-cv-03811, 2025 WL 1665754 (N.D. Cal. May 23, 2025) (denying motion to compel the production of prompts and outputs from a pre-suit investigation regarding infringement, reasoning that the prompts and

direction of his attorney) isn't protected by the attorney-client privilege or work product doctrine — has been debated but not universally anticipated. Courts have accepted stipulated protective orders between parties,³ but guidance remains scarce for disputed protective orders.⁴

When we implemented AI at our trial, we took several precautions.

Confidentiality

We used a closed, professional-grade platform that was custom-built for our litigation. Inputs and information were siloed within the platform, and access was restricted to the short list of attorneys who were direct users of the platform during trial and the forward-deploy engineers who were subject to confidentiality and operating under attorney instructions.

Training was restricted to optimization within our siloed platform for this trial and never used for any purpose outside the platform or this specific litigation. All data input or created from our use can be deleted at the end of the case.

Privilege

The platform was accessible only to the attorneys working on the trial and the staff who used the platform under the direct instructions of the attorneys. It was never made available to witnesses or any other non-attorneys.

Verification Process

We used stringent verification processes that mitigated risks affiliated with hallucinations, including multiple layers of human review. The platform identified and linked the underlying source documents for each response. Attorneys and staff at every level of seniority were encouraged to be contrarians when judging AI outputs.

Training the Platform

Because of the case's technical and legal complexity, training the AI platform for our matter was essential. If it wasn't proficient at navigating our legal and scientific issues, it would likely introduce time costs rather than time savings.

Our training was systematic and bi-dimensional. We trained the system to understand the breadth of our case: dozens of witnesses, years of factual and legal arguments submitted by the parties, conclusions from the attorney review of hundreds of thousands of documents over the course of the litigation, and thousands of pages of expert reports and testimony.

outputs constituted attorney work product, although they were potentially subject to discovery for other reasons, such as partial waiver); *Morgan v. V2X, Inc.*, Case No. 25-cv-1991, 2026 U.S. Dist. LEXIS 67939 (D. Colo. Mar. 30, 2026). See also Volkmer, S., Sharma, A., Anderson, H., "Attorney-client privilege and work product in the age of generative AI," White & Case (Apr. 23, 2026), available at <https://www.whitecase.com/insight-alert/attorney-client-privilege-and-work-product-age-generative-ai>.

³ See, e.g., *Ibaraki, et al. v. Albertson's, LLC, et al.*, Case No. 8:25-cv-1700, 2026 WL 483054 (C.D. Cal. Feb. 19, 2026).

⁴ But see *Morgan v. V2X, Inc.*, Case No. 25-cv-1991, 2026 U.S. Dist. LEXIS 67939 (D. Colo. Mar. 30, 2026). The court addressed a dispute on the terms of the protective order between a *pro se* litigant, who declined to disclose the AI platforms he planned to use but which may have included publicly available platforms, and a represented party intending to use an enterprise-tier platform. The court amended the protective order to include terms similar to that of many of the stipulated protective orders that have been filed: the AI provider could not use the inputs to improve its model or disclose its inputs to any third party, and the provider must have the ability to remove or delete all confidential information upon request.

But we also trained it on depth, asking if the system was accurate, as well as whether its outputs were at or nearing the level of nuance, complexity, and technical sophistication on which the trial team was operating. To accomplish this, training occurred in three phases.

Expert Feedback

First, the platform was trained by the “expert” attorneys in the case. They selected a set of key case materials to feed into it. Case analyses were generated for comment based on those materials, and the expert attorneys provided a markup that they shared and discussed with the engineers.

Trial Team Feedback

In the second stage, the broader trial team trained the platform, by providing markups to engineers on designated subjects, as well as daily feedback on the user experience.

Contract Review Team Feedback

To fine-tune the platform, we asked contract-review attorneys to test and evaluate the platform’s outputs. We provided reviewers with a set of materials verified by the trial team. Reviewers queried the platform and provided feedback to the engineers about any discrepancies between the outputs and the verified materials. Once the senior team was satisfied with the quality of the outputs, the engineers essentially closed training for the platform to avoid negative effects from inaccurate feedback.

Trial Use Cases

We provide a sampling of our use cases at trial, and this list is far from comprehensive. Ultimately, our use was more fluid than using preset tools.

Searches With Increased Fuzziness

We ran “fuzzier” searches, also known as semantically flexible or context-aware searches. We contrasted our AI searches from Boolean searches, which required a recollection or knowledge of specific terms and parameters, and, for more complex searches, a sophisticated drafter.

Even with a good search, the results could comprise hundreds of hits and mishits. But here, an urgent email from counsel table, with the attorney’s vague memory of helpful exhibits or testimony, could be enough for the team member to find that excerpt within minutes.

Attorneys familiar with technology-assisted review, continuous active learning, and traditional AI-driven analytics platforms will know that a middle ground between Boolean searches and generative AI platforms exists. In our context, however, the ability to retrieve accurate search results in minutes was a priority, as was the ability to search documents using rough recollections from the requesting attorney.

Immediate Access to Summaries and Analysis

Traditionally, creating a well-written summary of a day’s worth of testimony can be labor intensive. Because of the training of the platform, we could obtain well-crafted summaries of the day’s events at trial and preliminary suggestions for strategy as soon as the rough transcript was available. This was a benefit for attorneys executing strategy decisions at trial.

Establish a Negative

Determining if a document doesn't exist used to be a back-breaking exercise. But a few queries were enough to get a preliminary answer. Of course, if the platform identifies a responsive document that does exist, that is an easily verifiable answer.

Broad Assessments

Many labor-intensive assessments are judged as impractical and abandoned for numerous reasons. They are merely helpful but not critical; they draw resources away from tasks that are critical; the investment for a helpful answer far exceeds any return; and so forth.

But if these assessments are no longer labor-intensive, they become fair game. Attorneys asked for chronologies, comprehensive overviews, "Venn diagrams" on coverage by witnesses, contradictions and impeachment material, and many other ad hoc assessments to inform their preparation.

Extension of Expert Attorneys

Because attorneys who were experts on the relevant subject matter trained and approved the platform, the wider team could query it for preliminary answers they otherwise would have asked the expert attorney. This meant fewer interruptions for the expert attorneys preparing for court.

Implications for Litigation

Many of our experiences using AI at trial can apply to earlier stages of litigation, such as discovery. Choosing an appropriate platform and instructing the team on the possible uses — and limitations — of AI is relevant at every stage of a case.

If a litigation team is considering a custom AI solution that allows for training within a siloed platform for their work during discovery, we anticipate that training would need to be iterative, cycling the platform through "re-trainings" at different stages of the case and instituting more calibrations during discovery to capture developments. For attorneys using systems where training is disabled, we suggest the team perform test runs to accurately assess its capabilities and comprehensiveness.

The use cases we described above also can be useful during a preliminary investigation or an early briefing, with an important caveat. Because we trained and used our platform after we developed our case, our team could verify whether each and every output was accurate, useful, or comprehensive, and to what extent.

Teams in earlier stages of their cases, dealing with an incomplete and unreviewed set of data, can't do that. Those teams must make a fine-tuned judgment call based on the amount of certainty they need for a particular answer and their familiarity with the types of outputs their platform provides.

If we could revise our own AI case study (and had the technology been available), we would have introduced an AI platform earlier in the case so we could have asked more exploratory questions and obtained more answers about our large data set. Complex litigation has a long lifespan, but even then, the timing at which information is available is strategically critical.

For companies and firms that litigate multiple cases on behalf of clients, there is value in aggregating information and insights that can apply across a series of cases, and in asking a platform to provide assessments or apply revisions based on that knowledge. This may be useful when repeat litigation occurs across a specific area of law, such as product liability or intellectual property cases, or when the litigation occurs across disparate categories of cases but the insights from company witnesses and documents are broadly salient.

Predictions

Given the pace of legal AI innovation, we expect the challenges and considerations in other cases to differ from ours. If we were to offer universal advice for using AI at trial, it would be to form a legal team that can be nimble with the technology and its implications rather than look for a plug-and-play solution. For parties litigating complex cases with access to professional-grade platforms, we predict AI soon will be a constant companion at trials, and legal teams that reject AI will be at a disadvantage.

While we balanced innovation with conservative thinking for our trial, we've seen the development of futuristic uses that are both exhilarating and shocking. Engineers are developing programs that simulate every player in court: counsel, jury, and judge. Nevertheless, we are optimistic that AI doesn't mean the obsolescence of the trial lawyer.

At our trial, senior attorneys could execute faster when their team could provide results at 8 p.m., instead of 8 a.m. the next day. Junior attorneys spent more time on witness preparation and strategic thinking because important but lower-level tasks were already complete. And human hallucinations from sleep deprivation were eliminated.

When the right choices are made systemically, the result can be an advancement for how trial lawyers practice. But rest assured, trial lawyers will still have an overabundance of war stories — now with high-tech plot twists.

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White & Case LLP
1221 Avenue of the Americas
New York, New York 10020-1095

T +1 212 819 8200

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