



ARTIFICIAL INTELLIGENCE

How courts are coping with a flood of AI-generated lawsuits

Judges are wondering what rights and duties chatbots should have as they stand in for lawyers.

By Michelle Kim

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EXECUTIVE SUMMARY

Most days in her chambers, Judge Maritza Braswell, a federal magistrate judge in Colorado, sifts through stacks of documents written by people without a lawyer. Many of them can't afford to hire a lawyer, and others have cases too weak or too small to interest one. She reads each one carefully, mindful of how daunting it is to walk into the courtroom alone.

doubled from pre-2023 levels.

Judge Braswell puts that jump down to AI.

“I do correlate that to AI in part because I see AI use,” she says. As a tech-savvy judge who uses AI to vet court documents, she’s learned to recognize how large language models write. She can tell from the prose and at times, hallucinated cases and fabricated quotes.

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“I’m also actually seeing better-drafted pleadings,” she says.

But while AI appears to be expanding access to justice, it doesn’t seem to be improving people’s chances of winning. Judges are also starting to question what kinds of rights and responsibilities large language models should bear as they step into lawyers’ shoes. For example, they ask whether a chatbot has a duty to provide good advice, as a human lawyer does. And a growing number of lawmakers across the US are starting to grapple with who should pay the price when chatbots dish out bad legal advice.

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AI supercharges lawsuits

To test whether AI was driving the increase in lawsuits filed by people without a lawyer, the authors of the study, Anand Shah at MIT and Joshua Levy at the University of Southern California, ran 1,600 randomly sampled court documents through Pangram, a commercial AI-text detector. The share flagged as containing AI-generated writing rose from 1% in 2023 to 18% in 2026.

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To Judge Braswell, that’s not necessarily a cause for concern. While the surge of AI-assisted filings might be adding to their workloads, she and many other judges find the cases easier to rule on because AI is helping people without legal training better articulate their arguments.

Court documents written by people without lawyers are notoriously hard to decipher. Some arrive as handwritten scrawls bordering on gibberish that judges take a while to decode. However cryptic, judges are required to read them charitably.

These days, Judge Braswell has been churning through motions drafted by AI faster than the ones written by the litigants. “I have to be really careful because some of them contain hallucinations and errors, but I can generally understand what they’re arguing better with AI assistance from them than without it,” she says.

The clearer filings let Judge Braswell hear them better. “If I understand an argument a little bit better, I’m probably going to be able to help a little bit more,” she says.

polish it, and file in the expedient District of Vermont. Cases filed by people without lawyers in Vermont rose from about 45 a year before 2022 to more than 1,100 in 2024.

Even so, people without lawyers are far more likely to lose their case than people *with* lawyers, and that's not changing even with the addition of AI, the study found.



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“It turns out that mounting a lawsuit is a complex, multifaceted task. Not all of it is just drafting text,” says Levy.

Chatbot-client privilege

Judge William Garfinkel, a federal magistrate judge in Connecticut, has served on the bench for three decades, pondering all sorts of questions about lawyers’ relationship with their clients. Lately, he has been wondering whether people’s conversations with chatbots dispensing legal advice should be privileged, the way their conversations with lawyers are.

“You can make a good argument that ... conversations with large language models like Claude or ChatGPT or Grok should deserve some protection,” he says.

Courts are starting to grapple with this question. In February, a federal court in Michigan ruled that a self-represented person’s conversations with ChatGPT to prepare her case were work product—legal work that is shielded from the opposing side.

The decision came on the same day a federal court in New York held that documents a criminal defendant had generated using Claude were not privileged attorney-client conversations or work product. The court argued that Claude is not an attorney and that a user has no “reasonable expectation of confidentiality in his communication” with it because AI companies can disclose user data to third parties.

In March, Judge Braswell ruled that a self-represented person’s use of a chatbot should stay off limits. “It is true that AI systems like ChatGPT, Claude, Gemini, and others ... collect user data for training and other purposes. But ... that does not eliminate all expectations of privacy,” she wrote. Courts have since remained split on the issue.

wrong advice from ChatGPT when trying to assess the value of their case during settlement negotiations. In one case, a plaintiff who slipped and fell in a store asked for \$700,000 from the store, which was wildly more than the case was worth.

“Where are you getting the idea that you’re getting \$700,000? Did you go to ChatGPT?” Judge Goddard asked. “Well ...” the plaintiff mumbled. She then walked the person through the law to explain why ChatGPT was wrong and suggested a lower amount. “It’s like Dr. Google went to law school,” she says.

Then there’s the question of who’s liable when a chatbot makes such mistakes. In March, Nippon Life Insurance Company sued OpenAI alleging that ChatGPT practiced law without a license and helped a woman reopen a lawsuit that was already settled, flooding the court with frivolous filings. “ChatGPT is not an attorney,” the lawsuit said.



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In May, OpenAI asked the court to dismiss the case, arguing that ChatGPT does not practice law. “ChatGPT is not a person and neither has nor uses any degree of legal knowledge or skill,” OpenAI said in its filing. The case is still pending before the court.

States have started to weigh legislation that would hold AI companies liable when their chatbots offer bad legal advice. New York introduced a bill in March that would bar chatbots from impersonating lawyers, even if they notify users that they are interacting with chatbots. In Congress, a series of bills have been proposed to ban chatbots from posing as lawyers, doctors, and other licensed professionals. The bills have yet to gain traction.

For now, people will continue turning to AI to be their lawyer. For many of them, the rewards outweigh the risks. Not long ago, when Judge Braswell asked self-represented litigants why they wanted a particular piece of evidence, they mumbled timidly. Now, they answer her questions confidently, having rehearsed with a chatbot.

“This is a really tough system to navigate. With AI, though, it gets a little less complex,” she says. **T**

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