



Research Data and Legal Developments in Artificial Intelligence

A Continuing Legal Education Program

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Agenda

- **Overview of Artificial Intelligence in the Law**
- **Research Data**
 - AI Research Data on Legal Professionals
 - AI Research Data on Corporate Chief Legal Officers
 - AI Research Data on Judicial Use of AI
- **Legal Developments**
 - **AI Hallucinations**
 - *Mata v. Avianca Inc.*
 - *Parker v. Forsyth* (South Africa)
 - *Tiffany K. v. Commissioner*
 - *Johnson v. Dunn*
 - **AI, Attorney-Client Privilege, and the Work Product Doctrine**
 - *United States v. Heppner*
 - *Warner v. Gilbarco, Inc.*
 - *UK and R (on the application of Munir) v. Secretary of State for the Home Department [2026] UKUT 81 (IAC).* (United Kingdom)



Greetings, my name is TortBot, David Horrigan's AI teaching assistant for your journey in AI law.

My name is TortBot because Horrigan couldn't get the intellectual property rights to LawBot, LexBot, JudgeBot, ArnieBeckerBot, or many other cooler names.

Let's start our journey!



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A Curious Footnote Misses the Point on Judicial Use of AI and Judge Rodriguez's AI Scholarship

In writing a decision in a matter of alleged election ballot harvesting, U.S. Circuit Judge Edith Jones of the U.S. Fifth Circuit Court of Appeals included a footnote insinuating Judge Rodriguez may have outsourced his legal judgment to AI tools, but the source cited in the footnote indicates the judge used AI wisely and responsibly.

8 minute read | May 11, 2026 at 08:00 AM By **David Horrigan**

**David Horrigan, *A Curious Footnote Misses the Point on Judicial Use of AI and Judge Rodriguez's Ai Scholarship*,
Legaltech News Law.com (May 11, 2026).**

The district court gave an interview to the Wall Street Journal explaining how he had used artificial intelligence as an adjunct to his work on some aspects of a case "involving Texas election law." Erin Mulvaney, "[How Judges Are Using AI to Help Decide Your Legal Dispute](#)," Wall Street Journal, Jan. 6, 2026. Whether it was this case is uncertain. However, as one distinguished U.S. senator has commented, AI "must not be a substitute for legal judgment," 171 Cong. Rec. S7751 (daily ed. Oct. 27, 2025) (statement of Sen. Chuck Grassley), nor must the public perceive that federal judges outsource our judgment to AI tools.

**David Horrigan, *A Curious Footnote Misses the Point on Judicial Use of AI and Judge Rodriguez's Ai Scholarship*,
Legaltech News Law.com (May 11, 2026).**

What Judge Rodriguez Really Said in *The Wall Street Journal*

Although *The Wall Street Journal* article did state that Judge Rodriguez “uses artificial intelligence to help manage a daunting case backlog in his San Antonio courtroom, deploying it to summarize legal filings, decipher the facts, and write questions to lob at lawyers during hearings,” the Mulvaney article in the *Journal* said specifically that Judge Rodriguez said “he still always makes the final decision himself.”

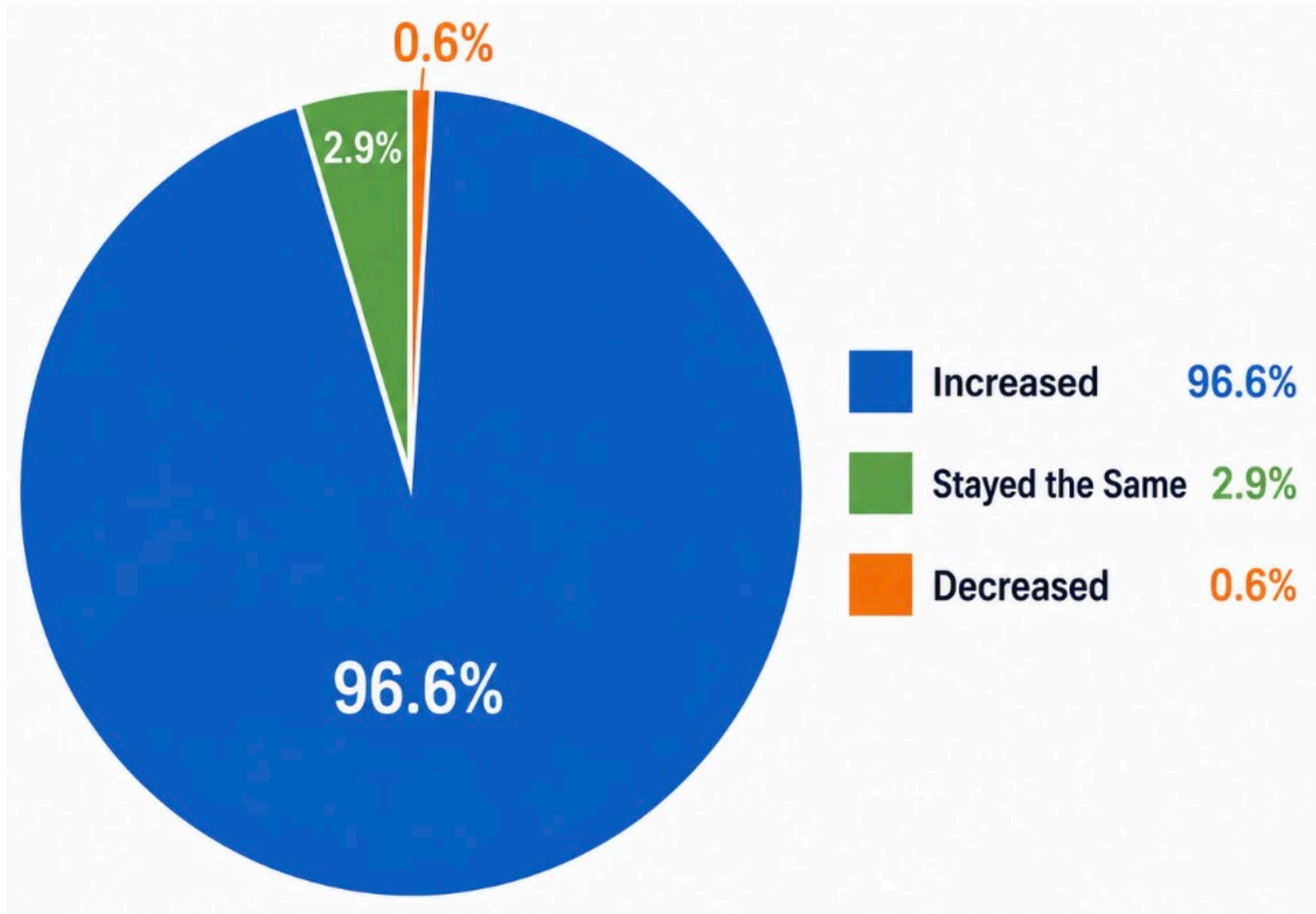
In addition, the article noted Judge Rodriguez said that, in the case “involving Texas’ election law,” he and his law clerks “had sifted through hundreds of thousands of exhibits, reviewed testimony from more than 70 witnesses and researched relevant case law.” The *Journal* article noted further, “The entire process took 10 months before the judge issued a 140-page opinion.”

The article went on to note that—only after this laborious human process—Judge Rodriguez ran the same evidence through an AI tool, adding that, within minutes, the AI tool produced a first draft that had taken his team weeks to produce, adding, “While the final result wasn’t perfect and needed some fact-checking, Rodriguez has been using AI ever since.”

Research Data on the Use of Artificial Intelligence: Legal Professionals



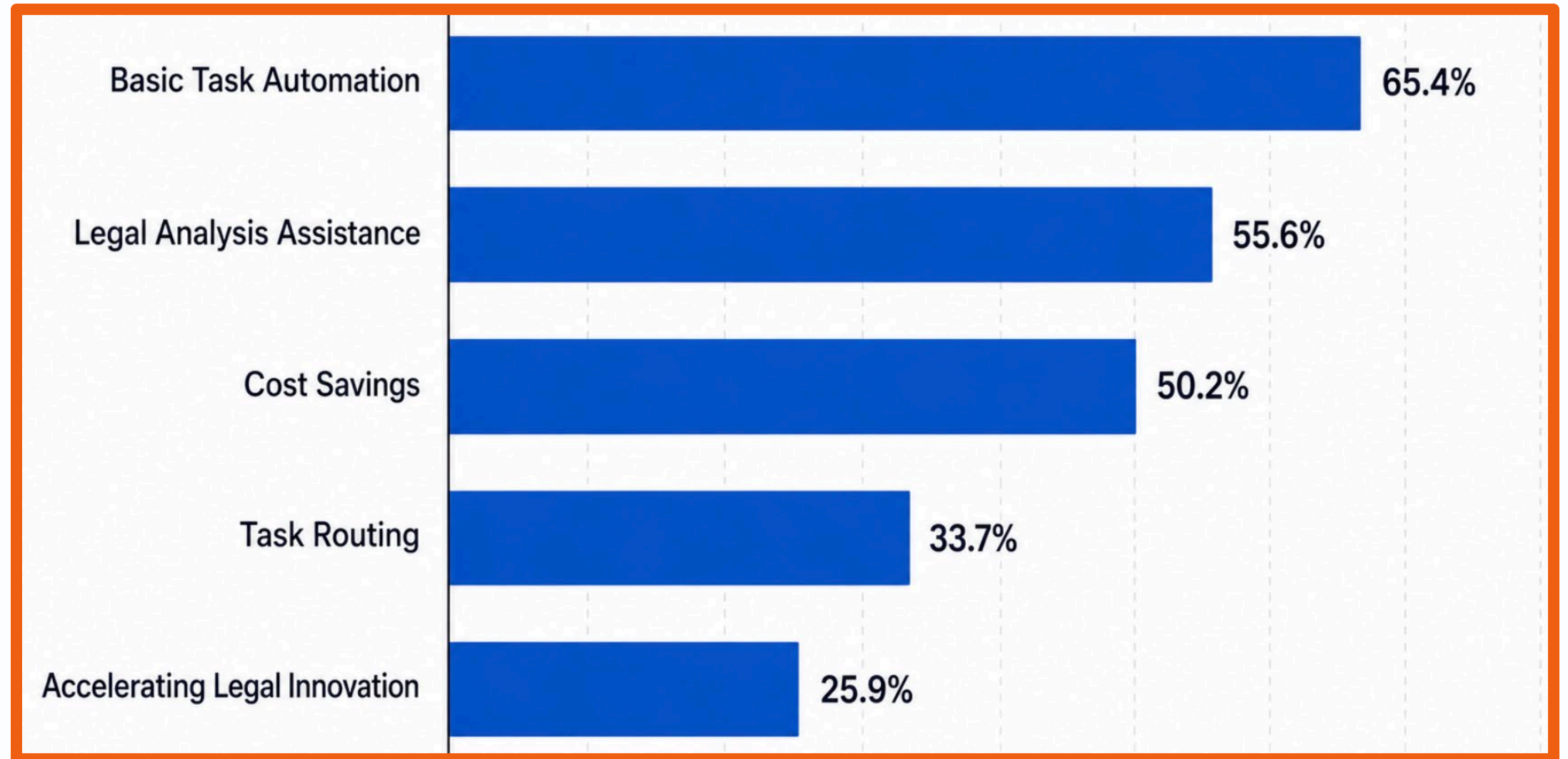
Use of AI by Legal Professionals 2024-2026



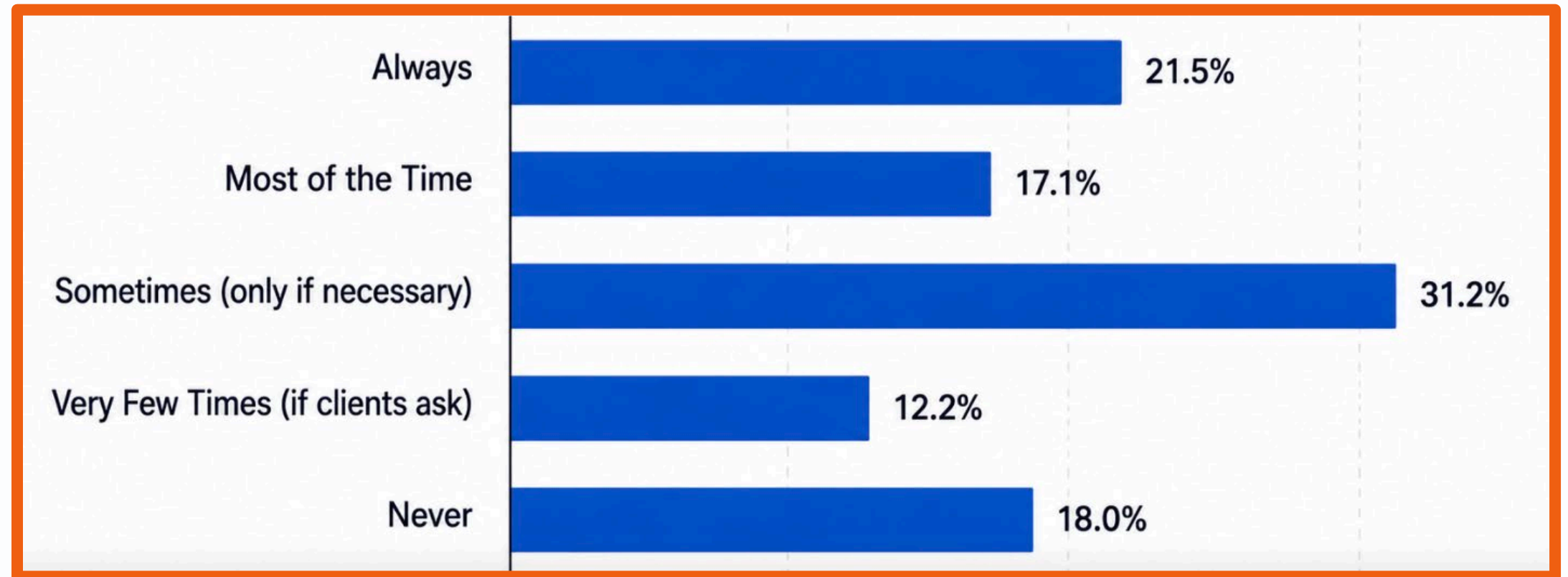
By What Percentage Has Your Use of AI Increased?



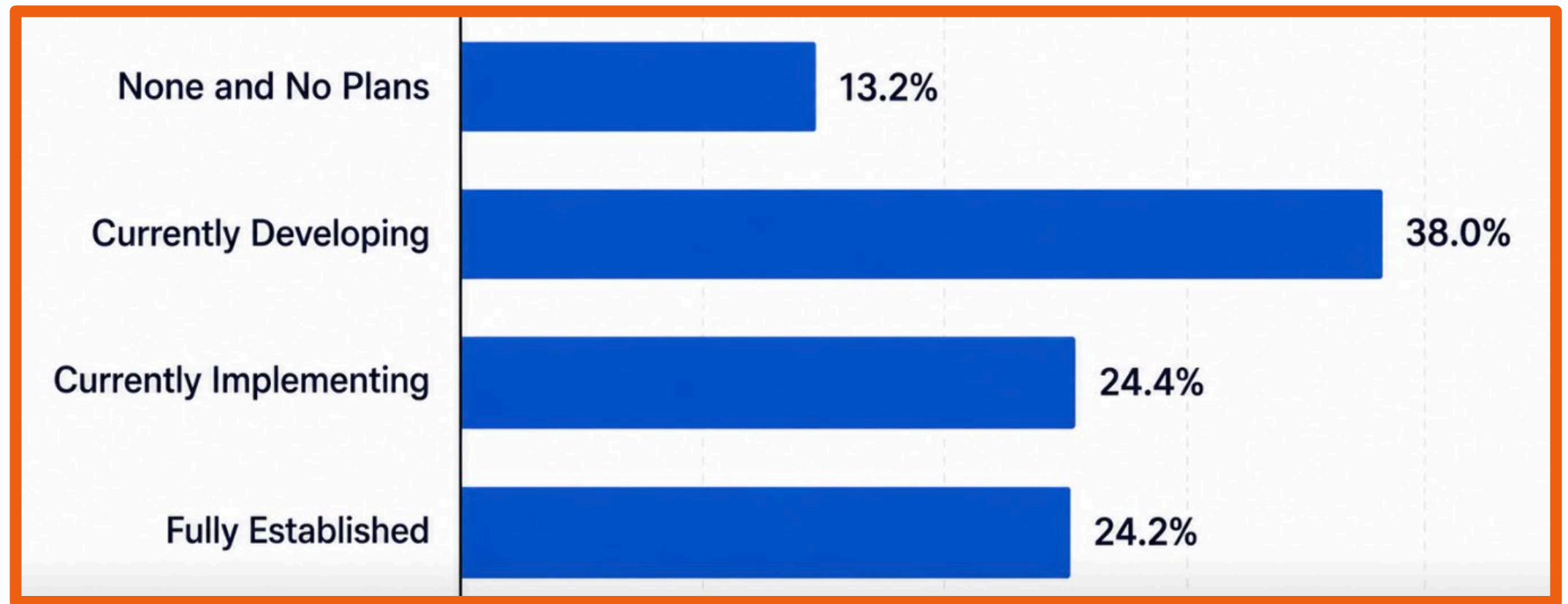
What Are the Most Important Reasons for Using AI?



How Often Do You Disclose Your AI Use to Clients?



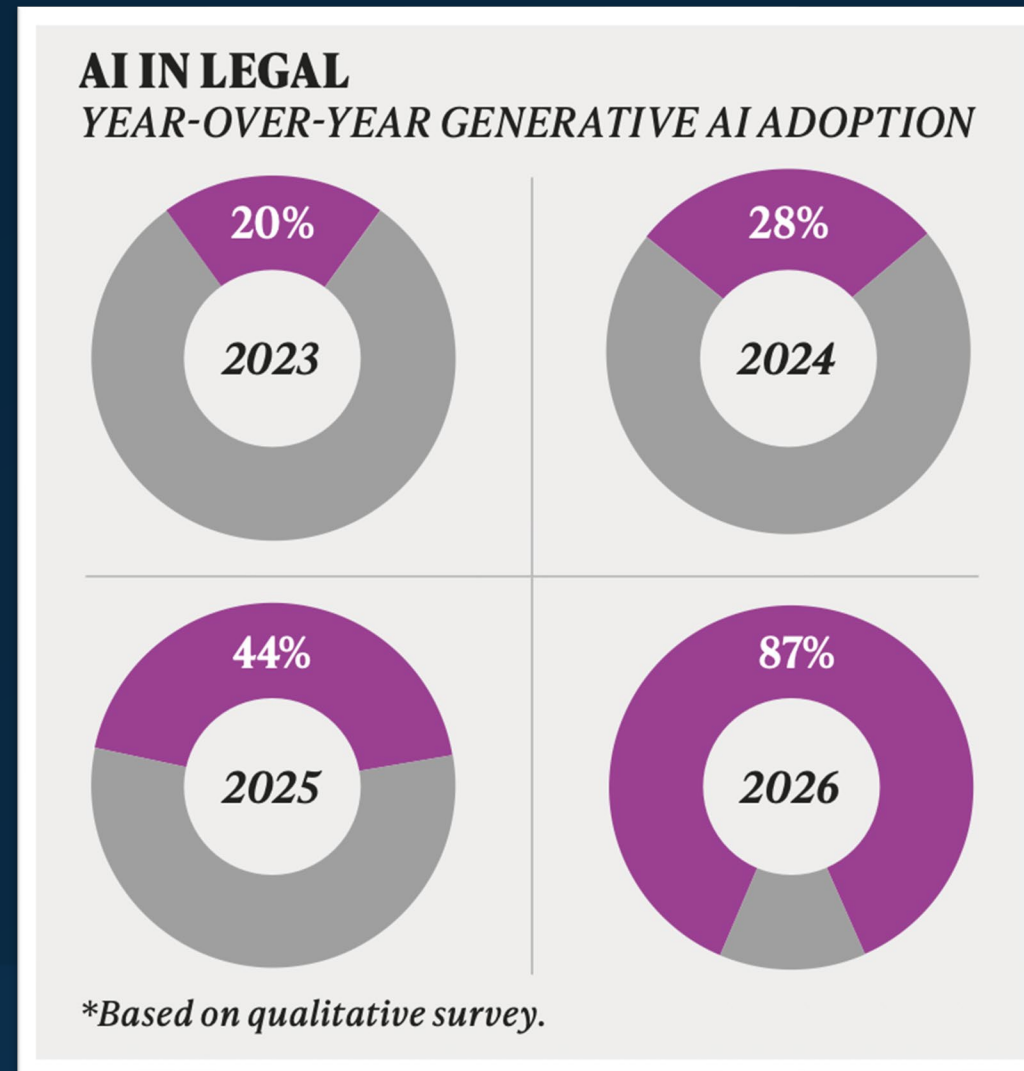
What is the Status of Your AI Governance Policies or Procedures?



Research Data on the Use of Artificial Intelligence: Corporate Chief Legal Officers



Artificial Intelligence Use by Chief Legal Officers



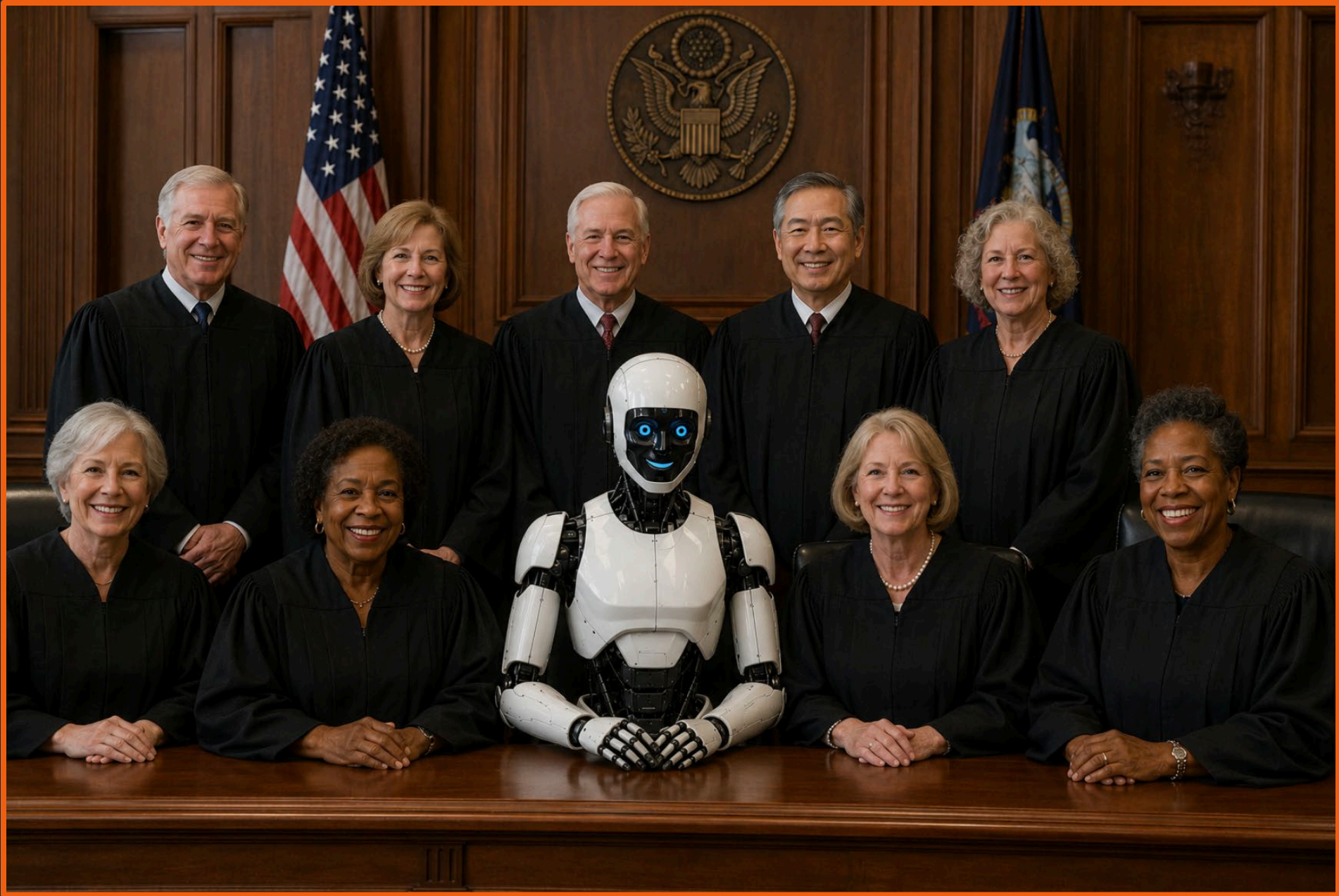
Artificial Intelligence Use by Chief Legal Officers

HOW COMFORTABLE OR UNCOMFORTABLE ARE YOU WITH YOUR TEAM AND OUTSIDE COUNSEL USING GENERATIVE AI FOR THE FOLLOWING?

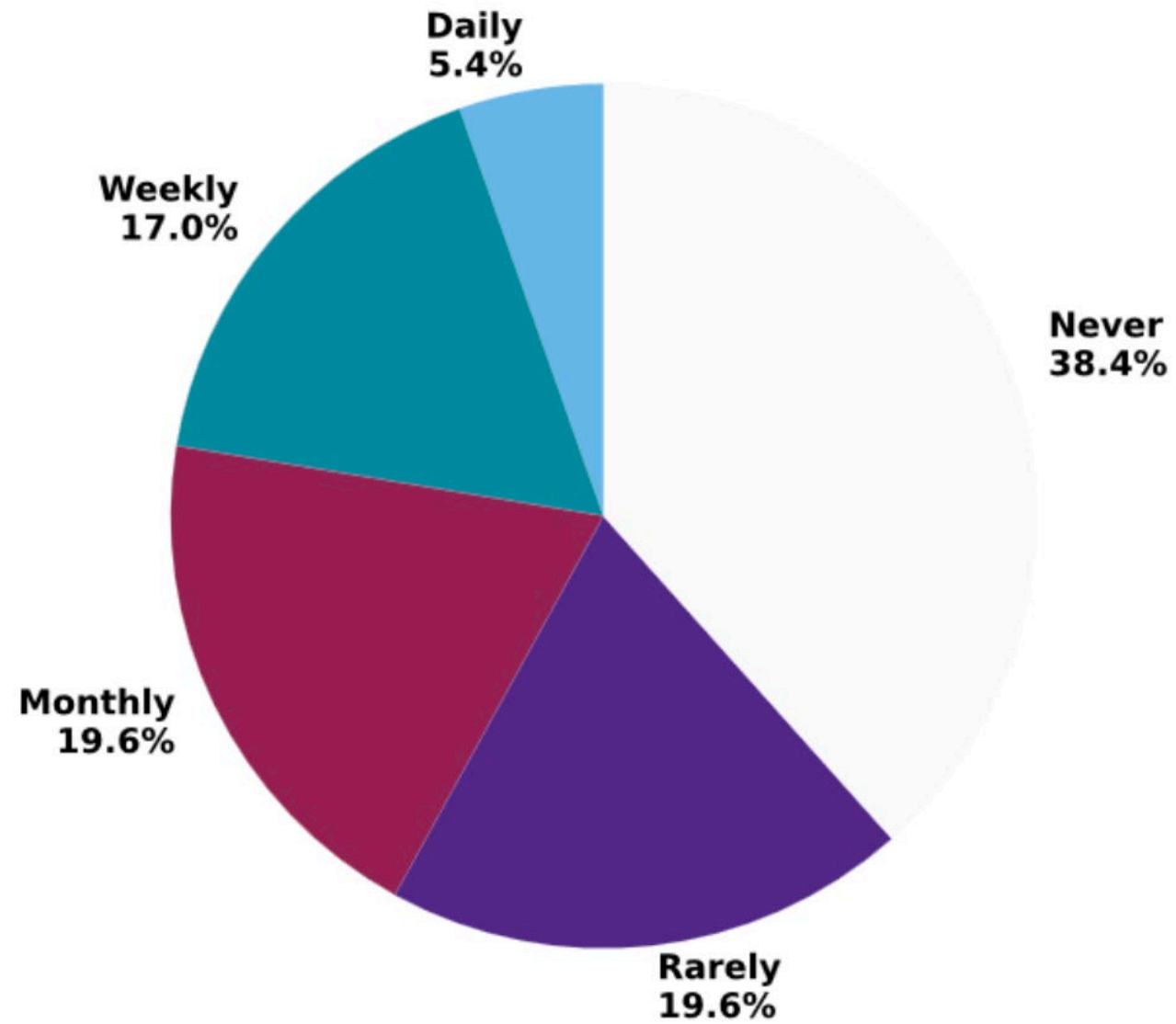
2025						2026				
Not comfortable	Somewhat comfortable	Comfortable	Very comfortable	Extremely comfortable		Not comfortable	Somewhat comfortable	Comfortable	Very comfortable	Extremely comfortable
24%	21%	18%	21%	18%	Compliance monitoring	13%	20%	43%	20%	3%
26%	21%	12%	26%	15%	Investigations	27%	23%	40%	7%	3%
18%	12%	24%	21%	26%	Legal research	7%	20%	43%	27%	3%
9%	12%	26%	35%	18%	Legal operations	3%	7%	53%	30%	7%
29%	29%	9%	15%	18%	Early case assessment	17%	17%	43%	17%	7%
9%	12%	21%	35%	24%	E-Discovery	13%	20%	40%	17%	10%
15%	0%	21%	35%	29%	Document Review	3%	20%	50%	27%	10%
24%	12%	24%	24%	18%	Privilege review	34%	14%	41%	7%	3%
15%	9%	18%	41%	18%	Contract analysis or review	3%	10%	53%	20%	20%
					Data breach response	23%	30%	37%	3%	7%
					Contract drafting	7%	20%	37%	23%	23%
					Memo drafting	10%	20%	40%	13%	13%



Research Data on the Use of Artificial Intelligence: Sedona Data on Federal Judges



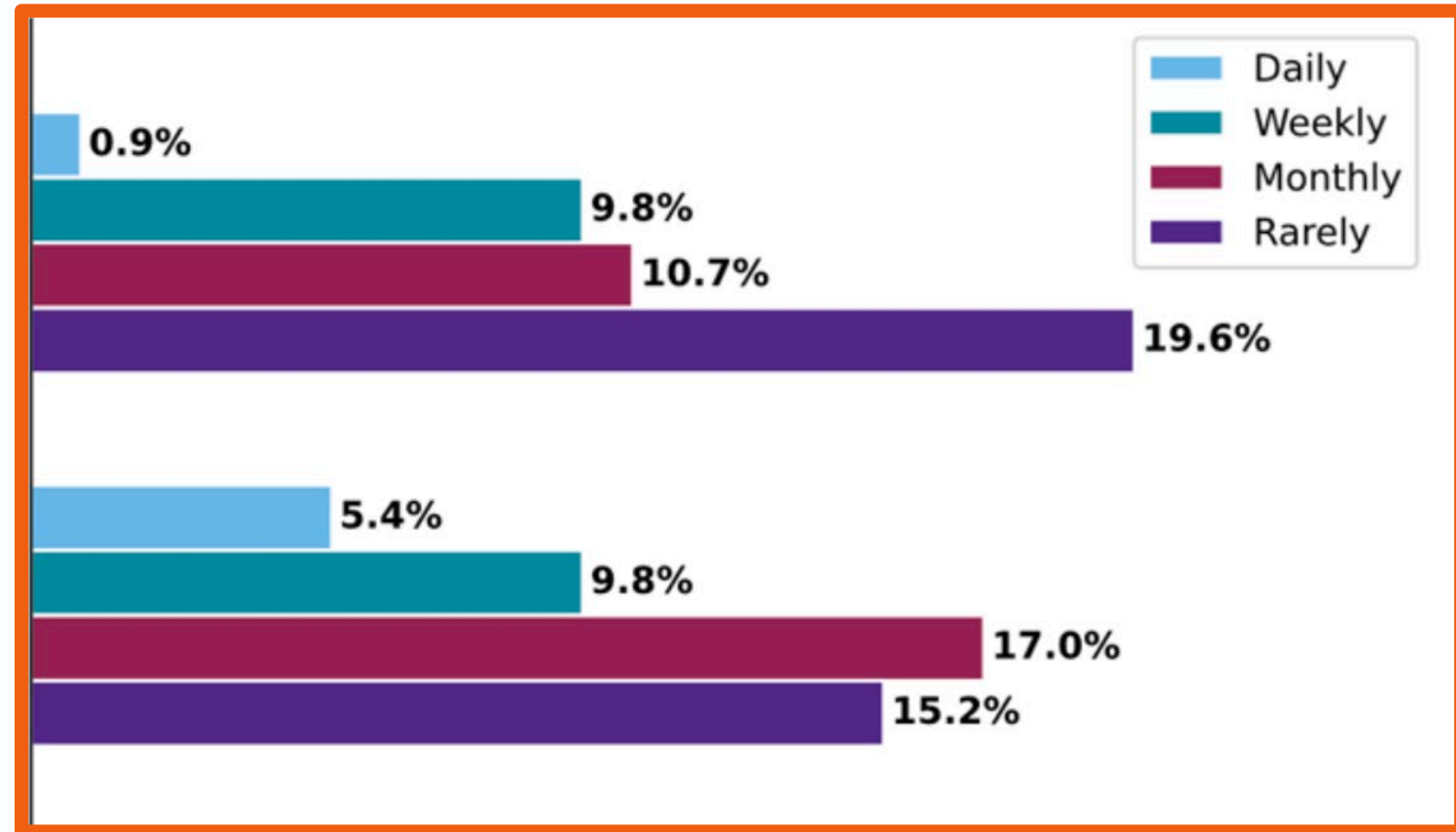
2025 Sedona Survey of Federal Judges



How Often
Do Federal
Judges Use
AI?

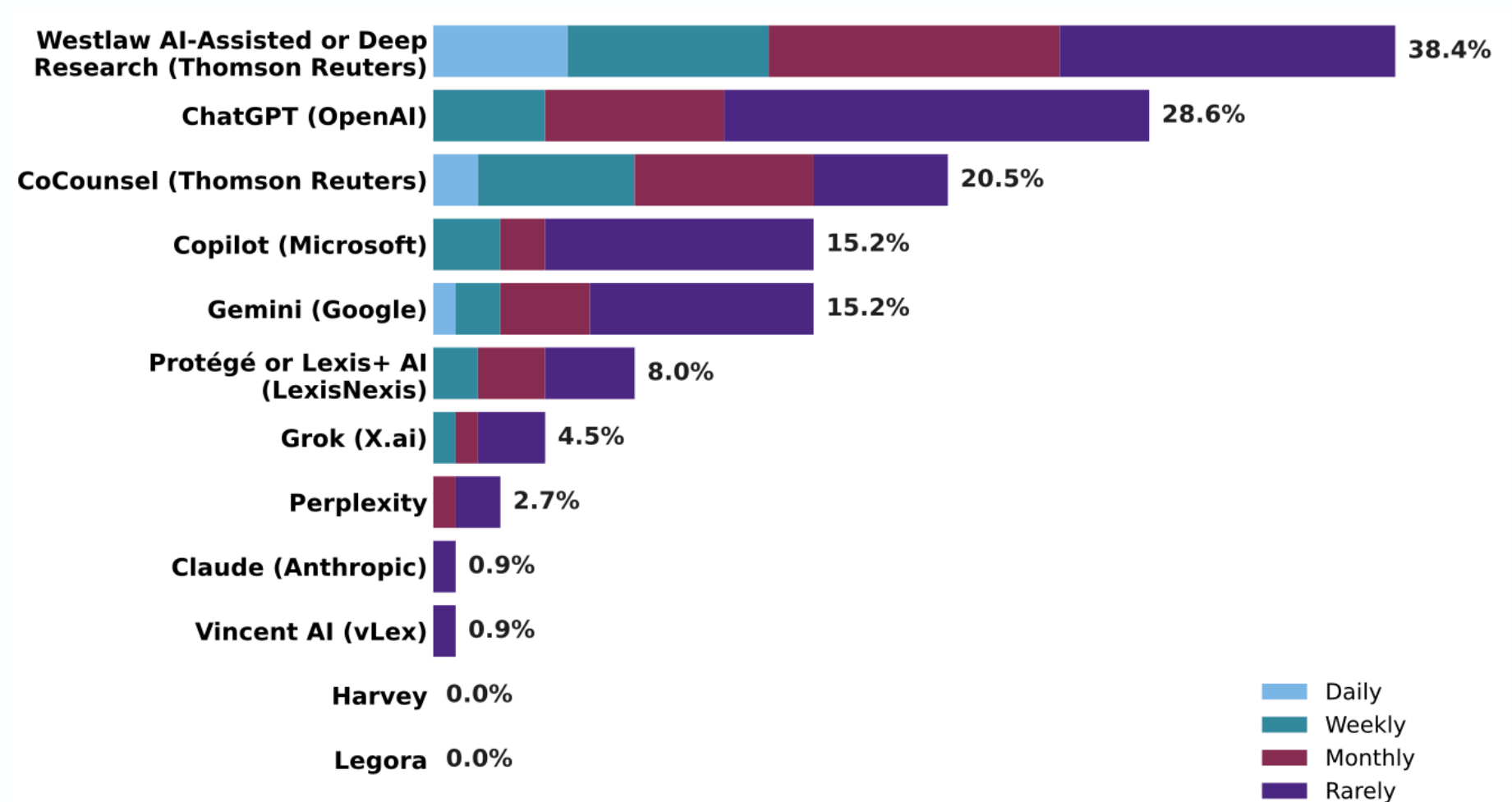
2025 Sedona Survey of Federal Judges

How Often Do Federal Judges Use General AI Tools v. Legal-Specific AI Tools?



How Often Do Federal Judges Use Various AI Tools?

2025 Sedona Survey of Federal Judges

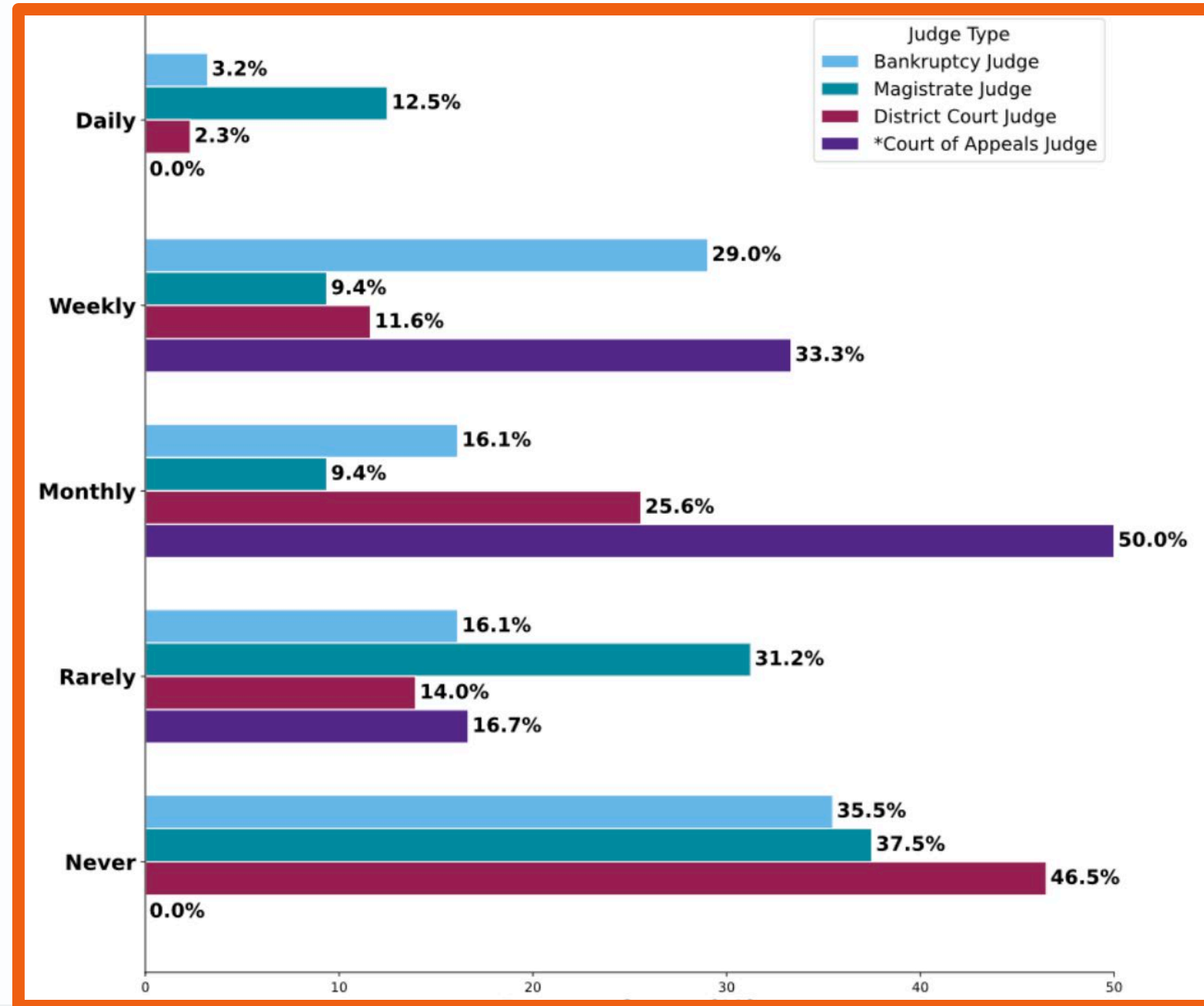


But please note:

- Approximately 94% of state court judges and the entire federal judiciary have Westlaw access.
- Over 90% of the Fortune 500 use Microsoft 365.
- The estimated market share of Google's Chrome browser is between 66% and 68%.

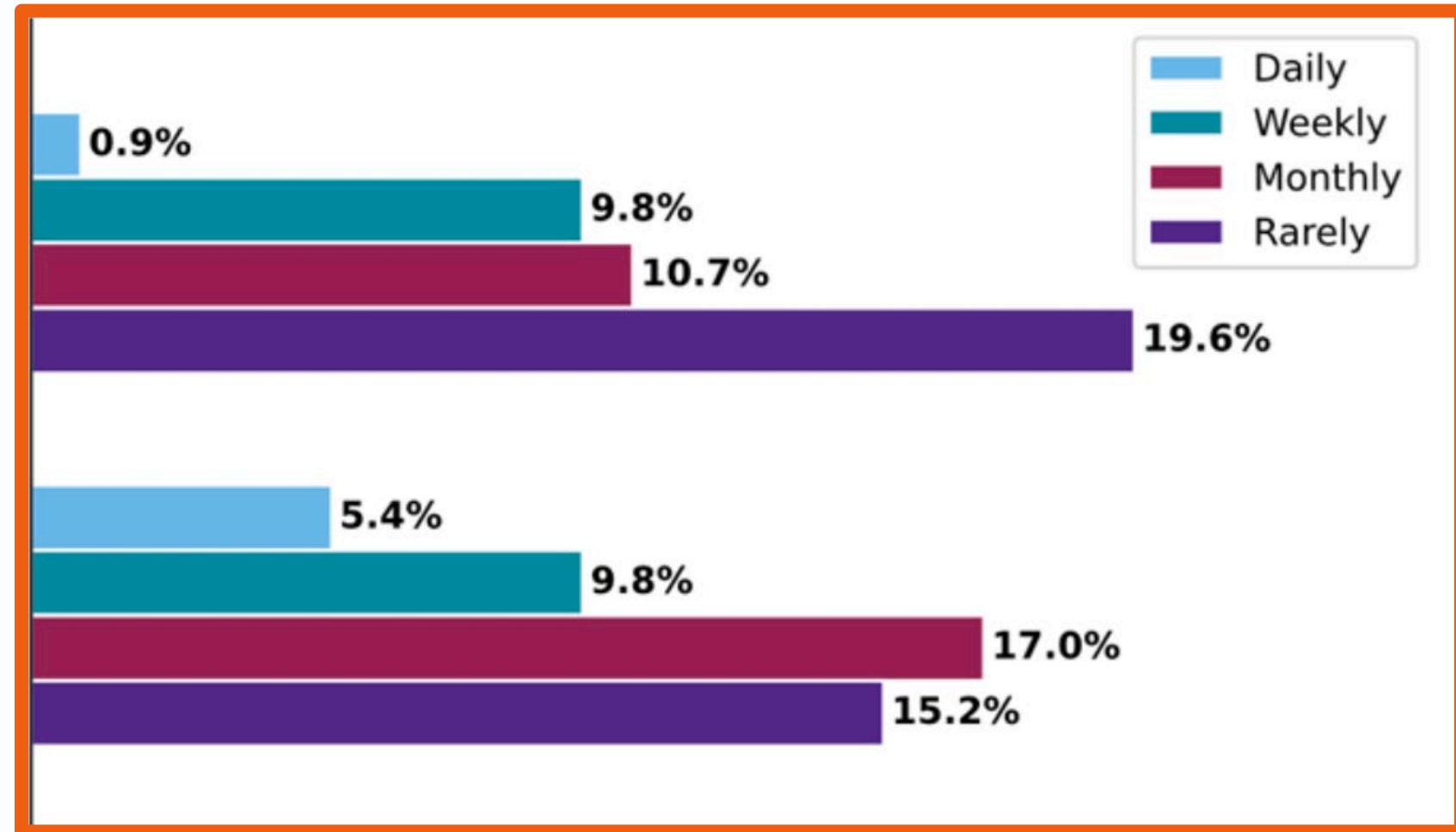
2025 Sedona Survey of Federal Judges

Frequency of AI Use by Type of Judge



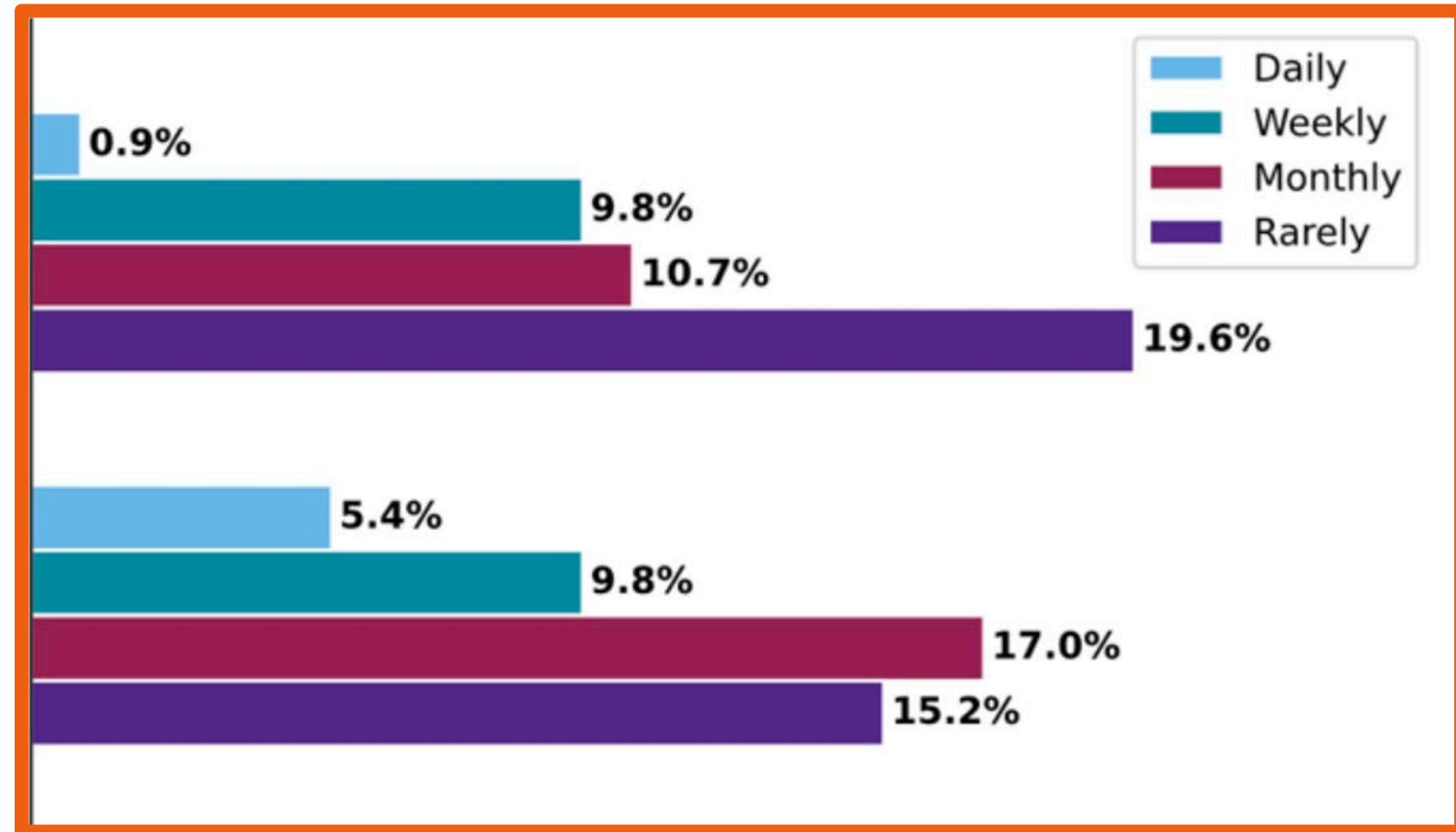
2025 Sedona Survey of Federal Judges

How Often Do Federal Judges Use General AI Tools v. Legal-Specific AI Tools?



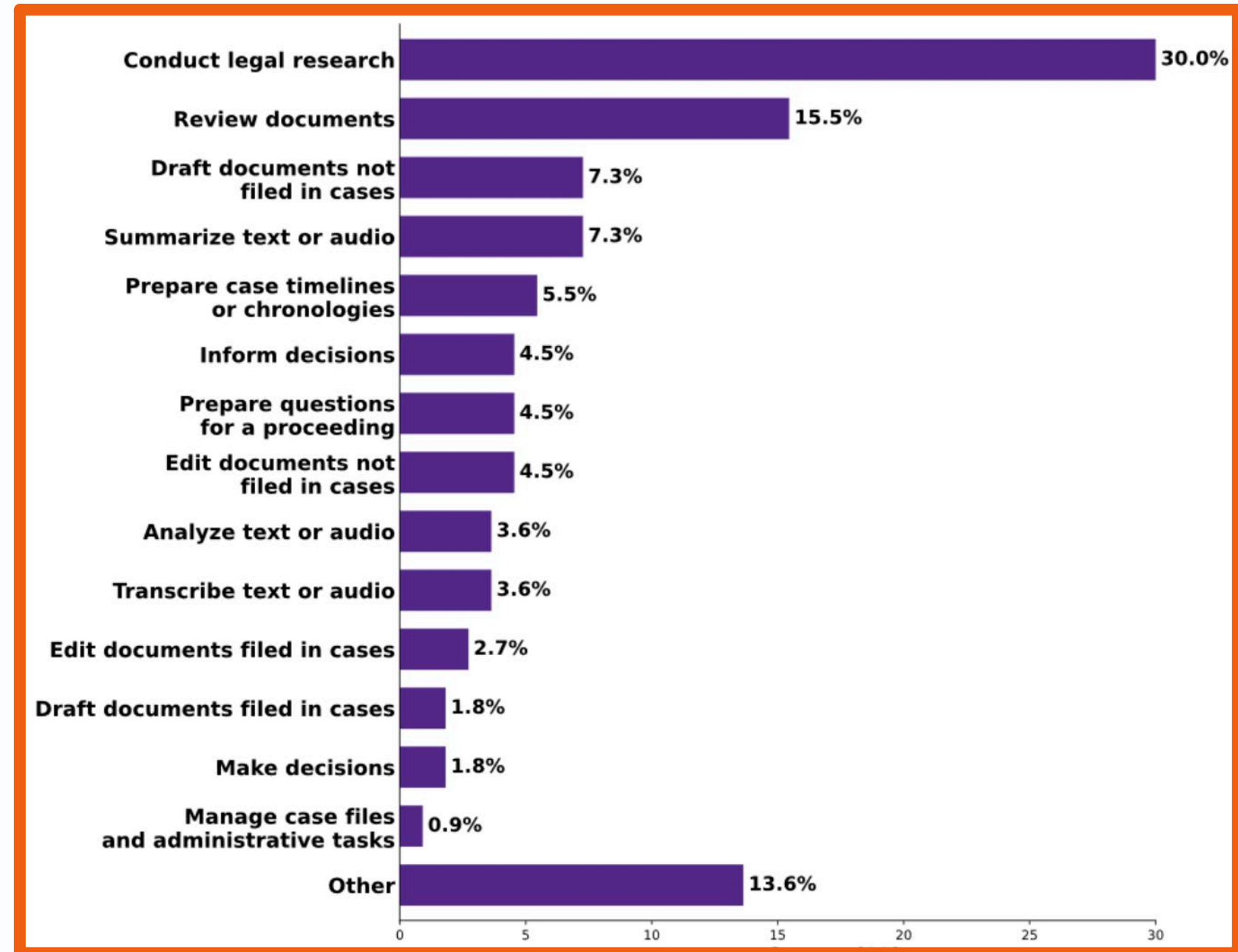
2025 Sedona Survey of Federal Judges

How Often Do Federal Judges Use General AI Tools v. Legal-Specific AI Tools?



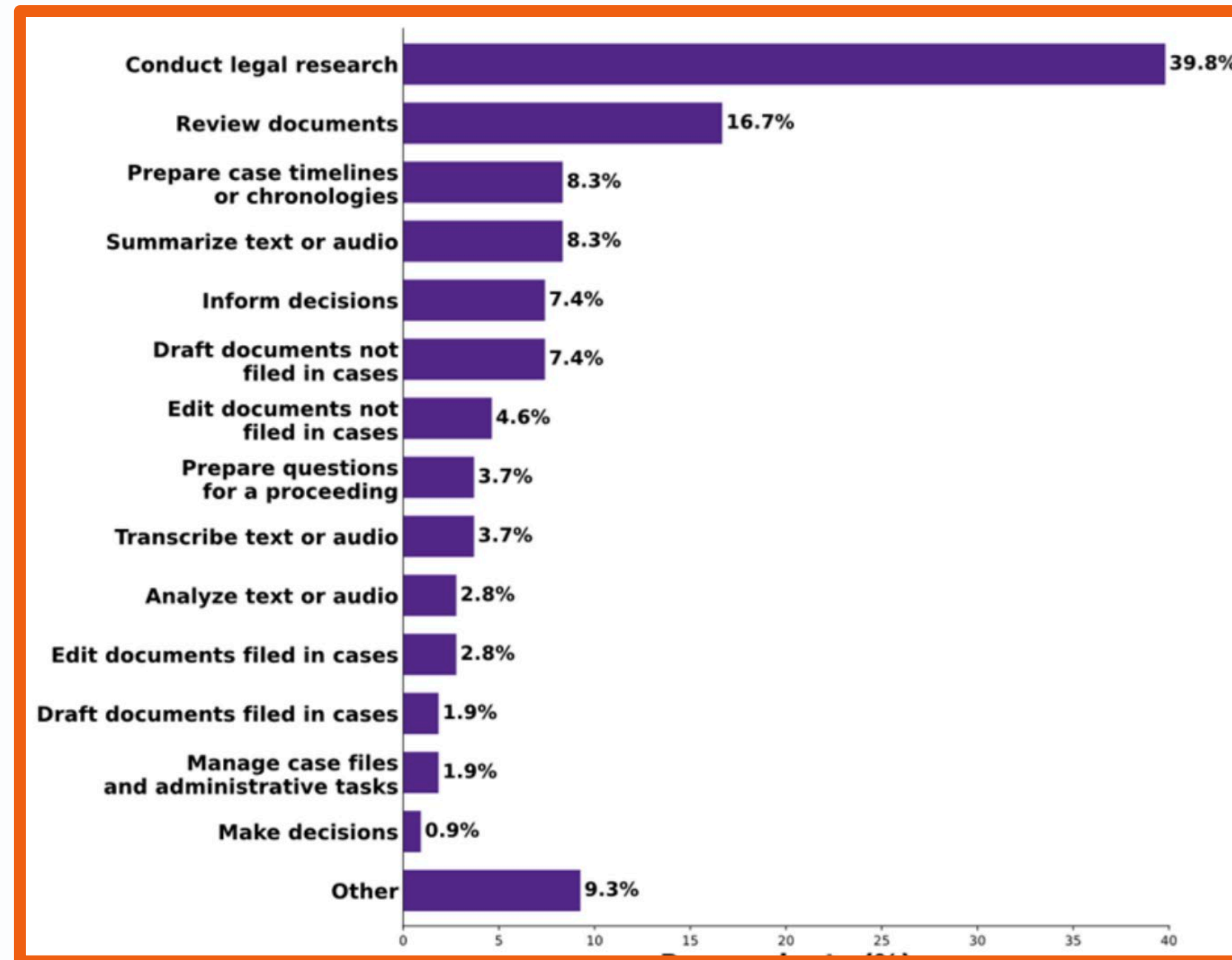
2025 Sedona Survey of Federal Judges

For What Tasks Do Federal Judges Use AI?



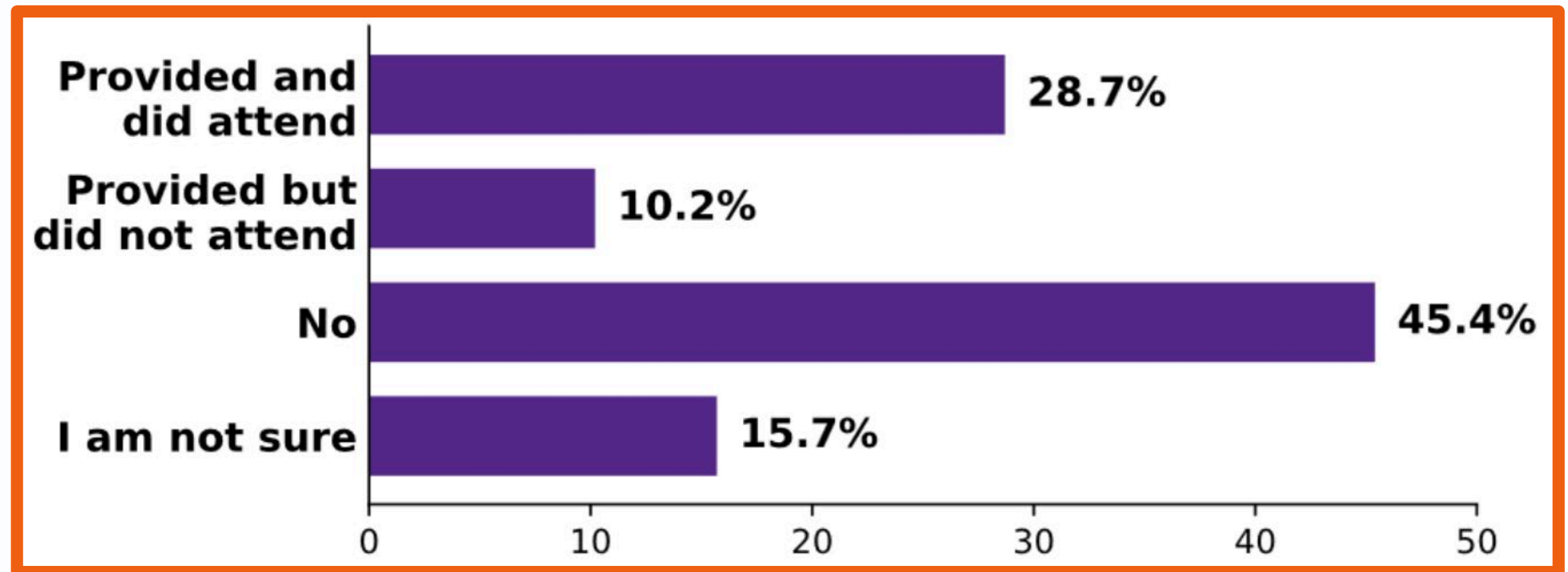
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For What
Tasks are
Chambers
Staff Using
AI?



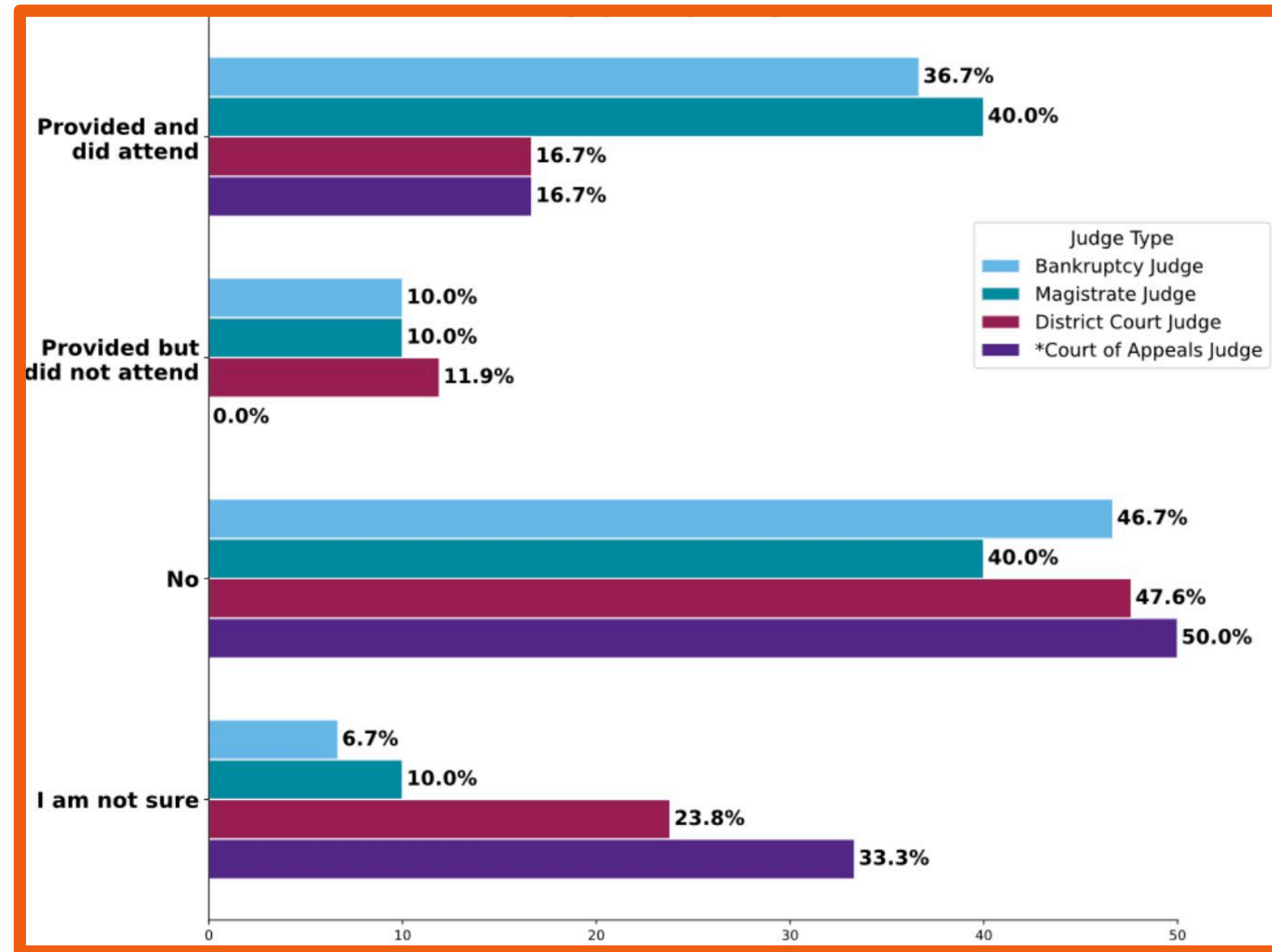
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AI Training Provided by Court Administration



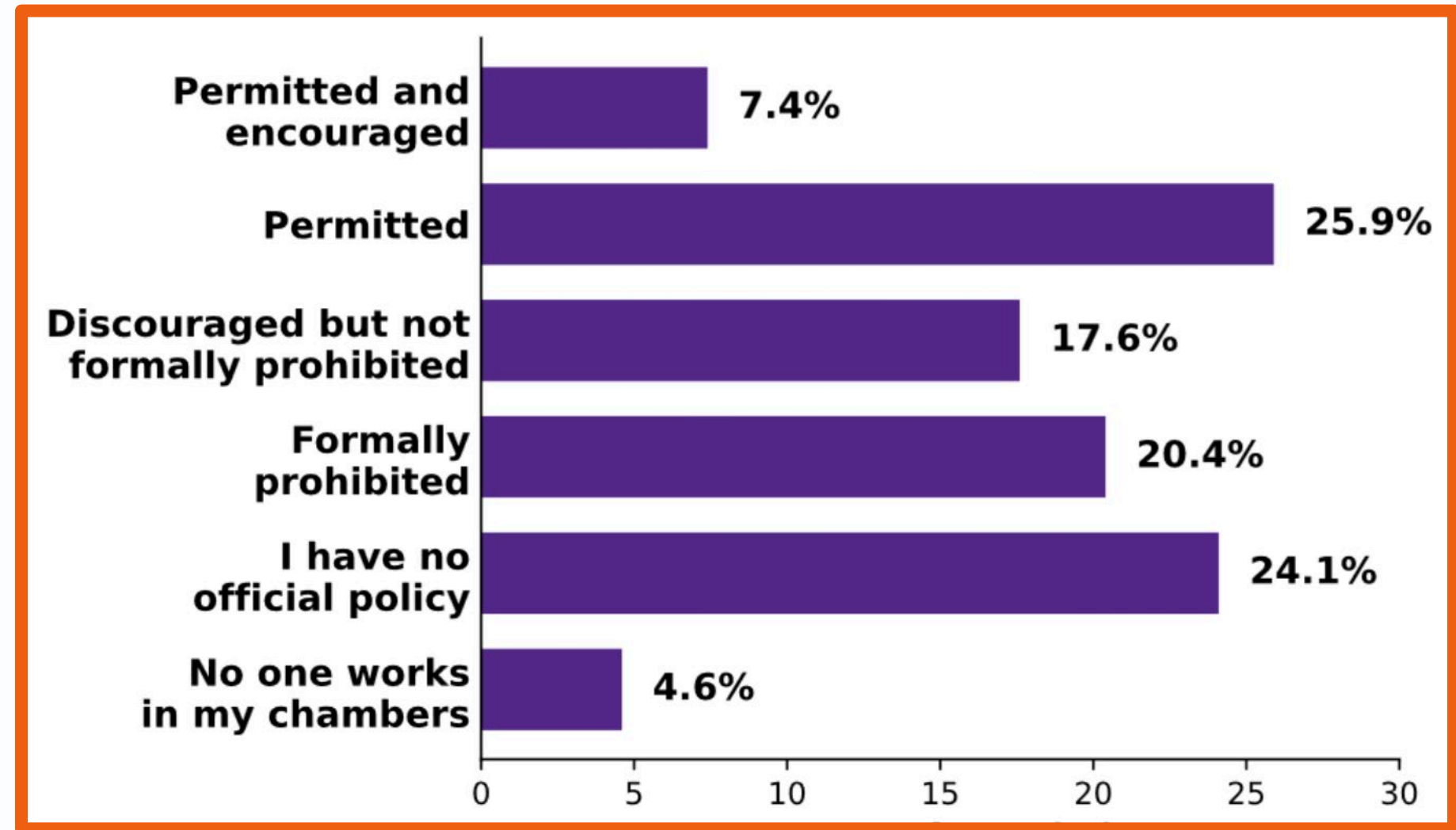
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Court Administration AI Training by Judge Type



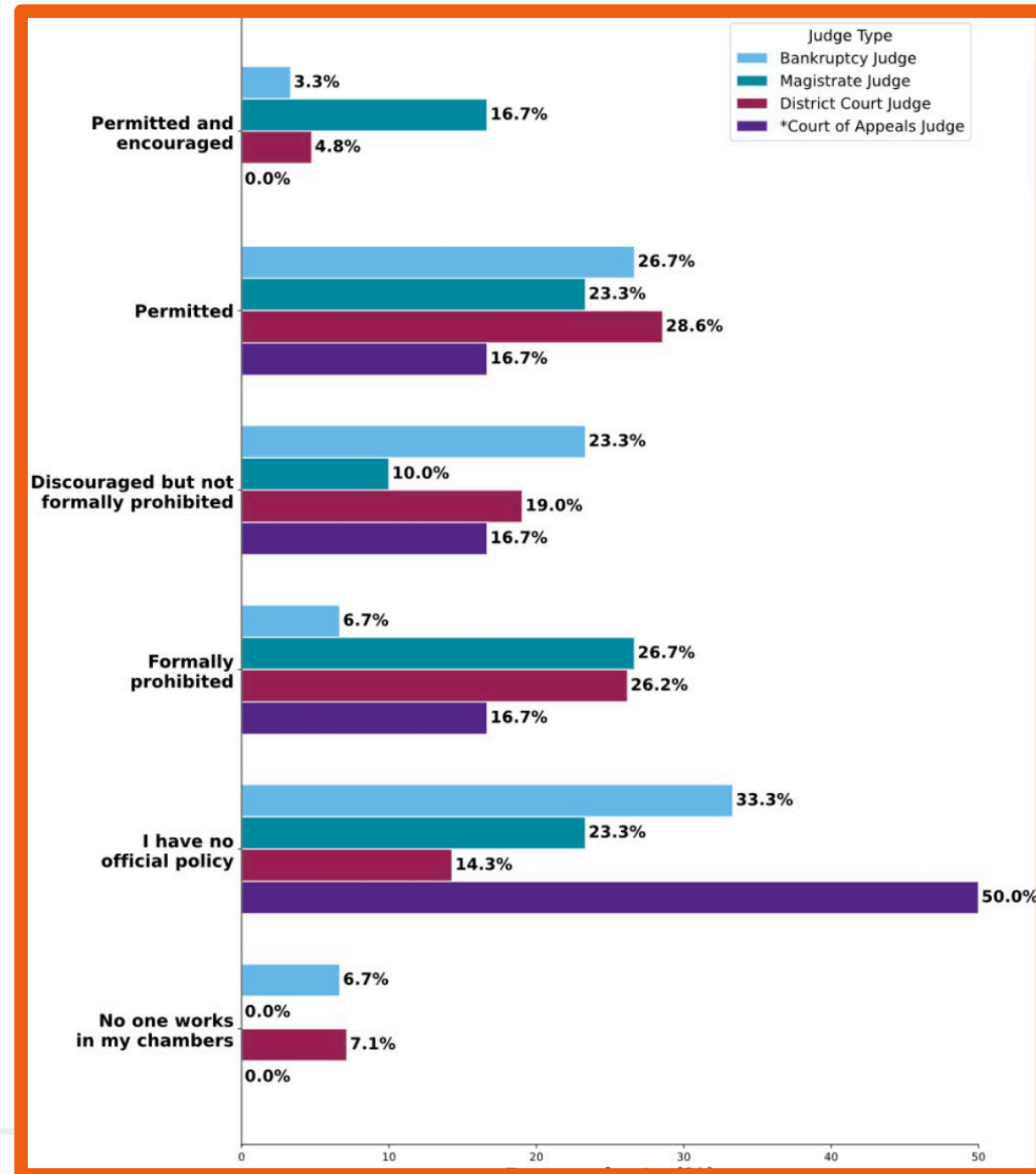
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Federal Judges AI Policy for Chambers



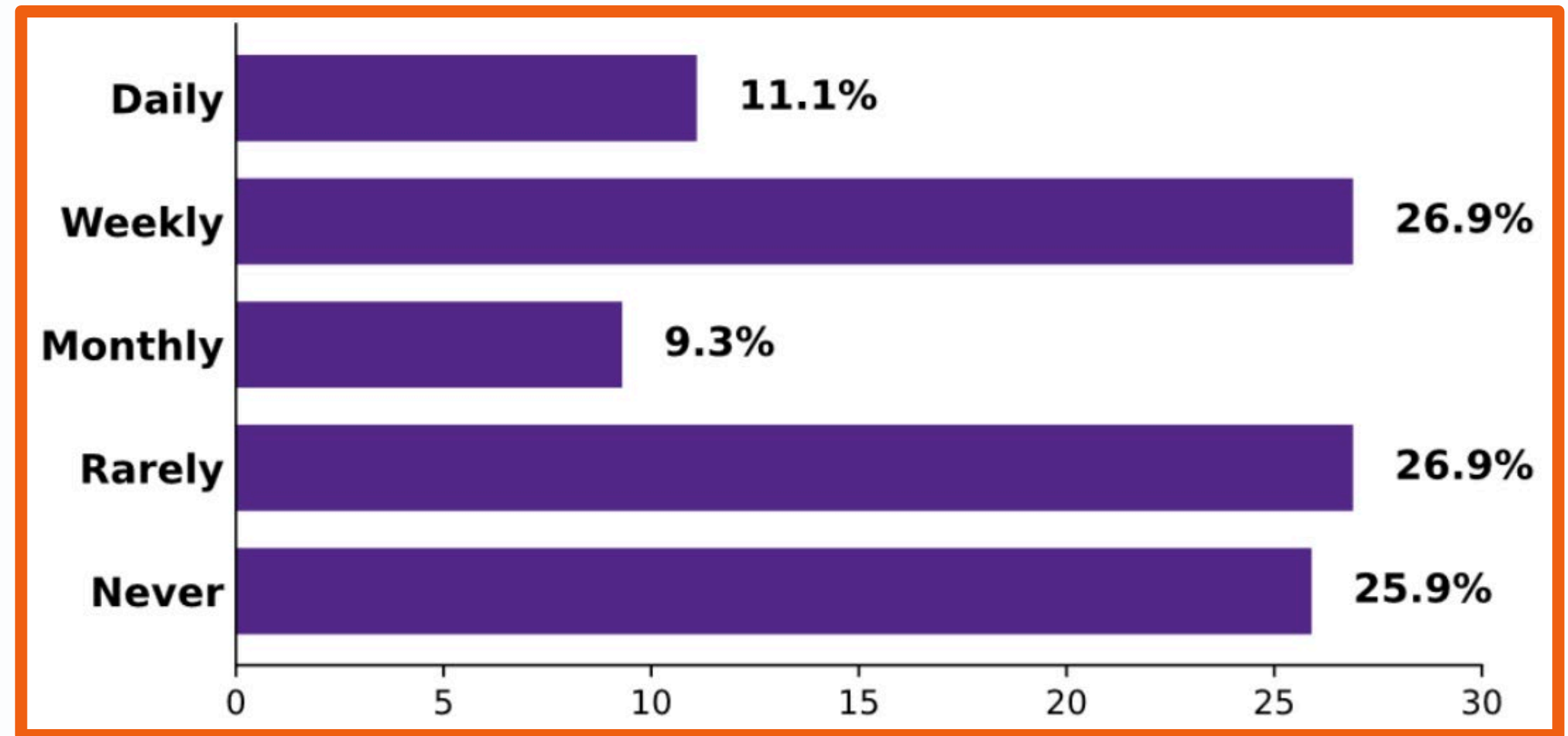
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Judges' AI Policy by Judge Type



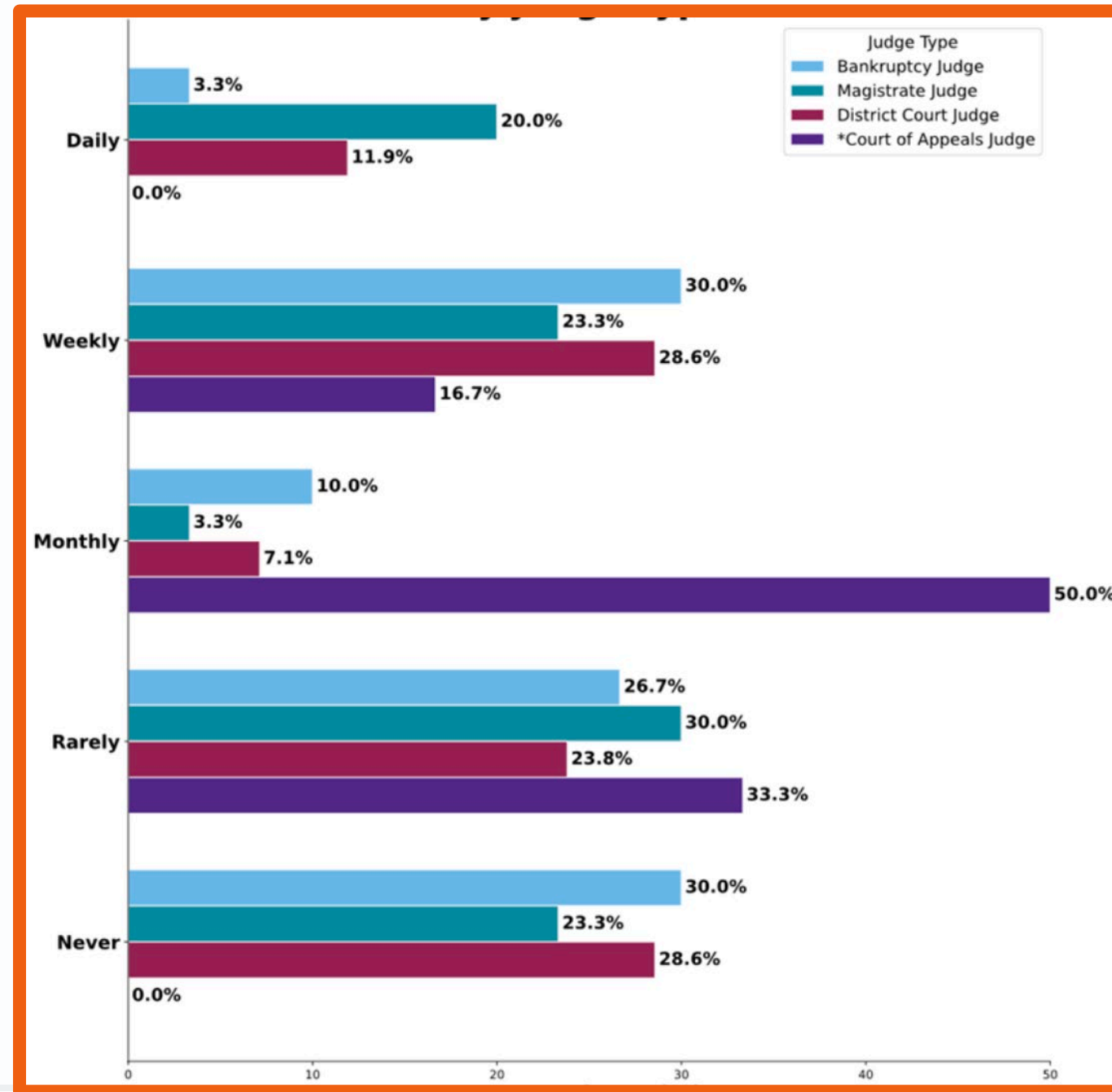
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Frequency of Judges' AI Use Outside of Work



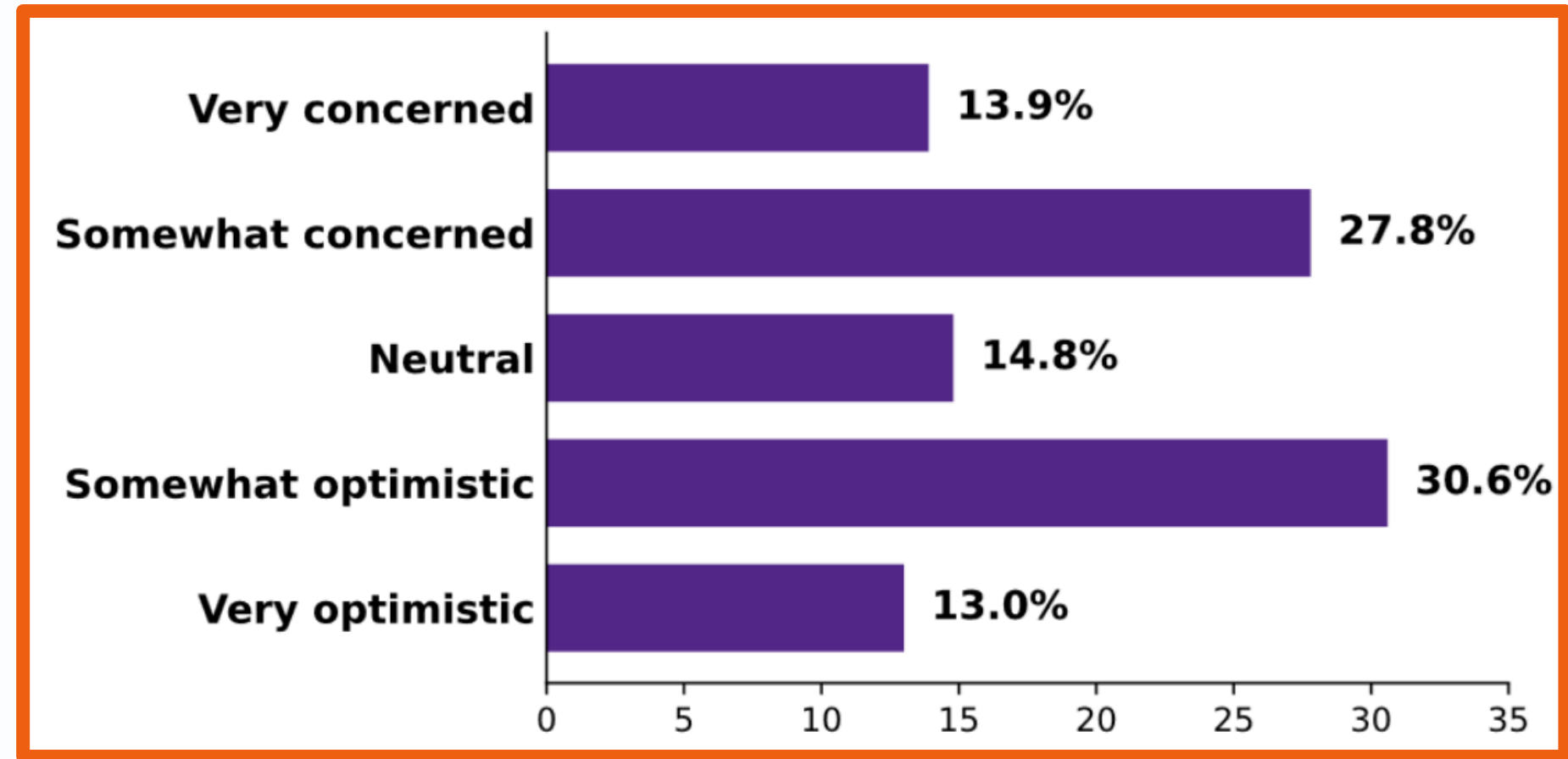
2025 Sedona Survey of Federal Judges

Frequency of Judges' AI Use Outside of Work by Judge Type



2025 Sedona Survey of Federal Judges

Federal Judges' Outlook on the Use of AI



Artificial Intelligence Case Law: Hallucinations

Mata v. Avianca, Inc., No. 22-cv-1461 (S.D.N.Y. May 4 and June 22, 2023).



The Court Decisions

Varghese v. China Southern Airlines Co., Ltd., 925 F.3d 1339 (11th Circ. 2019).

Shaboon v. Egyptair, 2013 IL App. (1st) 111279-U (Ill. App. Ct. 2013).

Peterson v. Iran Air, 905 F. Supp. 2d 121 (D.D.C. 2012).

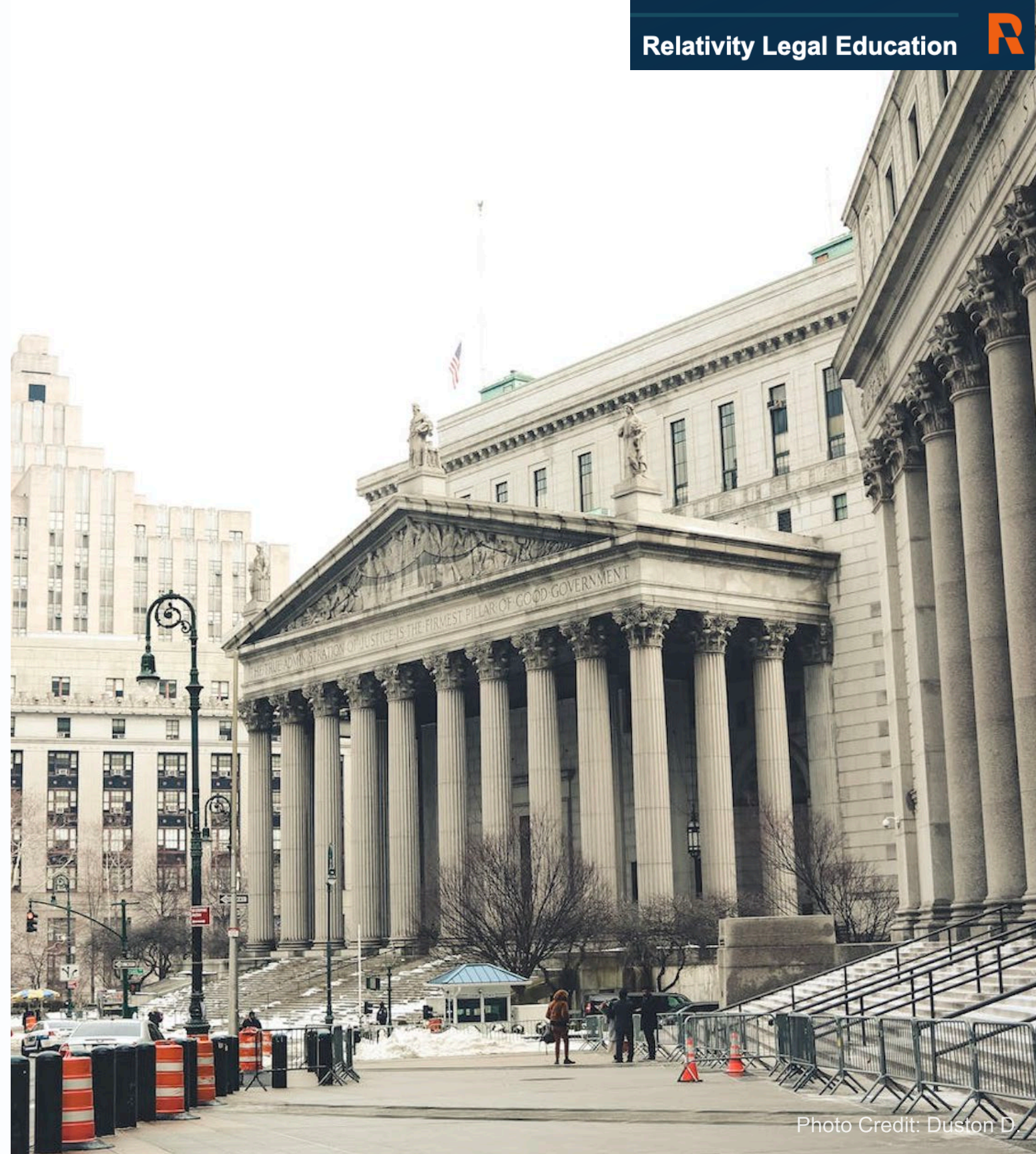
Martinez v. Delta Airlines, Inc., 2019 WL 4639462 (Tex. App. Sept. 25, 2019).

Estate of Durden v. KLM Royal Dutch Airlines, 2017 WL 2418825 (Ga. Ct. App. June 5, 2017).

Ehrlich v. American Airlines, Inc., 360 N.J. Super. 360 (App. Div. 2003).

Miller v. United Airlines, Inc., 174 F.3d 366, 371-72 (2d Cir. 1999).

In re Air Crash Disaster Near New Orleans, LA., 821 F.2d. 1147, 1165 (5th Cir. 1987).



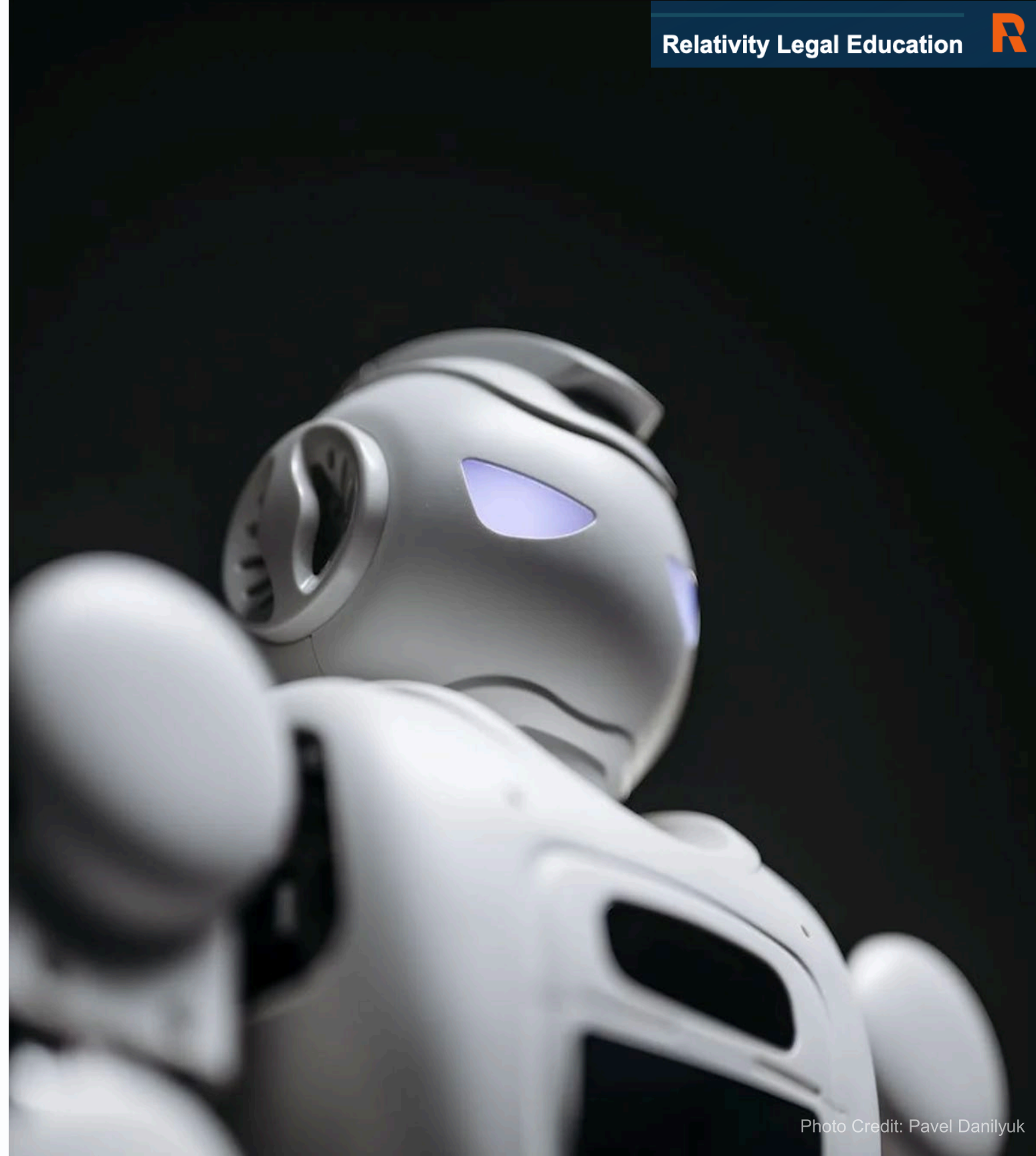
Not So Unprecedented Anymore

“The court is presented with an unprecedented circumstance.”

***Mata v. Avianca*, No. 22-cv-1461 (S.D.N.Y. May 4, 2023).**

“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.”

***Mata v. Avianca*, No. 22-cv-1461 (S.D.N.Y. June 22, 2023).**





***Parker v. Forsyth*, No. 1585/20, Regional Ct.,
Regional Div. Gauteng, Johannesburg (June 29,
2023).**

Although the plaintiff's counsel **did not intend to mislead anyone**, the inevitable result of this debacle was that the Defendants' attorneys were, indeed, misled into thinking that these authorities were real. As a result, they would have **invested a significant amount of time and effort** in their futile attempts at tracking down these cases.

The costs order sought by the Defendants in this regard is not unreasonable. Indeed, the court does not even consider it to be punitive. It is simply appropriate.

Important Consideration: The cases were submitted to opposing counsel, not to the court.

“The embarrassment associated with this incident is probably sufficient punishment for the Plaintiff's attorneys.”

Artificial Intelligence Case Law: Hallucinations

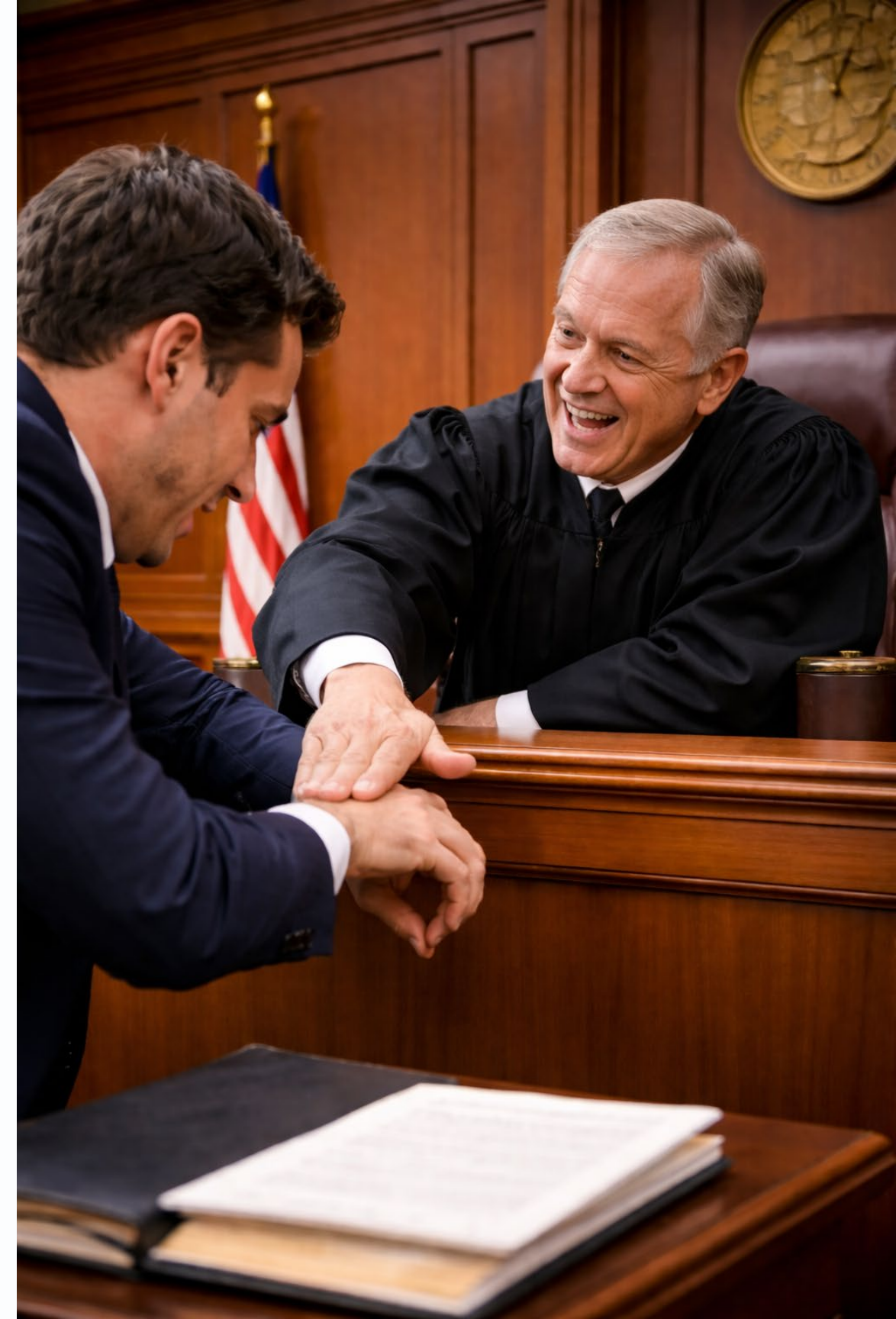
Tiffany K. v. Commissioner, No. 25-cv-10319 (E.D. Mich. Jan. 16, 2026).



The ‘Slap on the Wrist’ Doctrine

***Tiffany K. v. Commissioner*, No. 25-cv-10319 (E.D. Mich. Jan. 16, 2026).**

- Tiffany K., a teenager, alleged she sustained an anoxic brain injury after a cardiac incident, and appealed an adverse finding after seeking Supplemental Security Income (SSI) benefits.
- In Tiffany K’s appeal in federal district court, her counsel submitted to the court what the court called “a non-existing ‘phantom’ case citation.”
- The court issued no sanction, only a warning that there had been sanctions for filing AI-hallucinated cases in this court and other courts. The warning was issued only in a footnote—along with an admonishment for using a font below 14-point, contrary to local rules.



Artificial Intelligence Case Law: Hallucinations

Johnson v. Dunn, No. 21-cv-01701 (N.D. Ala. July 23, 2025).



The “Throw the Book at Them” Doctrine

Johnson v. Dunn, No. 21-cv-01701 (N.D. Ala. July 23, 2025).

- In litigation between Frankie Johnson, who was incarcerated by the Alabama Department of Corrections, and Jefferson Dunn, the department’s former commissioner, a dispute developed regarding the timing of Mr. Johnson.
- Counsel for Mr. Dunn filed AI hallucinated case law citations with the court during the deposition dispute, and U.S. District Judge Anna Manasco issued severe sanctions.
- The court issued a public reprimand—and to ensure its reprimand had a severe impact—the court ordered the attorneys to provide a copy of her order to their clients, opposing counsel, and judges in all cases in which they were counsel of record as well as any state bars in which they are licensed.



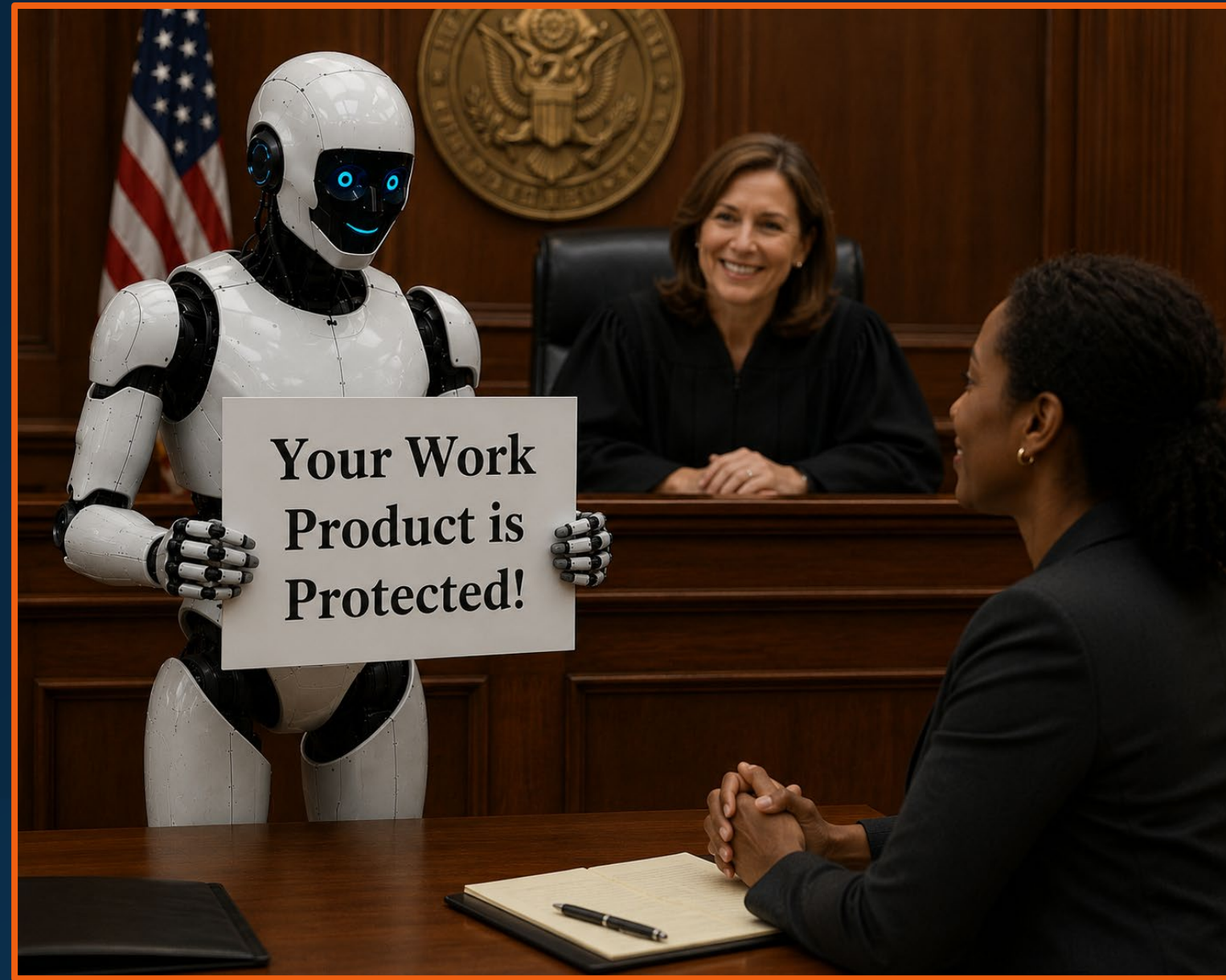
Case Law: AI, Attorney-Client Privilege, and Work Product

United States v. Heppner, No. 25-CR-00503 (S.D.N.Y. Feb. 17, 2026).



Case Law: AI and Work Product

Warner v. Gilbarco, Inc., No. 2:24-cv-12333 (Feb. 10, 2026).



Case Law: AI and Legal Privilege

UK and R (on the application of Munir) v. Secretary of State for the Home Department [2026] UKUT 81 (IAC). (United Kingdom)



Thanks for Attending!



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Hanging at
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