



Artificial Intelligence in Defense Practice Seminar

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PAPER TITLE: How to Use AI for Depositions and Trials: From Preparation to Verdict

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SESSION TITLE: *How to Use AI for Depositions and Trials: From Preparation to Verdict*

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Brett A. Mason is a trial lawyer and partner at Troutman Pepper Hamilton Sanders LLP. Brett primarily defends pharmaceutical and medical device companies in litigation involving mass tort, personal injury, and wrongful death claims in state and federal courts across the U.S. Brett has served as trial counsel for a global tobacco manufacturer in trials from Massachusetts to the U.S. Virgin Islands and for a global medical device manufacturer in trials from New Jersey to California. In an era of civil cases rarely going to trial, Brett has the distinction of either serving as trial counsel or in a trial support role for 18 civil jury trials and one major construction arbitration. Brett is a past Chair of the DRI Young Lawyers Committee and serves in several DRI leadership roles, from the Drug and Medical Device Committee, the Membership Committee, and the Artificial Intelligence Task Force.

Karl Seelbach vigorously represents his clients and plans for trial from day one. He's a fighter who handles cases with tenacity and precision. His adversaries describe him as a "skilled advocate" who is "whip smart." Karl's law practice focuses heavily on personal injury, business and employment litigation. As the managing partner, he oversees the firm's business development, finances, strategic direction, and overall operations. Karl is also deeply passionate about legal technology, ensuring that his firm stays on the cutting edge by using the latest tools to enhance efficiency and deliver the best results for clients.

How to Use AI for Depositions and Trials: From Preparation to Verdict

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The views expressed in this article are those of the authors and do not necessarily reflect the views of their respective firms or clients.

I. Introduction

Artificial intelligence is no longer a futuristic concept for litigators. It is a practical, present-day tool that can sharpen your preparation, streamline your workflow, and give you an edge in the courtroom. From the moment you begin preparing for a deposition to the final day of trial, AI tools are available to help you work faster, think more creatively, and catch details that might otherwise slip through the cracks.

This article walks through how to integrate AI into the three phases of a deposition: pre-event preparation, the live event itself, and post-event follow-up. Then, we'll discuss practical AI applications for trial. Along the way, we will highlight four tools that we have found particularly useful in our own practices: Google's NotebookLM, Anthropic's Claude, Microsoft CoPilot, and Skribe.ai. Each brings distinct capabilities to the table, and understanding what each does well will help you choose the right tool for the right task.

A word of caution before we dive in: AI is a powerful assistant, but it is not a substitute for your professional judgment. Every output must be reviewed, verified, and adapted to the specifics of your case. Additionally, before using any AI tool, you should confirm your use falls within the policies of your firm and your clients. With that understanding, let's get started.

II. Before You Begin: Essential Disclaimers

Before adopting any AI tool, you need to address three areas of compliance that should govern your usage from day one.

Data Privacy. Not all AI platforms treat your data the same way. Some tools operate as “closed” systems where your inputs remain private and are not used to train the model. Others are “open,” meaning your data may be ingested and potentially surfaced elsewhere. Before uploading any case materials—deposition transcripts, expert reports, medical records, or client communications—you must understand the privacy architecture of the platform you are using.

Read the terms of service. Study the data handling policies. If you are not comfortable with how a platform treats your data, do not use it for confidential work. This is your responsibility, and it is non-negotiable.

Firm Policies. Your firm should have—or should be developing—a generative AI policy. This policy should address which platforms are approved, what types of data can be uploaded, how outputs should be reviewed, and what disclosures are required. If your firm does not yet have such a policy, advocate for one. In the meantime, err on the side of caution. Following your firm’s guidelines is not optional, and ignorance of the policy is not a defense.

Client Policies. Increasingly, clients have their own views on AI. Some actively encourage its use to drive cost savings and efficiency. Others have strict limitations or outright prohibitions. You should proactively discuss AI usage with your clients and, at a minimum, understand their expectations and any applicable policies. Many clients will appreciate the transparency, and some will welcome the innovation, but you need to ask before you act.

III. The AI Toolkit: Four Tools Worth Knowing

The tools highlighted in this article are not the only options available, but they represent a practical cross-section of what AI can do for litigators today.

NotebookLM is a Google product that allows you to upload documents and create an interactive research environment. You can upload case files, expert reports, and other materials, then ask questions and receive answers grounded in those specific sources, with citations pointing back to the exact passages. This makes NotebookLM particularly useful for deposition preparation, where you need to internalize large volumes of material quickly, and for trial preparation tasks like developing opening statement themes or voir dire questions rooted in case-specific facts.

Anthropic Claude is a large language model known for its ability to handle lengthy documents and produce nuanced, well-structured written output. Claude excels at tasks like drafting deposition outlines, analyzing expert reports, and generating examination questions tailored to specific areas of inquiry. Its paid tiers offer enhanced context windows, allowing you to upload substantial case materials and work with them in a single session.

Microsoft CoPilot leverages the power of AI integrated into the Microsoft ecosystem and web search capabilities. For litigators, CoPilot is particularly valuable for research tasks that require scanning large amounts of publicly available information: locating expert witness publications, identifying prior testimony or inconsistent positions, and analyzing publicly filed documents. Because it can search the web in real time, CoPilot bridges the gap between traditional legal research and AI-assisted analysis.

Skribe.ai is a digital reporting provider that combines proven non-stenographic depositions with the latest AI-powered software. During a live deposition, Skribe gives you a searchable realtime transcript on the fly, allows you to chat with the transcript using AI, and provides AI-powered insights that enable you to compare key documents to the realtime transcript and flag inconsistencies, unanswered questions, and open items. Unlike other tools that only analyze transcripts after the fact, Skribe is built into the digital reporting process itself. After the deposition, Skribe lets you access rough transcripts the same day, create video clips and highlight

reels, and share them via URL links, turning what used to be weeks of waiting into immediate, actionable output.

IV. AI for Depositions

A. Pre-Event: Preparation

Deposition preparation is where AI delivers some of its most immediate value. The traditional approach—manually reviewing transcripts, reports, and records, then hand-crafting an outline—is time-consuming and susceptible to human oversight. AI does not replace the lawyer’s judgment in this process, but it dramatically accelerates the information-gathering and organizing phases. Think of the AI work product as a starting foundation, giving the lawyer more time to focus on the finishing nuances and details.

Education and Immersion. Start by uploading your key case materials into NotebookLM—expert reports, prior deposition transcripts, critical exhibits, and any relevant pleadings. Use the platform to ask questions about the material and identify connections you might miss on a manual read-through. For example, you might ask: “What opinions did the plaintiff’s expert express regarding causation, and what factual assumptions underlie those opinions?” NotebookLM will surface the specific passages and give you a grounded answer. This is particularly helpful when you are coming up to speed on a case or preparing for a deposition in a subject area outside your core expertise.

NotebookLM can even generate a virtual podcast with two AI hosts discussing your documents in an accessible, conversational format. You can listen during a commute or while traveling. But the deeper value is that the hosts talk about your case the way a lay person would — which is how jurors may process it. Listening to (virtual) non-lawyers discuss the key facts, witnesses, and disputes can reveal what resonates, what confuses, and where the narrative breaks down. It's essentially an on-demand informal focus group that gives you early insight into how a jury might perceive your case.

Research and Analysis. Before deposing an expert, use CoPilot to search for the expert’s prior publications, presentations, and publicly available testimony. Has the expert taken a different position in a prior case? Published an article that contradicts the opinions offered here? CoPilot’s web search integration makes this kind of background research faster and more comprehensive than manual searches. You can also use it to analyze prior expert reports and identify conceptual inconsistencies that may not be obvious on the surface.

Outlining with AI. Claude is an excellent tool for building deposition outlines. Upload the relevant materials and ask Claude to generate a topic-by-topic, question-by-question outline. For an expert witness, you might prompt Claude to focus on the expert’s methodology, the factual assumptions underlying each opinion, and areas where the expert’s conclusions are vulnerable to challenge. For a plaintiff’s deposition, you can tailor the outline to your practice area—whether labor and employment, products liability, construction defect, commercial litigation, or personal injury defense. The key advantage is that Claude will draw from the uploaded materials to generate questions grounded in the actual case, not generic templates.

One of Claude’s most practical features for deposition preparation is its ability to incorporate new information iteratively. After you receive a new transcript or learn about a development in the case, you can upload that material and ask Claude to update your existing outline. This means your preparation evolves with the case rather than becoming a static document that requires constant manual revision.

Witness Preparation. AI can also assist when preparing your own witnesses for deposition. Upload the complaint, the witness’s prior statements, and any relevant documents, then ask the AI to identify the areas where opposing counsel is most likely to focus and the questions that could create problems. Once a few depositions in the case have been taken, add those transcripts for analysis on key themes and documents opposing counsel focuses on, and ask for new questions tailored to the profile of the witness being prepared. This gives you a roadmap for your preparation session and helps ensure you are not caught off guard.

B. The Live Event

The live deposition is where Skribe.ai changes the game. Traditionally, you take notes during the deposition, flag areas to revisit, and wait days or weeks for the official transcript to arrive. Skribe eliminates much of that friction.

During the deposition, Skribe provides a rough, real-time ASR (Automated Speech Recognition) generated transcript that you can search on the fly. (After the deposition, Skribe provides a final transcript — professionally proofread and verified for accuracy — to the witness and counsel for review and signature.) If a witness makes a statement that seems to contradict earlier testimony, you can search the real-time transcript immediately to locate the discrepancy, no need to flip through notes or rely on memory. During breaks, you can review the transcript more carefully, using the AI chat feature to ask questions like “What did the witness say about the timeline of events?” or “Did the witness address the maintenance schedule?”

Skribe’s “Insights” feature takes this a step further by proactively identifying inconsistencies in the testimony, flagging unanswered questions, and highlighting open items. You can also compare the real-time transcript against key documents you have uploaded—such as the expert report, critical exhibits, or your deposition outline—so you can see in real time whether the witness’s testimony aligns with or departs from the documentary record. It is like having a second set of eyes in the deposition room, except these eyes have perfect recall of every document in the case and can cross-reference testimony against the record as the witness speaks.

C. Post-Event: Leveraging the Record

After the deposition concludes, the waiting game traditionally begins. With Skribe, you can access a rough transcript the same day—a significant advantage when you need to debrief with your team, update your case strategy, or prepare for the next deposition in a multi-day sequence.

Skribe also allows you to create video clips from the deposition and assemble highlight reels. These are powerful tools for mediation presentations, motion practice, and trial preparation. You can download clips, share them via URL links with your team or client, and continue using AI chat and Insights features on the transcript just as you did during the live event. The ability to

quickly package and share key testimony fundamentally changes how you communicate case developments to clients and co-counsel.

V. AI Applications for Trial

The same AI tools that power your deposition workflow can be repurposed for trial. While the courtroom presents unique constraints—including limited connectivity, the pace of live proceedings, and the need for professional judgment in real time—AI can enhance your preparation and execution in several important areas.

Voir Dire. Jury selection is part science, part intuition, and often rushed. NotebookLM can help you prepare by uploading juror questionnaires, case summaries, and any research on juror attitudes relevant to your case type. You can then ask the AI to suggest lines of questioning designed to identify bias, generate follow-up questions based on common juror responses, or flag juror profiles that may warrant further scrutiny. This is not a replacement for your instincts, but it gives you a richer set of questions to draw from under time pressure.

Opening Statements. An effective opening tells a story grounded in the facts and themes of the case. Upload your case materials into NotebookLM, Claude, Skribe, or CoPilot and ask the AI to help you identify the strongest narrative threads, the most compelling facts for your side, and potential weaknesses you need to address head-on. You can also use AI to draft opening statement outlines that weave together the testimony, documents, and expert opinions into a coherent story. The AI will not deliver your opening for you, but it can help you organize your thoughts and ensure you are not leaving persuasive material on the table.

Witness Examination. For direct and cross-examination at trial, the same AI outlining approach used in deposition preparation applies. Claude can help you build trial examination outlines that reference specific exhibits and prior testimony. When unexpected testimony arises during trial, having your deposition transcripts loaded into a searchable AI tool means you can quickly locate impeachment material without rifling through boxes of transcripts or relying solely on your paralegal.

Real-Time Trial Support. Skribe's real-time transcription capabilities are not limited to depositions. If you have a Skribe-compatible setup at trial, you can search testimony on the fly, flag inconsistencies as they occur, and compare live testimony against prior deposition testimony or key documents. This gives you a significant tactical advantage during cross-examination and helps you make real-time strategic decisions about whether to pursue a particular line of questioning.

VI. Conclusion

AI will not try your case for you. It will not exercise judgment, read the room, or make the split-second decisions that define great trial work. But it will make you faster at preparation, more thorough in your analysis, and more agile when the unexpected happens—which, in litigation, is always.

The tools discussed in this article—NotebookLM, Claude, CoPilot, and Scribe.ai—are accessible, affordable, and practical for any litigator willing to invest a modest amount of time in learning how they work. Start with one tool and one task. Use NotebookLM to prepare for your next deposition. Try Claude for drafting an outline. Take your next deposition with Scribe and see what it is like to have a searchable transcript in real time and to leverage the latest AI to ask better questions. Small experiments lead to big changes in workflow.

The attorneys who will thrive in the years ahead are not necessarily the ones with the most sophisticated technology stacks. They are the ones who learn to pair the tools with sound professional judgment—who treat AI as a force multiplier rather than a crutch, and who remain committed to the ethical guardrails that govern our profession. The technology is here. The question is how quickly and how thoughtfully you choose to use it.