

Vital and Clark in The Texas Lawbook: AI's Role in Reviving Texas Jury Trials

June 17, 2025 Victor Vital, Alexander Clark

PRACTICES AI and Deep Learning, Trials, Litigation

Haynes Boone Partner [Victor Vital](#) and Associate [Alexander Clark](#) authored an article for *The Texas Lawbook* as artificial intelligence has the potential to restore cost proportionality in Texas litigation, making the courthouse a rational venue for dispute resolution as the time and expenses associated with pretrial phases can be dramatically lowered through AI.

Read an excerpt below.

"... the right of trial by jury, that palladium of civil liberty, and only safe guarantee for the life, liberty, and property of the citizen." – Texas Declaration of Independence (March 2, 1836)

Unfortunately, the steady decline of civil jury trials has shaped the litigation landscape in Texas and across the nation for decades. Although multiple factors — mandatory arbitration, skyrocketing discovery costs, docket congestion — contribute to this trend, the emergence of reliable artificial intelligence tools may offer a realistic path to reversing it.

By dramatically lowering the time and expense associated with pretrial phases, such as document review, legal research and motion practice, AI could shrink the economic gulf that dissuades parties from trying cases and, in the process, relieve persistent access-to-justice pressures.

This article discusses research on AI in the courts, explains how generative and predictive systems could reinvigorate the Texas trial docket and proposes concrete steps for judges, law firms, corporate counsel and the Legislature to harness AI's upside to increase jury trials and expand justice access.

The Vanishing Texas Trial

The percentage of cases reaching a verdict in Texas has been declining for decades. Few civil cases in state and federal courts go to jury trials. Two main cost drivers are extensive e-discovery and lengthy pretrial motions. High fees lead parties to settle or opt for alternative dispute resolution. Reducing these litigation costs using AI could result in more cases going to trial, making it an efficient way to resolve disputes. And predictive analytics trained on Texas verdict databases could estimate liability exposure and probable damages ranges, leading to data-driven decisions when approaching trial.

How Embracing AI Can Attack Litigation Cost Centers

Discovery

AI-augmented review platforms already classify, cluster and privilege-screen terabytes of data at accuracy rates exceeding manual review while cutting review hours by up to 70 percent. And as early as 2023, Goldman Sachs believed 44 percent of all legal tasks could be automated. Texas counsel using these tools in Rule 196 productions or Rule 502 privilege assessments can recoup millions that would otherwise be passed to clients, increasing legal cost burden and disincentivizing

taking trial-worthy cases to trial. AI could also lead to sharper proportionality arguments about discovery.

Legal Research and Brief Drafting

Large language models fine-tuned on Texas and Fifth Circuit authority generate first-draft briefs, analyze precedent and propose argument outlines in minutes rather than days. Lawyers can then devote more time to strategy, planning and preparation, increasing persuasion and effectiveness. Of course, as Ethan Mollick teaches, and the professional rules of responsibility require, lawyers must remain “the human in the loop.” More on Mollick below.

Trial Preparation

AI speech-to-text engines create real-time deposition transcripts and flag testimony inconsistencies. Scenario-planning agents simulate voir dire mockups and cross-examination sequences, allowing trial teams to rehearse more efficiently and at lower cost than traditional consultants and focus groups hired for trial preparation.

Potential Improvements (and Concerns) for Access to Justice

A related issue to the vanishing jury trial, the access-to-justice gap remains acute in Texas, where significant legal deserts and sustained population growth leave thousands of litigants self-represented at best and with no direction to vindicate their rights at worst. While some lawyers may be concerned that AI could eliminate the need for lawyers altogether, one of Ethan Mollick’s four rules in his book *Co-intelligence: Living and Working with AI* — i.e., “Be the Human in the Loop,” verifying AI outputs because of hallucinations (generation of inaccurate information) — suggests that fear is misplaced. Yet, that rule does highlight that pro se litigants should be wary of using AI to replace a lawyer due to the inherent complexities and nuances of legal practice, which often require legal knowledge, legal professional judgment and contextual understanding that current AI models may lack.

Still, AI tools could be targeted to help everyday Texans evaluate whether they have viable claims and identify the right attorney to retain. This would benefit Texans with legitimate claims and simultaneously reduce courthouse bottlenecks. And more broadly, if AI curbs litigation expenditures such that contingency-fee and limited-scope arrangements become financially viable in a larger class of cases, even more Texans at the cusp of affordability will also benefit from greater representation once cost-benefit calculations are shifted.

To read the full article from *The Texas Lawbook*, click [here](#).