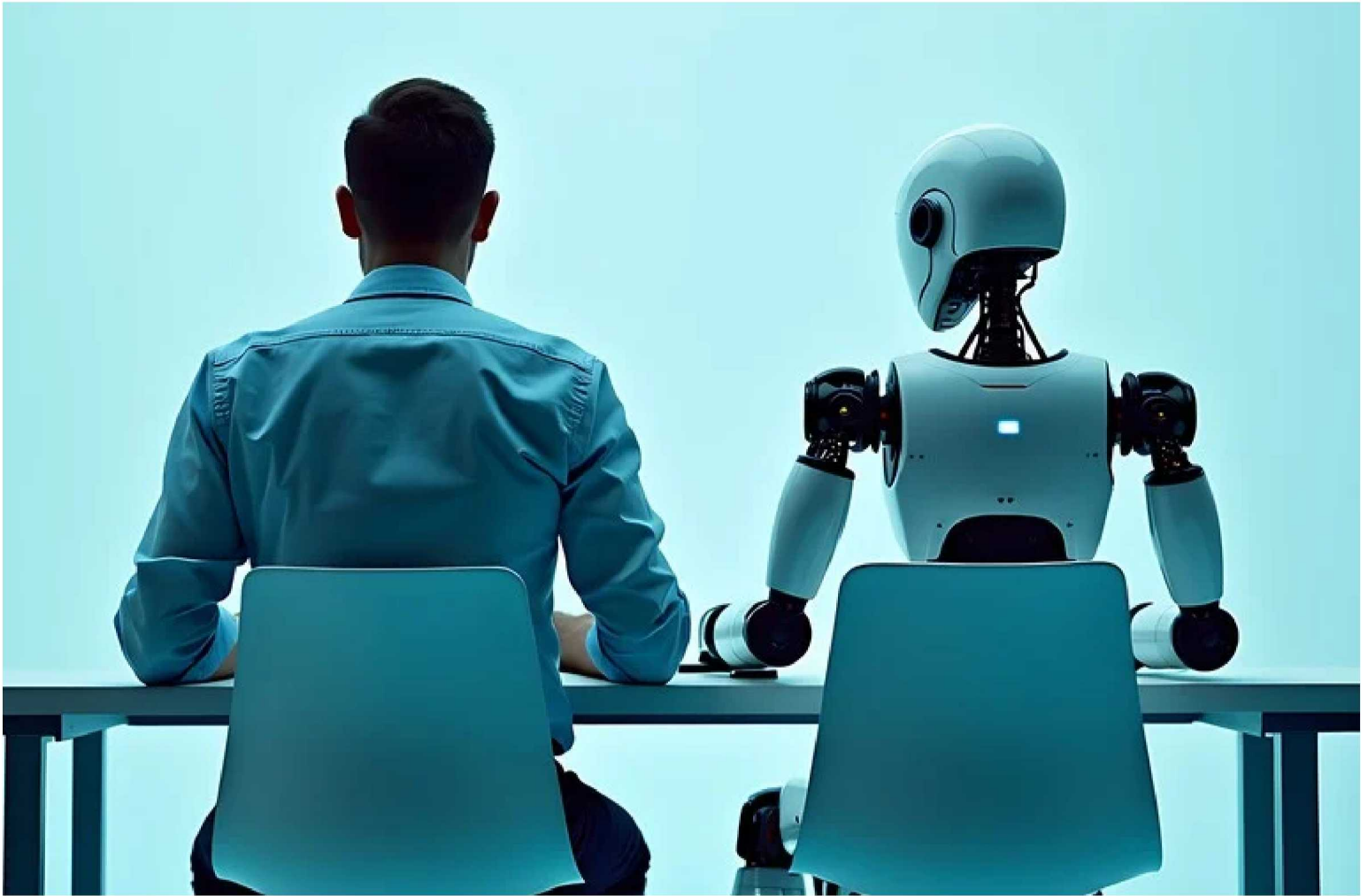


Analysis **Artificial Intelligence**

The Pro Se AI Boom Has Arrived. Attorneys Are Buckling in for More Work.

Self-represented parties are filing more—and longer—papers in court with help from generative AI. But attorneys say better-looking briefs don't necessarily make better cases.

July 16, 2026 at 06:30 AM By **Alyssa Aquino**



Credit: Din Nasahrudin/AdobeStock

It was a divorce action that sank New York City attorney, **Martha Cohen Stine**, into what she could only describe as “ChatGPT hell.”

Stine was representing a man who had recently separated from his wife. Theirs was a whirlwind romance between two 20-somethings, the type of love affair that culminates in marriage in a few months and then collapses just as quickly.

Two weeks after the marital settlement agreement was signed, the woman moved to reopen the agreement, arguing that she signed under duress. Over the next half year, she filed motions

cumulatively exceeding 200 pages. The briefing came so quickly that Stine hadn't yet finished responding to one motion before receiving another.

“At first, I thought, ‘How can this woman be capable of writing these papers so quickly?’” Stine recounted.

Then the answer came to her. Stine ran the documents through an AI checker, which determined that 95% of the woman’s briefs were AI-generated.

That it took Stine a while to figure out what was going on can be forgiven. Her ordeal unfurled two years ago, not long after ChatGPT hit the markets and before the breadth of its potential was fully grasped.

There has since been no shortage of stories about AI and the legal industry: how law firms are investing in AI, how courts are treating communications run through AI and the perennial hit: how attorneys are misusing AI.

But less reported on is how pro se litigants are using AI and the promise the technology holds for those who want to file suit, but cannot find or afford an attorney.

My colleague, Amanda Bronstad, [looked at that story](#) from the perspective of a pro se litigant. As a companion piece, I'm evaluating that story from the perspective of the Goliath in this scenario, the attorney tasked with bringing their years of legal training to bear upon this David.

Over the past few weeks, I've chatted with lawyers spanning multiple legal practices about their experiences with pro se litigants in the age of AI. Everyone acknowledges the inherently lopsided nature of going up against people who don't have attorneys, but they find the landscape has shifted when the self-represented party only needs minutes to respond to days of legal work and they're waiting for the courts to systematically address this changed dynamic.

Pro Se Cases Have Increased Since AI, and Their Filings Are Bigger

A [recent study](#) from two statisticians from the Massachusetts Institute of Technology and the University of Southern California showed that, since ChatGPT's release, the number of pro se cases being filed in the U.S. federal courts has doubled, going from roughly 20,000 new cases a year to 40,000.

That statistic is stark enough by itself, but one of the researchers, Joshua Levy, further contextualized it in an interview with Litigation Daily. In the decades preceding ChatGPT's release, pro se plaintiffs filed suit at a rate that held steady through other watershed moments, such as the 2008 financial crisis. But then the filings just “jump,” Levy said.

His co-author, Anand Shah, added that the cases are bigger.

Katia Asche, the co-leader of the consumer products industry group at **ArentFox Schiff**, said that the cases are “full-on lawsuits” that require more discovery and motions practice. Asche said that before AI, she had good success at getting a suit tossed at the motion-to-dismiss stage.

“That’s becoming more difficult now, because we’re getting these facially cogent responses,” Asche said.

Asche said that she’s typically defending her clients against dozens of pro se cases at a time. She also said she suspects that the majority of those self-represented plaintiffs who sued her clients in the past year were using AI.

The thicker filings, of course, increase the legal fees. Stine estimated that the filing crush in the divorce action cost her client double what he otherwise would have paid.

A lawyer having to lawyer more—and get paid more—feels trivial. But **Patricia Epstein Putney**, a medical malpractice practitioner, emphasized the emotional turmoil that litigation presents for defendants.

“It’s stressful to be sued. The defendant in a civil lawsuit has a right to closure as well,” she said.

Asche spends most of her time defending corporations against product liability cases. She explained that, before AI, she’d have pro se cases that would spin out of control, the types of cases where the complaint is handwritten and her client is being named alongside George W. Bush, Pam Bondi and Nvidia.

These would normally be easy to stamp out, but with an AI assist, the filings look plausible, she said. She also suspects the AI is fanning the litigation rage.

“The chatbots are designed to keep you using them and affirm your beliefs, even if you’re just asking a question,” Asche said. “Take these people who are ... struggling with some kind of fixation or obsession, and you reaffirm their belief that they’ve been persecuted or wronged by my client. I can only imagine that that is feeding the fervor with which they are pursuing these claims.”

AI Is Not Changing How Often Pro Se Litigants Win

Putney deals with pro se litigants often in her med mal practice. She and her colleagues suspect that half of the pro se litigants suing their clients are using AI. But the technology isn’t improving their chances of winning, Putney said.

She admitted that the filings are better written and that she has yet to see a hallucinated case citation. She also admitted that she sees a lot of pretty good pro se litigants. But regardless, their suits fall apart once a motion to dismiss is cleared.

“The big issue is that they don’t have experts ... they can’t find one or pay one,” Putney said. “Med mal cases entirely rely on expert testimony.”

Her experiences aligned with that of **Trevor Telisky**, a commercial litigation attorney who handles contract, real property and commercial disputes.

He said he encounters pro se litigants several times a week who are using AI. Their filings are extremely persuasive, but they’re one-sided.

“[The AI] doesn’t talk about prejudice, foundation or underlying conditions,” Telisky said.

“Everything looks really good and it’s a really quick crash,” he said. Either the case gets dismissed on summary judgment, or the self-represented litigant has to go to trial.”

These stories aligned with what Shah observed in the data. Regardless of the AI assist and the spike in cases, pro se litigants win their cases at the same rates as before.

There are all sorts of theories as to why that is.

Shah offered one potential explanation: that the AI is opening the court doors for “marginal filers” who would have otherwise never filed suit.

“Why were they not entering in the old world? Because they had slightly worse cases. They were not willing to jump the old higher hurdles. But now that the hurdles are a little lower, ‘Well, yes. Why don’t we jump them?’” Shah said. “AI actually could be improving the quality of the underlying cases to offset this negative bias from marginal filers.”

Shah, an economist, said this theory would be counterintuitive to non-economists. But, he added, this is the first way an economist would read that data.

It is a very different viewpoint from the lawyers’. They don’t seem to believe that, fundamentally, the AI is improving the actual legal claims—only the packaging around them. They’re lawyers. They’re aware their job requires more than writing decently. AI can’t corral the evidence for users or speak for the pro se litigant in court hearings. Asche touched on this, saying AI was helping improve filings, not cases.

“I have not had the experience where a pro se litigant has prevailed because their AI filings were just that strong,” Asche said.

The Courts

Although the attorneys all expressed frustration at how much more work they had to do when dealing with an AI-assisted pro se litigant, they didn't really express ill will towards the pro se litigants themselves.

A good chunk of their frustrations seemed pointed towards the technology and to the overall threat it could pose to the profession. A not-insignificant chunk of their frustration was figuring out how and when to get a court involved.

Stine explained that, generally, when she's dealing with an AI-empowered pro se litigant, she just does the extra paperwork. In New York, there are limits to monetary sanctions. And even then, when the pro se litigant has very few assets, a motion for sanctions doesn't provide a client with anything outside of more litigation and costs, Stine said.

Stine confirmed, though, that she told the judge of the excessive filings in the divorce case. The judge later refused to sign any more of the ex-wife's orders to show cause.

But when to tattle carries its own complications.

Part of the issue, Asche said, is that one has to be dead certain that the pro se litigant is using AI. But no one ever admits that, Asche said.

It feels obvious. "You have somebody who's a plumber and they'll turn around a 20-page opposition to your motion within seven minutes of the motion being filed," she said. But it's all conjecture. Moreover, Asche is aware of the optics.

"You don't want to be the lawyer for the large corporation telling on the pro se litigant unnecessarily or repeatedly," she said.

Thus far, Asche said she has only indirectly told a court of potential AI misuse. She'll weave the information into a response and let the court draw its own conclusions on how to act.

"You have to, unfortunately, play the long game ... and let them come to their own conclusion and figure out a sustainable, procedural mechanism to help you get rid of the case," she said.

How the court responds to a claim that a pro se litigant is misusing AI is specific to the judge. Telisky has reported potential AI misuse on multiple occasions, and the responses ranged from a sanction to "not even acknowledging that I put the court on notice."

He said that in one instance, the court just said it was in receipt of the papers.

"I don't know what to do with that," Telisky said.

But What About Justice?

It's difficult to discuss pro se litigants and AI without addressing the elephant in the room. There is a general sense among practitioners that judges will bend over backwards to help a pro se litigant. The self-represented litigant has no one else in the courtroom, and their adversary has a lawyer with years of training and experience in navigating the law. In the interest of justice, why *shouldn't* a judge help out?

My Law.com colleague Ella Sherman [interviewed two sitting judges](#) who said they're thinking about how to better support pro se filers as the AI boom starts affecting their dockets.

I'll admit that my sympathies are geared towards the pro se litigant.

I've been a legal reporter for nearly a decade. I know what PACER is, as well as the difference between a motion for summary judgment and a motion to dismiss. This puts me ahead of the average pro se litigant, but I still wouldn't try and represent myself in court. Regardless of how often I enter a courtroom, I can't help but feel the fear beating down my neck that I'll be identified as an interloper and forced out. And I'm not even speaking.

James Sherer, a partner at **Baker & Hostetler**, separately pointed out that lawyers themselves struggle with AI. Putting limits on how pro se litigants use AI, out of fear of misuse, may cut a lot of people out of the justice system, he said.

"This is the reality we're living in," Sherer said. "I think we'll all grow into the use of these tools."

AI may prove most effective for things that could be labeled pre-litigation—drafting emails to a landlord about the heat, or analyzing an eviction notice for legal defects. The Stanford Law School has an entire repository of projects dedicated to using AI to address access to justice.

Sateesh Nori, a tenants' rights attorney, has created two of the projects listed on the site, Depositron and Roxanne the Repair Bot, AI tools that, respectively, draft letters demanding overdue security deposits and chat with users on how to get housing reports. He built the programs after working 20 years at Legal Aid, where he realized that there were never going to be enough lawyers to address everyone's legal problems.

"The technology that we have now, AI, is almost tailor-made for problems like this," Nori said.

Ideally, the tools help users resolve a housing dispute before they have to get the courts involved. Nori acknowledged that litigation may appear on the horizon. His programs couldn't argue the users' case for them in those cases.

“What happens if you send a letter requesting your security deposit, and the landlord doesn't respond? You're in the same boat,” Nori said. “There [are] so many low-risk, high-volume scenarios, especially in a place like New York City, where we have nothing to lose by trying this stuff out.”

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