

AI for Appellate Attorneys

A Practical Guide and Live Demonstration

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Sixth District Appellate Program



Not Whether, But How

69%

of legal professionals now use
generative AI for work

More than doubled in a single year (31% in 2025)

For appointed counsel representing indigent clients, we cannot afford to sit out one of the biggest innovations of the last century.

The question is not whether to use AI, but how to use it properly.

Source: 8am 2026 Legal Industry Report (surveying 1,300+ legal professionals)

Cautionary Tales

Misusing AI doesn't just harm your clients. It leads to personal sanctions.

Whiting v. City of Athens, ___ F.4th ___ (6th Cir. Mar. 13, 2026)

\$15,000 per attorney

in punitive sanctions, plus full attorneys' fees and double costs

Over two dozen fake citations and misrepresentations of fact and law

Referral to chief judge for disciplinary proceedings

Noland v. Land of the Free, L.P., 114 Cal.App.5th 426 (2025)

"[N]o brief, pleading, motion, or any other paper filed in any court should contain any citations . . . that the attorney responsible for submitting the pleading has not personally read and verified."

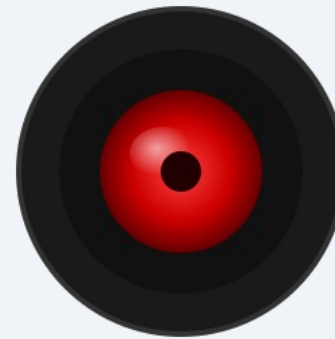
The Rebuttable Presumption

Assume the citations are wrong until you verify them yourself.

Build cite-checking into your workflow.

Verification means:

- **Are the pin cites correct?**
The most common error. Verify every one.
- **Does the case say what AI claims it says?**
Real cases cited for propositions they don't support.
Quotes that don't appear in the decision.
- **Are record citations and quotes accurate?**
Check every citation to the record and every quote from the record.



*"I'm sorry, Dave.
I can't verify that citation."*

The Rules: Current and Coming

Current: COPRAC Practical Guidance for the Use of Generative AI in the Practice of Law (Nov. 2023)

COPRAC Advisory (March 19, 2026): Attorneys must independently verify any AI-assisted work product. Updated practical guidance coming May 2026.

Proposed Rule Amendments (Out for Public Comment)

Rules 1.1 & 3.3

Competence & Candor

Lawyers must independently verify AI output and ensure no cited authority is fabricated, misstated, or taken out of context.

Rule 1.6

Confidentiality

"Reveal" includes exposing confidential info to AI tools where it may be accessed, retained, or used inconsistently with confidentiality.

Rule 1.4

Communication

When AI use materially affects the representation's scope, manner, or decision-making process, you must communicate with clients about it.

Getting Set Up Safely

1

Pay for a subscription

\$20/month for Claude Pro or ChatGPT Plus. Paid tiers give you access to the most capable models and better privacy controls.

2

Turn off data sharing

Opt out of allowing your conversations to train AI models. Each platform has a setting for this.

3

Be careful what you upload

No privileged communications. No sealed materials. No personal identifying information (cf. Cal. Rules of Court, rule 10.430(d)(1)).

4

Create a project for each case

Think of the project as the case file and each conversation as a work session focused on a particular task.

5

Set up your preferences and project goals

Tell the AI how you want it to behave (account-wide) and describe the specific matter you're working on (per project). This makes a major difference in output quality.

What Does That Look Like?

Personal Preferences (account-wide)

- Be honest and direct. Identify problems clearly and suggest solutions. Think trusted colleague, not detached evaluator.
- Never invent or assume a citation. Use [CITE] as a placeholder. An empty cite is much better than a wrong cite.
- Verify all quotes. If accuracy cannot be confirmed, flag it with [QUOTE TO BE VERIFIED].
- Work section by section. Don't produce a complete draft all at once. Discuss approach before drafting.
- Do not overstate the record or the holdings of cited cases. If the support for a proposition is debatable, say so.

Project Goals (per matter)

Example:

"Prevail as appellant in a criminal appeal in the First District Court of Appeal in California."

This simple instruction prompts the AI to use the correct citation format for a California appellate brief.

Why this matters

These settings shape every response the AI gives you. Without them, you get generic output. With them, you get a tool that knows your standards, your jurisdiction, and how you like to work.

Working With AI

AI is not writing it for me. I am writing it with AI.

The mindset

At times it's like working with a senior partner. At other times, a ten-year-old. The difference often comes down to your workflow practices.

Give the AI targeted context: the case law, the facts, and clear instructions for the section you are working on.

Practical tips

- Work section by section, not all at once
- Don't be satisfied with initial output
Identify problems and tell the AI to fix them
- Use each tool for its strength
Claude drafts; ChatGPT researches
- If you get stuck, ask the AI for help

AI-Assisted Legal Research

Have Claude draft a detailed research prompt. Give it a fact pattern and jurisdiction. Then run it in ChatGPT. Verify all research results independently.

Sample Research Prompt (prepared by Claude, for use in ChatGPT)

I am preparing a California state habeas corpus petition. My client was convicted of murder. Trial counsel failed to investigate or present mental health defenses. Find California Supreme Court, California Court of Appeal, and Ninth Circuit cases where trial counsel was found ineffective under Strickland v. Washington for failing to retain a mental health expert, failing to obtain the defendant's mental health records, or failing to present available mental health evidence at trial. Focus on cases where the defendant had a documented history of mental illness that counsel failed to investigate or present. Provide full citations.

Tip

Copy ChatGPT's research results into Claude and ask Claude to assess whether the cases support the propositions ChatGPT says they do. This helps you prioritize which cases to pull and read first.

The Iterative Workflow

For each section of the brief:

- 1 Provide context: record materials, your notes, and case law.
- 2 Discuss the approach: framing, structure, which cases to feature.
- 3 Have the AI draft the section.
- 4 List the problems in the prompt box and tell the AI how to fix them.
- 5 Have the AI draft the revised section.
- 6 Repeat steps 4 and 5 until generally satisfied.
- 7 Ask the AI to critique its own draft and to do an initial cite check.
- 8 Consider running the draft through a different AI platform.
- 9 Check all citations and quotations. (See: The Rebuttable Presumption.)

Moot Court With AI



- Upload your briefing and key cases. Tell the AI where your arguments are weakest.
- Have the AI act as an appellate justice and conduct oral argument.
- Switch to voice interaction on the mobile app and present your argument.
- Be prepared for piercing questions.
- After the moot, ask for a critique of your performance.



Let Me Show You

Live demonstration: drafting a brief
with Claude, section by section