

Using Artificial Intelligence for Oral Argument Preparation

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Artificial intelligence, especially *generative* artificial intelligence, has rapidly made its mark in the legal profession. One practical and accessible use of generative AI is oral argument preparation. Due to the nature of large language models, generative AI tools can offer a powerful supplement to—not replacement of—an advocate's preparation for oral argument.

Oral argument is best understood as a conversation between a lawyer and the court. Whether you are in state or federal court, trial or appellate level, oral argument offers a critical opportunity to defend, test, and refine the arguments made on brief. To succeed in this “conversation,” effective preparation requires the lawyer to think like a judge: identify the weaknesses of your position; consider hypotheticals; examine the factual and legal nuances underlying your analysis; anticipate how a ruling in your favor may affect other cases or parties; and so on. Thinking like a judge demands more than simply rereading briefs and authorities—it requires deep thinking about themes, strategy, likely questions, analytical flow, and the materials needed to respond flexibly and persuasively in real time.

Large-language models can help. These AI programs have been trained on vast quantities of data, including legal-specific data, that allow them to capably recognize patterns of thought, language, and analysis. When lawyers provide relevant case materials—such as briefs, opinions, record excerpts, and authorities—AI tools can generate outputs grounded in those documents rather than creating content from scratch. Used this way, AI can help reduce the risk of unsupported or fabricated responses (“hallucinations”) while enabling the lawyer to explore issues, pressure-test arguments, and organize preparation around the actual materials before the court.

In practical terms, AI can support oral argument preparation by simulating moot court exchanges, generating difficult questions, identifying record citations, summarizing cases, comparing how parties use the same authorities, and flagging gaps in the parties' briefing that may draw questions from the court. This can help lawyers see their case from multiple angles, anticipate adverse lines of inquiry, and develop sharper responses. The value lies not in *outsourcing* preparation, but in using AI as a tool to create additional opportunities for practice, analysis, and refinement.

Any use of AI must be carefully considered in line with a lawyer's professional and ethical duties. AI cannot replace a lawyer's responsibility to read, think, prepare, verify, and

exercise independent professional judgment, and this is no less true in using it for oral argument preparation. Lawyers should treat AI-generated work product as they would work from a junior assistant: useful, but requiring close review. AI use also implicates duties of competence, confidentiality, candor, supervision, fees, and client communication, so lawyers must understand both the tools' capabilities and their limitations. But used responsibly, AI can be a valuable supplement to oral argument preparation.