

Technology in Trials of the 2030s

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Trials reflect the tools of their time. From handwritten exhibits and overhead projectors to e-discovery platforms and courtroom presentation software, technology steadily reshapes how lawyers prepare cases and present evidence. The coming decade promises far more profound transformations. By the 2030s, advances in data analytics, artificial intelligence, and blockchain technology are likely to alter not only the mechanics of trial practice but also forms of evidence.

Anticipated technology advances will not eliminate the central role of advocacy, judgment, and storytelling. Rather, they will redefine how those skills are exercised. Trial lawyers will increasingly operate at the intersection of law and data science, which will bring unprecedented opportunities and new risks.

This article examines: 1) the anticipated future use of advanced data analytics in trial preparation; 2) the likely changing landscape of evidentiary sources; and 3) the potential for artificial intelligence to transform future trials.

Advanced Data Analytics in Trial Preparation

The past two decades brought “big data” to trials. Litigation teams have grown accustomed to managing large volumes of data with e-discovery platforms that allow lawyers to search, filter, and review millions of “documents.” “Documents” have



data and analytics

transformed from hard copy papers to electronic PDFs to years of short-form messaging. E-discovery platforms have also already begun shifting from solely managing data to allowing for the application of strategic intelligence. Platforms now include predictive coding capabilities and early-stage conceptual analytics. For example, lawyers can now look at clusters of documents based on artificial intelligence identifying similarities in the documents. Patterns in communication can be visually mapped. Tools are also emerging for combining data sets to create chronologies of events.

In the years to come, advanced analytics tools will increasingly synthesize and analyze information across disparate data sources—documents, emails, messaging platforms, metadata, geolocation, and publicly available information. Analyzing patterns across data types will allow for new

capabilities in assessing culpability, liability, and even credibility. Rather than simply asking whether a document contains a keyword, lawyers might soon be able to ask questions to the technology like: How did communication patterns change over time? Which actors were central to decision-making? Do financial anomalies correlate with key events alleged? What data is inconsistent with my client's statements?

This shift in technology capabilities will affect early case assessment and trial preparation for plaintiffs, defendants, and the government. Parties will be able to model case theories, test how trial theories hold up against the data, and refine trial themes in ways never previously available. These future predictive analytics may play a larger role in evaluating trial risk and settlement negotiations, as well as trial strategies. While such tools will never replace legal judgment, they may increasingly influence strategic decisions such as whether to pursue summary judgment aggressively, how to frame key issues for trial, or when to consider a settlement offer.

By the 2030s predictive analytics tools may also be able to smoothly combine discovery databases with various other public data sets, such as verdict data and judges' tendencies. This will allow for assessments of cases in entirely new ways. Lawyers may be able to advise clients on probabilities of outcomes based on trial theories or the likelihood of success on specific pre-trial rulings. Demographic data, publicly available digital footprints, and behavioral research may also be integrated to inform voir dire strategy—subject, of course, to evolving legal and ethical constraints.

Each jurisdiction's professional rules of ethics, each district court's rules, each judge's individual rules, and each protective order will have to be considered before deploying any of these potential tools of the 2030s. And while the goal will not be to "engineer" a jury or trial, analytics may

help lawyers identify attitudes or experiences that correlate with receptiveness to certain arguments.

This raises difficult questions about privacy, fairness, and the extent to which data-driven insights should influence jury selection and trial strategy. Courts and state bars will likely grapple with questions about transparency and overreliance, particularly if predictive tools are treated as objective rather than probabilistic. Regardless, litigation will become intrinsically intertwined with analytics in ways never seen before.

The Changing Landscape of Evidence

While the functionality of discovery platforms will evolve and change the shape of future trials, the data collected and hosted on those platforms will also change. As daily life becomes increasingly digitized, the evidentiary record in trials will continue to expand accordingly. Gone are the days of a banker's box of exhibits. Trials now entail countless message threads of varying types—texts,Whatsapps, Signals, Telegrams, Slack, etc. Google search histories, phone geolocation data, and massive spreadsheets inundate exhibit lists. By the 2030s, evidence may also routinely include data from wearable devices, smart home systems, workplace monitoring software, and algorithmic decision-making systems.

More and more we can expect to have granular insight into behavior, timing, and context—but it will also introduce complexity. Lawyers will need to understand how data is generated, stored, and potentially altered, and courts will need frameworks to assess reliability and relevance. Authentication disputes may shift from whether a document is genuine to whether data streams were accurately captured, whether algorithms functioned as intended, and whether underlying datasets were biased or incomplete. Furthermore, if an algorithm produces a result but its internal logic is opaque—even to its creators—how should a court evaluate it for evidentiary purposes?

While algorithms and increased digital footprints present admissibility questions, blockchain technology may present some answers for trial lawyers in the next decade. Blockchain technology offers a potential solution to longstanding challenges around evidence integrity. By creating immutable records of data creation, access, and modification, blockchain-based systems could strengthen chain-of-custody arguments for digital evidence. In the 2030s, certain categories of records—such as financial transactions, supply chain data, or regulatory submissions—may be routinely recorded on distributed ledgers. Parties could use blockchain records to demonstrate authenticity of evidence with greater ease.

The federal rules committees—evidence, civil and criminal procedure—will have to grapple with whether the existing framework will have to be modified to accommodate these upcoming changes.

Artificial Intelligence and the Future Trial

While AI has already become notorious for its hallucinations of fake cases that some litigators (and judges) have cited in pleadings and opinions, there are many other potential uses for AI in future trials.

AI may assist trial lawyers in testing themes, refining opening statements, or translating complex technical evidence into accessible explanations. These capabilities will continue to raise concerns about accuracy. None of these future technology advancements will relieve lawyers of their ethical obligations, duty of competence, and duty of candor to the court. Lawyers must continue to carefully review and present to a court only case law and materials that they have vetted and in good faith believe to be genuine, authentic, and admissible for the particular proceeding.

If permitted by the judge in the courtroom, AI may soon be able to assist litigators in identifying

inconsistencies in testimony during trial, flagging anomalous evidence as it is admitted, and even proposing lines of cross-examination based on prior statements and data patterns.

Evidence presentation itself is likely to become more immersive with AI. High-resolution video, 3D reconstructions, and potentially augmented or virtual reality tools could allow juries to experience reconstructions of scenes, timelines, or processes. While such tools may enhance comprehension, they also risk undue persuasion. Courts will need to consider at what point immersive demonstratives created by AI crosses the line from explanation to emotional manipulation, and how traditional evidentiary safeguards apply in these new formats, but one could imagine a world in which AI tools better inform factfinders of the relevant information.

Conclusion

The technological transformation of trials in the 2030s will not diminish the importance of core trial skills. Credibility, judgment, and the ability to communicate persuasively will remain central. What will change is the context in which those skills are deployed. Lawyers will need greater technological literacy and the ability to challenge assumptions, and explain complex systems to decision-makers.

In the coming years, firms and legal departments may increasingly collaborate with data scientists, engineers, and litigation support professionals as integral members of trial teams. Advanced data analytics will inform strategy, new forms of evidence will need to be considered, and AI will offer new tools for presenting information to a jury. Lawyers who can wisely integrate technological insight with sound advocacy will be best positioned to serve their clients and the justice system.

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