**[Law Firm] Operational Policy: Clearbrief.ai Cite-Checking for Litigation Filings – Pre-Filing Workflow, Documentation & Training**

Effective Date: [Date]

Issued By:[Managing Partner / Operations Committee]

## Introduction

To ensure accuracy and defensibility in all litigation filings, this policy mandates use of Clearbrief’s cite-checking tools at each key phase of the writing process, plus a formal training program to ensure consistent compliance. The policy should be reviewed in combination with the firm’s **AI Policy [link].**

## Purpose

The purpose of this policy is to safeguard the accuracy and integrity of the content and citations of court filings prepared by the firm. Accurate legal citations are critical to maintaining the firm’s credibility, client confidence, and adherence to professional and ethical obligations. In accordance with the [American Bar Association’s Formal Opinion 512](https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/ethics-opinions/aba-formal-opinion-512.pdf), attorneys must exercise independent professional judgment and cannot delegate responsibility for the accuracy of legal citations or arguments to an AI system. Additionally, [Federal Rule of Civil Procedure 11(b)](https://www.law.cornell.edu/rules/frcp/rule_11) requires that attorneys certify that filings to the court are grounded in fact and law and not presented for improper purposes. In light of these ethical and procedural requirements, the firm must remain vigilant in how emerging technologies are integrated into legal workflows.

Artificial intelligence is rapidly transforming legal drafting, but the use of AI tools comes with risks. AI tools are known to produce hallucinations, which is when a tool generates inaccurate content. Common hallucinations in legal writing can include:

* [creating non-existent case law](https://s3.documentcloud.org/documents/25940991/lacey-v-state-farm.pdf);
* [misstating the holding or relevance of a real case](https://docs.justia.com/cases/federal/district-courts/colorado/codce/1:2022cv01129/215068/309);
* [suggesting that a case contains quotations that do not appear in that (real or fake) case;](https://docs.justia.com/cases/federal/district-courts/colorado/codce/1:2022cv01129/215068/309)
* [fabricating or altering factual details;](https://storage.courtlistener.com/recap/gov.uscourts.flmd.424438/gov.uscourts.flmd.424438.124.0.pdf)
* [incorrectly formatting citations so that real citations appear to be from a different jurisdiction](https://docs.justia.com/cases/federal/district-courts/colorado/codce/1:2022cv01129/215068/309),
* and other types of hard-to-detect mistakes.

Errors from AI can be introduced at several levels of the drafting stage, or even through client, expert witness, or co-counsel revisions where someone who interacted with the draft used AI tools. Following the steps outlined in this policy will help ensure pleadings receive systematic review for accuracy, helping protect both the integrity of the filing and the reputation of the firm and our clients.

## Scope

This policy applies to all firm personnel responsible for preparing, reviewing, or approving documents that are intended for sharing with clients or filing in any court of law, including but not limited to motions, briefs, memoranda, and pleadings drafted by firm employees, as well as pleadings such as expert witness reports and pleadings the firm is filing as cooperating counsel on behalf of another firm.

### Timeline, Responsibilities, & Documentation Before Filing

### **7+ Days Before Filing: Draft Preparation & Initial Cite-Checking**

* **Paralegals:**
  + [Create a Clearbrief Matter folder](https://www.loom.com/share/57f499b2e00941abbd4f0512f36ee5f8) for the associate who will be drafting the pleading and ensure factual documents are uploaded in the Matter folder. This will make it fast and easy for the Associate starting the draft to insert hyperlinked citations with Clearbrief.
* **Associates:** 
  + Legal research phase: conduct your legal research as you normally would using classic legal research tools or genAI legal research tools depending on your preference.
  + During the writing process, associates should be regularly using [Clearbrief’s “Analyze” functionality in Word](https://www.loom.com/share/86579f41a90f430e88e0ccc276cf98f0?sid=f378ced9-2588-4cac-b44d-052a1680a936) to automatically display cited sources to ensure the cases and statutes do stand for the cited propositions (and that the attorneys are not resting their theories on fake caselaw).
  + Associates should also use the [Add Fact Cite](https://www.loom.com/share/cca7a21d01e9497486304d6f40cd361d) tools and fact-linking functionality in Clearbrief to ensure every sentence in the facts section is backed up with a citation from the evidence. **(To receive training on using Clearbrief, email** [**hello@clearbrief.ai**](mailto:hello@clearbrief.ai)**. 1:1 personalized training is included in the firm’s subscription).**
    - Using this functionality will ensure that other reviewers will have clear visibility into the facts and law cited in the draft. Simply add the others on your team who are collaborating on the draft to the Clearbrief matter folder. You can also send them a hyperlinked PDF “[Clearbrief Courtesy Copy](https://www.loom.com/share/366c72879c6d4d449b14cd4fa12054db?sid=d64a19fd-cff7-4318-9af2-74707bb84581)” version if that is preferred by the partner.
  + **Before sending the draft to a Partner**, Associates should do a final citation check at this step by instantly creating a [Table of Authorities](https://www.loom.com/share/0763a17df2d74316b21f9cb1485ef79a?sid=9017c3f6-6c67-4b18-90fe-3add2fc847df) using Clearbrief - this tool does a global, final check for citation mistakes (you can delete the TOA when done if not needed).
  + **Documentation:** Associates should then add a note for documentation in the case management system that they ran the draft through Clearbrief.
* **Partners:**
  + Optional: When you’re ready to review the pleading, open up Clearbrief and navigate to the matter folder in the case, then click “Analyze.” All of the citations will instantly become hyperlinked.
  + When you are comfortable with the draft, let the associate / paralegal know to share the draft with the client. They can share the draft as a hyperlinked courtesy copy so the client can also see the sources.
    - If desired, Clearbrief offers free access for clients who want to install Clearbrief in Word to collaborate with the firm. If you are interested in this option, contact [hello@clearbrief.ai](mailto:hello@clearbrief.ai) and they will reach out to our firm’s point of contact to facilitate this.

### **3–5 Days Before Filing: Intermediate Review & Cite-Checking**

* **Associates and Paralegals:**
  + Incorporate edits from all contributors (internal and external).
  + Run a second Clearbrief cite-check on the integrated draft.
  + Create a hyperlinked Clearbrief courtesy copy for filing with the court / sharing with the partner(s) and clients.
  + **Documentation:** Add a note in the case management system to note that an additional Clearbrief cite-check was completed after receiving edits from clients, co-counsel, or other colleagues.

### **Day of Filing: Final Cite-Check & Quality Control**

* **Associates or Paralegals (as assigned):**
  + Run the final Clearbrief cite-check on the filing-ready draft.
  + **Documentation:** Upload the final Clearbrief draft to the case management system file and add a note confirming final cite-check completion with no outstanding issues.
  + Communicate final clearance to the partner(s) responsible for approval and signature.
* **Partners:**
  + Review final hyperlinked document before signature.
* **Person responsible for completing the filing (at [Firm] or Cooperating Counsel):**
  + Verify team notes that Clearbrief cite-checking was performed in accordance with this policy - particularly the final cite-check.
  + Maintain these records as part of the official matter file for audit purposes.
  + Proceed with filing only after confirming all documentation is complete.

### Analyzing opposing counsel’s work product

* **Using Clearbrief’s Analyzer on Opposing Counsel’s work product:**
  + We recommend that associates or paralegals use [Clearbrief’s tools that analyze a PDF pleading](https://www.loom.com/share/f3c7e72de1434c45aebd83eec6ba91d0?sid=49163590-4f87-4de0-b9cb-0a52788a64a1) after the team receives the filing to identify if opposing counsel has incorporated hallucinated citations in the pleading.
  + It may be possible to pursue sanctions and attorneys’ fees for the costs of responding to pleadings that contain hallucinated citations.

### Training on Cite-Checking Policy

* **Initial Training:**
  + All litigation team members (associates, partners, paralegals, legal assistants) must complete mandatory Clearbrief cite-checking policy training within 30 days of policy rollout and sign to confirm their understanding of this policy.
  + Training includes **Clearbrief Academy:** hands-on sessions on using Clearbrief (with CLE credit and AI certification).
* **Ongoing Training:**
  + Quarterly refresher courses will be offered to address updates, common issues, and share best practices.
  + New hires will complete training as part of onboarding within their first month.
* **Monitoring & Support:**
  + Litigation support staff will monitor training completion rates and follow up with individuals who fall behind.
  + Regular audits of cite-check documentation will feed into training updates and compliance enforcement.

### Document Control

This policy shall be reviewed annually and updated as needed to reflect changes in court practices, legal standards, and available technology.