

Trial Briefs

The newsletter of the Illinois State Bar Association's Section on Civil Practice & Procedure

Our World Has Changed: Lawyers Face Artificial Super Intelligence

BY GEORGE BELLAS

The memo lawyers haven't gotten

While many of us are still debating the risks and benefits of using AI for legal research or automating NDAs, something much bigger is happening—and it's happening really fast.

Artificial Intelligence is no longer just a clever assistant or an enhanced research tool. It is becoming self-improving. It is learning how to plan. It is no longer entirely dependent on us, nor does it need to be told what to do next. This isn't automation—it's autonomy.

And that, fellow lawyers, should shake us to our jurisprudential core.

Artificial super intelligence (ASI) is not science fiction anymore

The concept of Artificial Super Intelligence—machines exceeding the cognitive capacity of all human beings combined—is no longer a theoretical endpoint. As OpenAI's CEO Sam Altman described,¹ we are entering a “gentle singularity,” where AI evolves beyond human comprehension in real time. Eric Schmidt calls this “The San Francisco Consensus”—a term capturing how Silicon Valley now sees AI as a race for global dominance, driven by exponential acceleration and U.S. strategic interests.²

The systems being developed are already smarter than most individual lawyers. Soon, they will be smarter than the profession collectively. And they are free—open source, API-accessible, and replicable. That's the most unsettling part.

There is no rulebook for this

Our laws were not written with this reality in mind. Civil procedure presumes a human participant. Ethics rules presume a human actor. The Model Rules presume a human capacity for oversight. But how do you supervise a system that writes its own code, corrects its own mistakes, and outpaces your ability to understand it?

This is not theoretical. This is already changing your practice. AI systems are conducting legal research that rivals junior associates, generating case strategies, and drafting complex contracts—all while learning how to do it better next time. And the judges and their clerks are reviewing your briefs using AI tools.

How ASI is disrupting the legal field right now

The shift is not gradual—it is seismic. Today's advanced AI systems are doing the following:

- Conducting deep legal research and analogical reasoning in seconds.
- Automating client onboarding, document drafting, and case file organizations.
- Remembering client history and offering tailored support across matters.
- Challenging the billable hour by doing in one hour what used to take five.

But tomorrow's systems will be doing

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something even more profound: acting with legal autonomy and using the sum total of all resources in making those plans.

A future beyond the comprehension of courts

How will judges handle AI-generated pleadings based on legal logic more complex than any person can follow? Will AI witnesses be cross-examinable? Will AI-driven legal arguments require their own “interpreter algorithms” in court?

These are not the plotlines of speculative fiction—they are imminent doctrinal dilemmas. And the judiciary is unprepared.

Ethical risk and professional responsibility

The Illinois Rules of Professional Conduct—and those of every other jurisdiction—require competence, diligence, and candor.³ But they say nothing about regulating the judgment of non-human legal actors. We now face the possibility of adversaries who are not unethical, but non-ethical—because they are not human.

Should lawyers disclose AI usage to their clients and courts? Should courts require explainability from AI-driven briefs? Should law firms impose limits on

how autonomous their AI tools become? These are urgent questions, not academic exercises.

What must lawyers do now?

1. **Get Educated.** AI literacy is no longer optional.
2. **Push for Standards.** Advocate for AI disclosure and regulatory oversight.
3. **Rethink the Business Model.** Prepare for the decline of the billable hour.
4. **Protect the Human Element.** Ethics and judgment must remain human-led.
5. **Prepare for Post-Human Law.** Imagine law in a world with non-human legal actors.

Conclusion: Our world has changed

As Canadian Prime Minister Justin Trudeau famously said in 2018, “*The pace of change has never been this fast before, and it will never be this slow again.*”

Lawyers love precedent. But there is no precedent for this. The role of the attorney is changing—not incrementally—but fundamentally and at an accelerated pace. We are no longer gatekeepers of legal knowledge—we are interpreters, overseers, and possibly soon, regulators of non-human legal agents. The only question is whether we will adapt quickly enough to remain relevant, ethical, and effective. Because AI has gotten the memo. And ASI is already planning what comes next. ■

George (“Geo”) Bellas has been advocating for the use of technology in the practice for over 40 years and has been at the forefront in the use of technology in litigation. Geo served as the first Chair of the first ISBA ad hoc AI Committee and served on the Illinois Supreme Court Task Force on AI.

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3. Ill. Rules of Pro. Conduct Rs. 1.1, 1.6, 5.3 (2024).

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Why Medical Images Matter in Medical Injury Litigation

In medical malpractice and personal injury cases, the strength of your evidence can make or break your argument. While written records and verbal testimony are essential, medical imaging like X-rays, MRIs, and CT scans add a layer of clarity and detail that is hard to match.

1. Visual Evidence Speaks Louder Than Words

Medical images give juries a direct view of the injury. Instead of describing a fractured bone or damaged organ, you can show it along with important metadata collected at the time. Visual evidence from medical records resonates more deeply and stays with jurors far longer than abstract descriptions. It provides a clear story of what happened and how it affected the patient.

2. They Strengthen Expert Testimony

When paired with expert testimony, imaging becomes even more powerful. Medical experts can use these visuals to explain exactly where and how an error occurred, walk the jury through a procedure gone wrong, or highlight the effects of trauma or delayed treatment. This turns complex medical information into something understandable and credible, especially for jurors without clinical backgrounds.

3. Imaging Technology Has Advanced

The technology itself has come a long way. For example, [Purview Image's](#) medical image viewer provides high-resolution visuals, 3D renderings, and dynamic views that allow for far more detailed and persuasive exhibits. A 3D CT scan, for instance, can be rotated and annotated to show the full extent of an injury from every angle, helping build a more comprehensive and persuasive case.

4. They Help Prove Causation and Quantify Damages

Medical images also play a critical role in proving causation and quantifying damages. They help demonstrate not only that harm occurred, but that it directly resulted from a medical error or negligent act. And because images can show the progression of an injury or document permanent damage, they support claims for long-term impact, future care needs, and fair compensation.

That said, there are technical and legal considerations. To be admissible in court, medical images must be properly formatted (typically in DICOM), authenticated, and handled securely. Chain of custody, privacy laws, and relevance all come into play. It's essential to work with professionals who understand both the medical and legal aspects of image handling to avoid missteps.

In the courtroom, where clarity and credibility are everything, medical imaging bridges the gap between clinical complexity and legal storytelling. It empowers attorneys and experts to present injuries with precision, context, and emotional weight. And as imaging technology continues to advance, the opportunities to leverage it in litigation will only grow.

For law firms handling medical injury cases, now is the time to invest in the tools, partners, and knowledge needed to make the most of medical imaging. Done well, it's not just evidence, it's your most persuasive narrative.

Interested in learning how to securely share and present medical images?

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Recent False Claims Act Cases Show Trump Administration's Continued Focus On International Customs and Trade Fraud

BY JAY SCHLEPPENBACH¹

INTERNATIONAL TRADE HAS

continually been in the news during President Trump's second administration. From the imposition of tariffs on automobiles and their component parts² to the broad reciprocal tariffs announced on Liberation Day³ and discussions of tariffs on foreign-made films,⁴ it is safe to say the landscape of international trade has continually shifted. Beyond these more dramatic moves on the international stage, however, there have been perhaps less visible but no less important signs that the Trump administration is prioritizing compliance with the nation's customs

and trade laws. As just one example, the United States has recently announced complaints under the False Claims Act against companies that allegedly failed to pay appropriate customs duties.

The False Claims Act

The False Claims Act imposes liability on anyone who, among other things, knowingly:

- presents a fraudulent claim for payment or approval to the government;
- makes a false record or statement material to an obligation to pay or transmit money or property to the government; or
- knowingly conceals or knowingly

and improperly avoids or decreases an obligation to pay or transmit money or property to the government.⁵

Private persons may bring civil actions for violations of the False Claims Act under seal, after which point the government has sixty days (subject to extensions) to decide whether to intervene and take over the action or allow the private person to continue to conduct it.⁶ If, following discovery and a trial, a False Claims Act violation is successfully proven, the defendant will be liable for a civil penalty of not less than \$5,000 or more than \$10,000, plus "3 times the amount of damages which the Government sustains because of the act of that person."⁷



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In Fiscal Year 2024, the government obtained settlements and judgments totaling more than \$2.9 billion under the False Claims Act.⁸ More than half of that amount came from matters involving the health care industry.⁹ Other key areas for False Claims Act recoveries in FY2024 were military procurement fraud, pandemic fraud, and failure to abide by cybersecurity representations.¹⁰ The government did not identify customs and trade fraud as an area that supported False Claims Act recoveries in FY2024.

Recent international trade-related False Claims Act suits

On April 18, 2025, the United States Department of Justice announced the filing of a False Claims Act lawsuit against Barco Uniforms Inc. and related companies and individuals, alleging that they knowingly and improperly underpaid customs duties owed on apparel imported from overseas, including from the People's Republic of China.¹¹ The complaint alleged that the defendants conspired to avoid or decrease

their customs duties by undervaluing the garments they imported, using a double-invoicing scheme featuring false entry summaries presented to Customs and Border Protection.¹² It further claimed that the defendants continued to underpay customs duties even after a third-party auditor advised them of risks associated with the underpayment of duties and recommended that they “double-check” duty calculations underlying prices paid to foreign suppliers.¹³

Similarly, in March 2025, the DOJ announced a False Claims Act settlement with Evolutions Flooring Inc. and its owners over allegations they knowingly and improperly evaded customs duties on imports of multilayered wood flooring from the People's Republic of China.¹⁴ Among other things, the United States had alleged that Evolutions caused false information to be submitted to CBP regarding the identity of the manufacturers and country of origin of the imported flooring.¹⁵

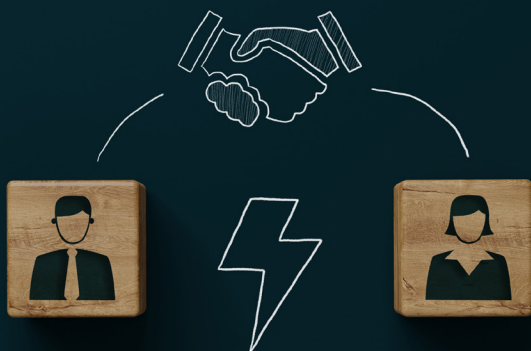
In announcing the settlement, Acting Assistant Attorney General Yaakov M. Roth of the Justice Department's Civil Division emphasized that, “Import duties provide an important source of government revenue and level the playing field for U.S. manufacturers against their global competitors.”¹⁶ Roth added that, “The department will pursue those who seek an unfair advantage in U.S. markets, including by evading the duties owed on goods imported into this country from China.”¹⁷

Groundwork laid during first Trump administration

In addition to these recent cases, President Trump's DOJ pursued some trade-related False Claims Act actions during his first term. For example, the DOJ reached a \$10.5 million settlement with a Virginia-based home furnishings company in January 2018, resolving allegations that it violated the False Claims Act by knowingly making false statements on customs declarations to

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avoid paying antidumping duties on imports from China.¹⁸ In September 2020, a \$22.2 million settlement with a German company resolved similar False Claims Act allegations of false statements on customs declarations to avoid customs duties on imports.¹⁹ During his first term, President Trump also issued Executive Orders stating that unfair trade practices “expose United States employers to unfair competition and deprive the Federal Government of lawful revenue” and directing federal prosecutors and other law enforcement partners to “vigorously enforc[e] our Nation’s trade laws,” making it a “high priority.”²⁰

The President echoed these orders on the first day of his second term, when he issued another Executive Order announcing his “America First Trade Policy” and directing members of his cabinet to research and address unfair trade practices.²¹ And, on May 12 of this year, the Department of Justice identified customs and trade fraud as it’s #2 priority for “investigating and prosecuting white-collar crimes in ... high-impact areas.”²²

Looking ahead

The Trump administration’s strong rhetoric on international trade and demonstrated use of the False Claims Act to pursue recovery from businesses that fail to abide by the trade obligations suggest that this area will continue to be an enforcement priority for the DOJ. Indeed, companies and those that advise them should be aware that the law gives the DOJ powerful tools to seek not just civil recovery for customs and trade

violations, but also criminal penalties. For example, under 18 U.S.C. § 545, importing merchandise “contrary to law” is a felony punishable by up to twenty years in prison.²³ And companies can be liable for violations of customs and trade laws by others in their supply chains, as § 545 applies to anyone who “receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale” of the unlawful merchandise.²⁴ And of course ordinary theories of aiding and abetting or conspiracy may also apply.²⁵

Thus, with trade making news every day and tariff dodgers in the government’s crosshairs, now is the time for businesses to reexamine their compliance with the nation’s customs and trade laws. Supply chain audits, long used to ensure efficiency or root out corruption that could trigger Foreign Corrupt Practices Act liability, should now be considered as a means of ensuring that accurate information has been shared and appropriate tariffs paid by any and all of a company’s suppliers across the world. With the assistance of counsel, such audits can be properly scoped to a business’s global footprint, industry, and risk profile, and kept strictly confidential under the auspices of privilege. An ounce of such preventative measures may well be worth a pound of cure, particularly now that businesses face the specter of treble damages under the False Claims Act and potential criminal prosecution for customs and trade fraud. ■

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