

The AI Divide in Mass Torts

Why Mass Tort Firms Are Splitting Into Two Camps,
And What It Means for the Firms Caught in the Middle

22

Mass tort legal
professionals
surveyed

Thirdside Research | March 2026

Segment analysis drawn from a survey of 207 U.S.-based personal injury attorneys and firm leaders, fielded March 11–26, 2026. This spotlight isolates the 22 respondents whose primary practice area is mass tort litigation. Supplemented by, court sanctions records, carrier AI platform reporting, and industry analysis.

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The AI Adoption Gap Has Widened for Mass Tort Firms

A Companion to The AI Adoption Gap

The State of AI in Personal Injury Law (2026) report tells the story of a market in transition: nearly 8 in 10 plaintiff firms have engaged with AI, but only 3 in 10 have embedded it into how they work. The adoption gap between interest and impact is the defining challenge across personal injury practice.

But a mass tort practice does not have typical PI work.. The economics, workflow, and scale all differ, and isolating mass tort firms within the same dataset surfaces a distinctly different AI adoption pattern.

This spotlight applies the same Thirdside Research data to the mass tort practices. The findings diverge from the overall market in ways that are structurally significant, not just statistically interesting. Mass tort firms are splitting into two groups: those that have committed to AI, and those that haven't started. The persuadable middle, the largest segment in the broader plaintiff market, barely exists in mass tort.

What follows draws on that same n=207 survey, narrowed to the 22 respondents practicing primarily in mass torts, and supplemented by secondary market research on AI adoption in high-volume litigation.

SOURCE: Thirdside Research, State of AI in Personal Injury Law Survey, March 2026. n=207 total; mass tort segment n=22 (Q1: Primary practice area = Mass Torts). All mass tort percentages in this document reference this segment unless otherwise noted.

The Mass Tort AI Divide: Committed or Sitting Out

The Mass Tort AI Divide

Mass tort firms split rather than gradually moving along the adoption curve.

When plaintiff firms overall describe their AI usage, the distribution forms a gentle spread: 30% use AI regularly, 23% are experimenting, 25% are evaluating, and 22% have no plans. Nearly half the market is in the middle: trying things, weighing options, open to the right platform. That is the persuadable middle The State of AI in Plaintiff Law - The AI Adoption Gap report addresses.

Mass tort looks nothing like that.

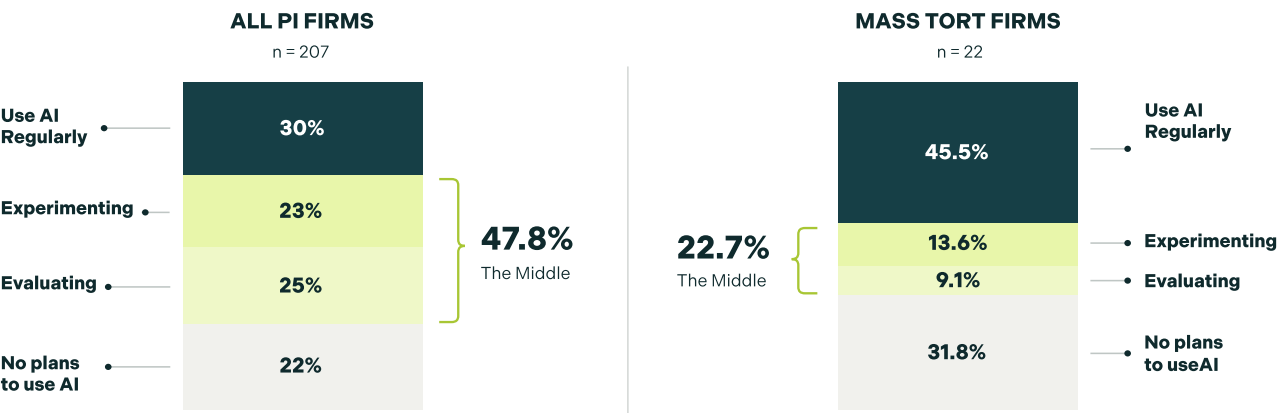
46% of mass tort firms use AI regularly, 15 points above the overall market.

32% have no plans to use AI at all, 10 points above the overall market.

The middle has collapsed. Only 23% of mass tort firms are experimenting or evaluating, compared to 48% of the broader PI market. That is less than half the persuadable middle.

Q: Which of the following best describes your firm's current use of AI tools in your practice?

All respondents: n=207. Mass tort segment: n=22.



This polarization makes structural sense. Mass tort litigation operates at scale in ways that single-plaintiff PI does not. A firm managing thousands of claimants across multiple tort actions either has the infrastructure to process volume (and AI is part of that infrastructure) or it does not. There is less room for casual experimentation when the workflow demands are measured in tens of thousands of medical records and intake forms, not dozens.

The implication for firms still in the middle is that the window for deliberate evaluation is narrower in mass tort than in the broader PI market. The firms that have committed are already building institutional muscle, while the ones that have opted out are betting they can keep running manual operations at this scale.

Where AI Shows Up Differently in Mass Torts

The Pattern Mass Tort Breaks

In the [State of AI in Plaintiff Law report](#), we uncovered a clear pattern: AI adoption in plaintiff firms is concentrated in pre-litigation roles. Pre-lit attorneys lead at 62%, pre-lit paralegals at 47%, and litigation-side adoption drops to roughly 25%. Meaning, AI is being used where cases are assembled, not where they are tried.

Mass tort breaks this pattern.

54.5% of mass tort litigation attorneys use AI – more than double the overall rate (26.1%).

This is one of the few findings in the dataset that reaches statistical significance at the 95% confidence level across multiple practice-area comparisons, reflecting a structural difference in how mass tort firms operate with AI.

The rest of the team-level picture in mass tort:

Close to the market:

Pre-litigation attorneys: 54.5% (vs. 61.8% overall)
Pre-litigation paralegals: 50% (vs. 46.9% overall)
Litigation paralegals: 22.7% (vs. 24.2% overall)

Above the market:

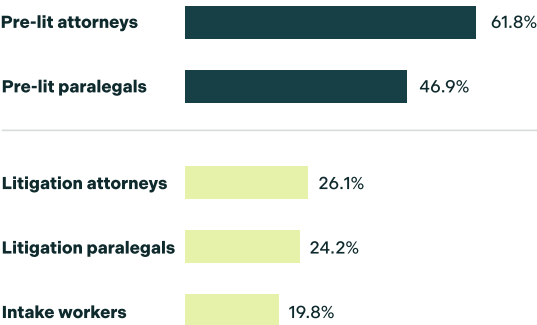
Litigation attorneys: 54.5% (vs. 26.1% overall, 2x the market)
Intake workers: 27.3% (vs. 19.8% overall, modestly above)

AI Moves Into Litigation in Mass Tort.

Q: Which of the following team members in your firm are using AI today?

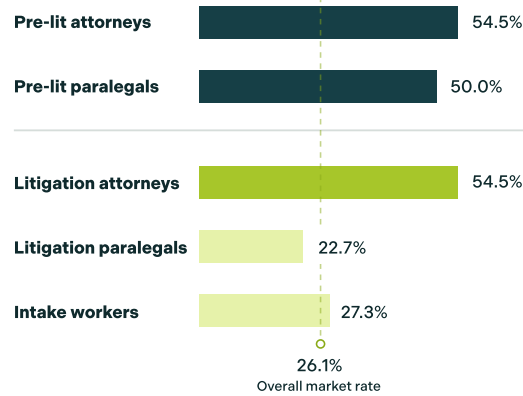
All respondents: n=207. Mass tort segment: n=22.

ALL PI FIRMS n = 207



Pre-lit strong → Litigation drops

MASS TORT FIRMS n = 22



2x
the market rate

Pre-lit strong → Litigation stays strong

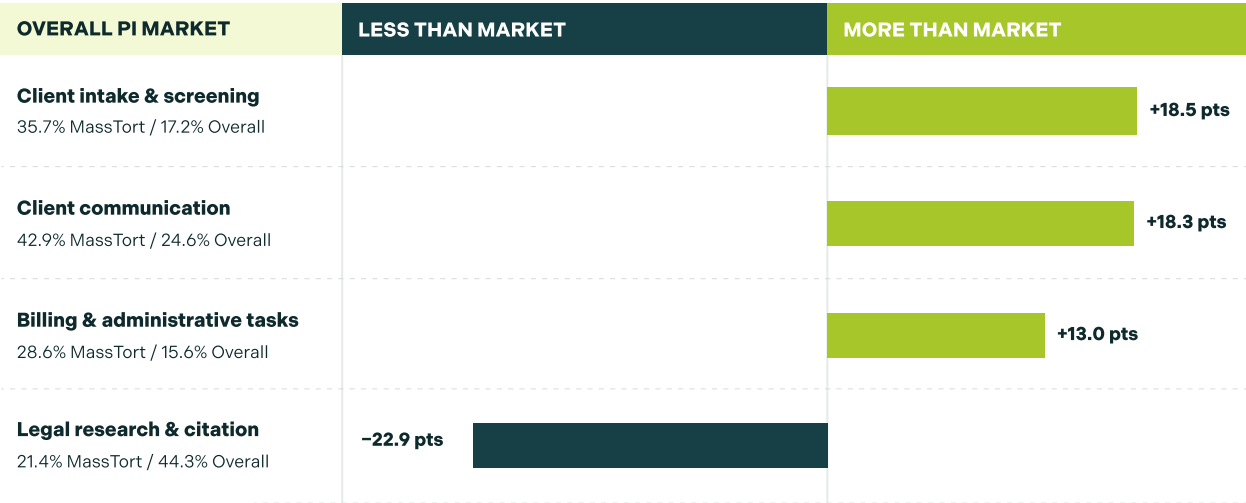
This makes sense when you consider what mass tort litigation actually involves. Unlike single-incident PI cases, where pre-litigation is the assembly phase and litigation is a different workflow, mass tort cases require pattern recognition, claimant comparisons to build settlement tiers, and evidence synthesis across the docket. This is work that is inherently litigation-facing and well suited to AI.

The task mix confirms this. Among mass tort firms currently using AI (n=14):

Mass Tort AI Is Built Around Volume, Not Research.

Q: For which tasks is your firm currently using AI?

n=122. Mass tort: n=14.



Mass tort firms are deploying AI around volume operations: screening, discovery, and communications, rather than the legal research and drafting cycle that dominates single-plaintiff PI. The use case is throughput at defensible quality: moving more claimants through screening, causation, and documentation without letting accuracy slip as the numbers climb.

This also explains why mass tort firms are more likely to outsource pre-litigation work entirely. Among mass tort respondents, 13.6% outsource some or all pre-litigation work, compared to 2.9% of the broader market, nearly five times the rate. When the core value of AI is managing the volume pipeline, the deployment model shifts accordingly.

The Volume Problem AI Was Built to Solve

The Volume Problem: Pipeline

The State of AI in Plaintiff Law report frames the capacity crisis around a single bottleneck: the demand letter. Mass tort does not work that way.

Revenue is driven by the ability to screen, qualify, and advance claimants at volume, across multi-district litigations that can involve thousands of plaintiffs. A firm's return depends on identifying bellwether-quality cases, developing causation across the claimant population, building Plaintiff Fact Sheets that withstand scrutiny, and tiering inventory for settlement, not on drafting any single document. The bottleneck is the pipeline that feeds every one of those judgments.

And the pipeline is enormous.

As of July 2026, the U.S. Judicial Panel on Multidistrict Litigation reports 203,915 pending actions across 162 active MDL dockets. While antitrust proceedings account for the largest number of individual dockets (37), product liability mass torts dominate by sheer volume of pending actions.

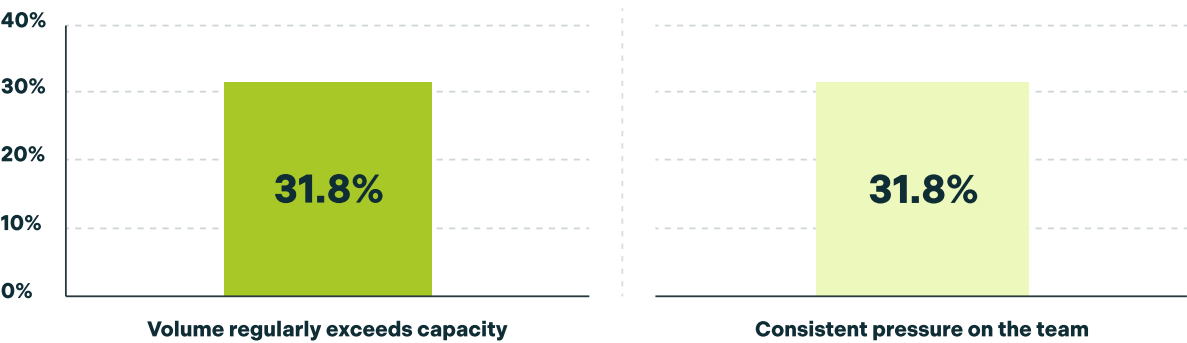
The 10 largest MDLs, all product liability, include J&J talcum powder (68,435 pending actions), Davol/Bard hernia mesh (23,382), AFFF firefighting foam (15,244), and hair relaxer products (11,877).^[1]

The survey data confirms that the pressure is real.

Q: How would you describe your firm's current caseload capacity?

75% of all plaintiff firms are at or beyond operational capacity.

MASS TORT FIRMS REPORT A SOMEWHAT DIFFERENT PROFILE:



The financial pressure compounds the operational pressure. Litigation finance has grown into a \$16.1 billion industry, and mass tort is one of its primary deployment categories. In the mass tort context, third-party funding provided to individual law firms now regularly exceeds \$50 million.

That capital comes with expectations: funders expect firms to screen out non-meritorious claims before significant resources are deployed. The Litigation Funding Transparency Act, introduced by Senator Chuck Grassley and co-sponsors, would require disclosure of third-party funding in mass tort and class action suits, reflecting growing recognition that outside capital is reshaping litigation incentives at scale.^[5,6,7]

In single-plaintiff PI, the AI pitch is about making individual attorneys more productive. In mass tort, the win is in scaling the pipeline: more claimants processed accurately per unit of operational capacity, with fewer falling through the cracks and fewer unqualified cases consuming resources.

The revenue motivation confirms this. When asked what single metric they would use to judge AI success:

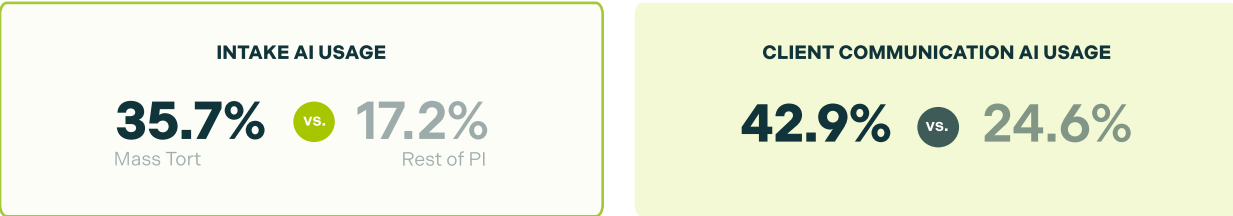
Q: What is the single most important metric you would use to judge whether AI adoption was successful at your firm?

n=207. Mass tort segment: n=22.



Mass tort firms are adopting AI to scale operations, not to de-risk any single work product. What they want it to do is process the next 500 claimant files before a court-imposed deadline, surface the ones that belong in a bellwether pool, and flag documentation gaps that could get a claim dismissed before those files ever reach an attorney.

The Bottleneck Is Not a Document. It Is the Pipeline.



Trust and Autonomy Matters Most

Trust And Autonomy Matters Most

The broader report's most striking finding is that 99% of attorneys will not use AI content they cannot verify. That finding holds in mass tort. In fact, it sharpens. 100% of mass tort respondents agreed with the statement:

"I won't use AI content unless I can verify its sources."

The consequences of unverified AI output are no longer theoretical. Courts have imposed sanctions for AI-generated hallucinations ranging from \$5,000 in 2023 to more than \$100,000 by mid-2026. A public database maintained by Damien Charlotin, a researcher at HEC Paris, tracks court decisions where a party relied on AI-hallucinated material. ^[2]

As of May 2026, the database had identified more than 1,300 cases worldwide. Penalties have escalated from four-figure fines to five-figure sanctions per attorney, revocation of pro hac vice admissions, and the first bar suspensions tied to AI-generated filings. ^[3,4]

In mass tort, the stakes of an unverified fact are not measured one case at a time. A fabricated treatment date or misread diagnosis that flows into a Plaintiff Fact Sheet can end a claim outright, and the same error pattern repeated across a claimant population can compromise bellwether selection and hand defense teams a systemic vulnerability to exploit across the entire MDL.

When a single documentation error is claim-ending and errors compound across thousands of files, the 100% verification requirement is not conservative. It is a mathematical necessity at docket scale.

***But where mass tort diverges from the broader market is on autonomy.
Mass tort firms are significantly more comfortable letting AI operate with less human oversight on routine tasks:***

Q: How comfortable would you be with AI tools that operate autonomously on certain legal tasks without direct attorney supervision?

n=207. Mass tort segment: n=22

31.8%

of mass tort respondents are somewhat or very comfortable with AI autonomy on routine tasks

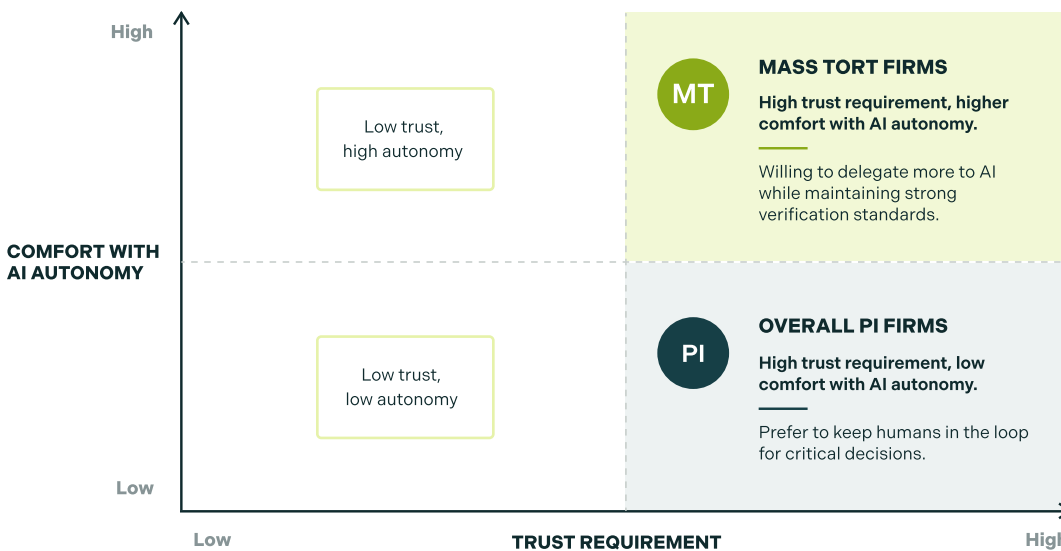
vs. **20.8%** OVERALL

36.4%

Only 36.4% insist on human review at every step

vs. **45.9%** OVERALL

Mass Tort Firms Want Verification – But Will Give AI More Rope.



This is not a contradiction. When a firm is processing 5,000 medical records for a pharmaceutical litigation, requiring an attorney to review every AI-generated summary at every step defeats the purpose of deploying AI at scale. Mass tort firms want to know they can verify any output at any time. They do not want to be required to verify every output before the system moves forward.

The platform capability data confirms this:

53.8% of mass tort respondents ranked "AI that proactively processes new cases without needing attorney prompting" as their #1 most essential capability, compared to 33.9% overall.

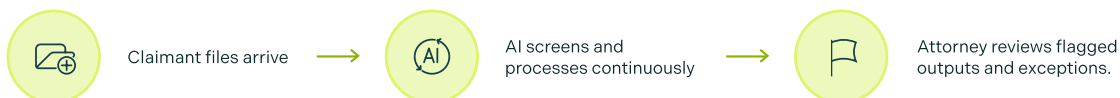
54%

of mass tort firms rank proactive case processing as their most essential AI capability – vs. 34% of firms overall.

BEFORE: Reactive, request-driven process.



AFTER: Proactive, continuous processing.

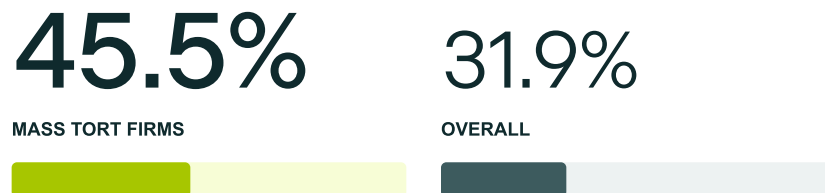


What mass tort firms are describing is a platform that works cases in the background: screening claimants as they come in, organizing records as they arrive, flagging patterns across the docket, and presenting attorneys with verified, ready-to-review output rather than a queue of unprocessed files. They want agentic AI, and they want it more urgently than the broader market.

This trust-but-verify posture extends to how mass tort firms govern AI internally. 45.5% have formal AI policies and are confident staff follow them, compared to 31.9% overall.

FORMAL AI POLICIES

have formal AI policies and are confident staff follow them, compared to overall



Not surprisingly, 95.5% of respondents are very or extremely concerned about client data being used to train AI or shared with third parties. This means that firms committed to AI also committed to governing it.

That dual investment may be part of why the middle is so thin: the governance requirement raises the cost of entry, not just the technology.

But, this isn't without competitive pressure. The urgency is measurable: 81% of survey respondents at firms with 30+ attorneys agree that AI will be a competitive requirement for plaintiff firms within two years, compared to 69% of respondents in firms with less than 10 attorneys.

A Point Worth Noting

While plaintiff firms carefully weigh their AI decisions, insurers have not. Insurance carriers have automated bodily injury valuation (Colossus), AI-driven demand analysis and medical record summarization (CLARA Analytics), and AI-driven claims triage that begins at first notice of loss. These systems help carriers assess and resolve claims quickly, often before an unrepresented claimant retains counsel. ^[8,9]

In mass tort, this asymmetry compounds. The carrier tools that value and triage claims are built to work at the same volume a mass tort docket generates. A firm still processing that volume by hand is negotiating against a counterparty whose evaluation is automated, consistent, and fast. That does not decide the outcome of a case, but it shapes the terms on which claims get resolved.

The Mass Tort AI Playbook is Not the PI Playbook

Docket-Level Scaled Operations

The [State of AI in Plaintiff Law report](#) tells the story of a market finding its way to AI, slowly and carefully, through the pre-litigation pipeline. Mass tort tells a different story, one of bifurcation and docket-level scaled operations rather than gradual, case-by-case acceleration.

The data points to a specific profile for what winning AI looks like in mass tort:

Proactive:

it processes claimant files and screens cases before anyone asks it to (53.8% rank this #1).

Trusted at scale:

verifiable at any point, without requiring verification at every step (31.8% comfortable with routine autonomy, vs. 20.8% overall).

Built around docket value:

claimant screening, causation development, bellwether identification, and defensible documentation.

Fully traceable:

100% of mass tort respondents won't use AI content they can't verify.

Contained:

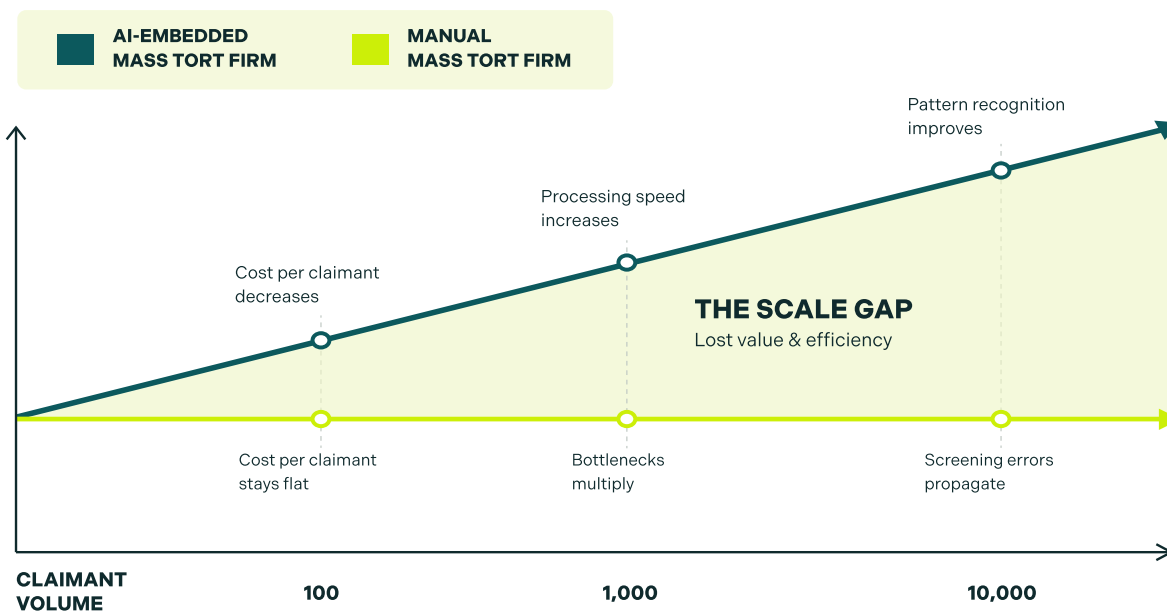
it runs in a closed data environment, addressing the 95.5% who are highly concerned about client data exposure.

Governed:

45.5% have formal policies and confidence they're followed.

In mass tort, that advantage compounds at scale.

At Volume, the Gap Doesn't Close. It Widens.



The competitive pressure is sharper – 81% say AI will be a requirement within two years. The window is narrower with only 22.7% of mass tort firms still in the middle, evaluating AI.

Firms that have committed are already building operational advantages that compound with every new claimant processed.

Methodology

Primary research: Online survey of 207 U.S.-based personal injury legal professionals, fielded March 11–26, 2026 by Thirdside Research. Mass tort segment defined as respondents selecting "Mass Torts" as their primary practice area (Q1). Segment size: n=22. Respondents recruited through opt-in professional research panels with screening for role, firm type, and plaintiff practice focus.

Sample note: The mass tort segment (n=22) supports directional analysis and within-practice-area comparisons but is not sized for standalone statistical inference. Findings are reported as segment-level percentages with full source detail. Statistical significance at the 95% confidence level is noted where achieved and confirmed via the Thirdside crosstab analysis. This spotlight is intended for strategic insight and market direction, not precise population estimates.

Firmographic profile of the mass tort segment (n=22):

Firm size: 22.7% solo/small (1–2 attorneys); 36.4% mid-size (3–9); 27.3% larger mid-size (10–29); 13.6% large (30+)

– Role: 40.9% managing partner or firm owner

Industry Research:

[1] U.S. Judicial Panel on Multidistrict Litigation, MDL Statistics Reports (Actions Pending and Docket Type Summary), July 1, 2026 — <https://www.jpml.uscourts.gov/pending-mdls-0>

[2] Charlotin AI Hallucination Cases Database, Damien Charlotin, HEC Paris — <https://www.damiencharlotin.com/hallucinations/>

[3] Fortune, "Would you hire the lawyer who just got sanctioned for using AI?" May 16, 2026 — <https://fortune.com/2026/05/16/ai-hallucinations-legal-sanctions-courtroom-lexisnexis/>

[4] Forbes, "Attorneys — Track AI Hallucination Cases With This New Tool," July 18, 2025 — <https://www.forbes.com/sites/larsdaniel/2025/07/18/attorneys-track-ai-hallucination-case-citations-with-this-new-tool/>

[5] Bloomberg Law, "Four Big Questions for the Litigation Finance Industry in 2026," December 31, 2025 — <https://news.bloomberglaw.com/business-and-practice/four-big-questions-for-the-litigation-finance-industry-in-2026>

[6] Behrens, "Third-Party Litigation Funding: A Call for Disclosure," Cornell Law, 2025, citing Parikh, 133 Yale L.J. Forum 32 (2023) — <https://community.lawschool.cornell.edu/wp-content/uploads/2025/03/Behens-final.pdf>

[7] U.S. Senate Committee on the Judiciary, Litigation Funding Transparency Act — <https://www.judiciary.senate.gov/press/rep/releases/grassley-proposes-third-party-litigation-funding-reform-foreign-reporting-requirements>

[8] CLARA Analytics, carrier AI platform documentation — <https://claraanalytics.com/>

[9] BusinessWire, "CLARA Analytics Launches First Intelligence-as-a-Service," September 9, 2025 — <https://www.businesswire.com/news/home/20250909243519/en/CLARA-Analytics-Launches-First-Intelligence-as-a-Service-to-Put-Insurers-in-Control>

