The Surge of *Pro Se* Plaintiffs

By: Krista Colbert

For millions of Americans, the decision to proceed *pro se* (self-representation) is not ideological or strategic—it is economic. The justice gap reflects a systemic failure of the United States legal system to provide equal justice under the law. Nowhere is this failure more apparent than in civil cases, where there is no right to counsel and legal services remain financially out of reach for most low-to-moderate-income individuals, leaving self-representation as the only option. The growing presence of artificial intelligence (AI) in legal spaces has made that reality more visible. AI tools now draft complaints, explain statutes, and suggest arguments at a speed and scale previously reserved only for those who could afford legal representation. While these tools promise access, they also make clear that inequality persists in who absorbs the risks, labor, and expense of litigation—costs that fall disproportionately on low-income litigants and already strained institutions.

The rise of AI-assisted *pro se* litigation is inseparable from resource inequality. The Legal Services Corporation reports that 92% of low-income United States Citizen's substantial civil legal needs go unmet, largely because legal representation is financially out of reach for most people. In that context, self-representation is not a choice, but a necessity. Legal templates and AI tools fill a gap created by the absence of counsel. For unrepresented litigants, these tools can be empowering. Templates provide structure and AI provides language. Together, they help individuals file legal complaints —often the difference between being heard and being dismissed outright.

I began noticing a surge in *pro se* litigants while working at a defense-side firm in downtown Minneapolis. It did not arrive as a single dramatic case, but as a steady accumulation of work: longer complaints, more motions, and more filings that looked increasingly professional while remaining legally unsound. What stood out most was not simply the number of self-represented litigants, but how many appeared to be using preexisting legal templates—complaints, motions, and "affidavits"—augmented by artificial intelligence. But templates with faulty AI insertions do not replicate legal judgment. They often generate filings that are overinclusive, internally inconsistent, or based on inapplicable law. From the defense perspective, this creates a paradox: pleadings that are sophisticated enough to require a full response but flawed enough that the response requires significant time and effort to untangle.

Based on my experience in the summer of 2025, many *pro se* filings began to look strikingly similar, repeating the same language and structures and often using copied templates or AI-generated arguments without regard to the specific jurisdiction or legal relevance of the case.. AI had not replaced the template; it had supercharged it. For many *pro se* litigants, this combination offers something that feels close to representation. Further, *pro se* litigants are given false

confidence in their positions. From the defense table, however, it became clear that the costs of this practice are substantial—and unevenly distributed.

At the firm, we discussed the alarming rates of disproportionate resources these AI-generated filings consumed. What might once have been resolved quickly now requires extensive briefing.

- ~ Every claim, even one clearly copied from a generic template, must be addressed to avoid waiver.
- ~ Every citation—often outdated, irrelevant, or misapplied—must be checked.
- ~ Motions to dismiss become longer.
- ~ Discovery disputes multiply.

The additional labor is not optional; it is the cost of participation in a system that values procedural completeness.

These costs do not disappear; they are absorbed by defense firms that must respond to such filings, and even without comprehensive data on AI-assisted litigation, the growing volume of these submissions is plainly increasing defense expenses and contributing to court backlogs. Meanwhile, courts—particularly state courts—face mounting pressure. State courts already handle the vast majority of civil cases—an estimated three in four involve at least one party without counsel—placing additional pressure on underfunded judicial systems. Judges and clerks must devote increasing time to managing *pro se* cases, issuing corrective orders, and explaining basic procedure, all while maintaining neutrality. What appears to be expanded access is subsidized by institutions already stretched thin.

From the defense table, the broader pattern is clear. AI and templates do not eliminate inequality; they redistribute it.

- ~ Low-income litigants bear the risk of legal error.
- ~ Courts bear the administrative burden.
- ~ Defense firms bear increased litigation costs.

Ultimately, the underlying problem—unequal access to counsel—remains untouched behind a technological advancement that seemingly expands access to all.

This is not an argument against AI or against *pro se* litigants. It is an argument for recognizing what these tools are actually doing. They are filling a gap created by systemic underinvestment in civil legal representation. Access to information alone, without meaningful access to legal representation, does not produce the streamlined, mutually beneficial process that both individuals and institutions need.

The recent surge in AI-assisted *pro se* litigation is not a failure of individual litigants. It is a structural signal reflecting who is forced to navigate the legal system alone, whose labor keeps the system running, and whose resources are quietly consumed in the process. Access to counsel must be treated as a matter of justice rather than privilege, otherwise people will continue to use AI in an attempt to redistribute the costs of inequality.