

Five Ways AI, Social Media and Crypto, are Dramatically Changing Family Law



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A Foreword from CEO

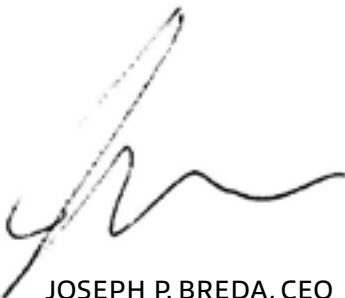
Joseph Breda

Digital technology is an everyday part of our society. Therefore, it's no surprise that family law cases increasingly involve complex legal issues related to artificial intelligence, social media, and cryptocurrency. Clients are seeking more guidance from attorneys on these matters as they navigate challenging life transitions such as divorce, pre-nuptial agreements, legal separation, child custody, separation of marital property, and more.

To understand the impact of technology on modern family law, Cordell & Cordell surveyed its strongest knowledge base: our attorneys. These professionals are on the front lines of these trends, keeping up to date on relevant case law, and working closely with clients to provide legal strategy.

We surveyed a large nationwide group of our family law attorneys and uncovered five key trends: the use of AI in family law documents, the use of public AI tools by clients, the use of social media posts as evidence, the growth of cryptocurrency as a marital asset class, and the advantages of a human attorney vs. AI.

The report underscores the importance of attorneys and firms staying ahead of rapidly evolving digital technologies, including AI, cryptocurrency, and social media, as these tools increasingly shape family law disputes, evidence, and client interactions. It also illustrates the essential role attorneys play in delivering trustworthy legal guidance to clients, rather than relying on AI engines. Despite its advancements, AI is no substitute for specialized legal advice from a licensed attorney. In fact, the results of this survey show that more human understanding and intervention is needed, not less. However, these new technologies must be deeply understood for our legal community to best serve our clients.



JOSEPH P. BREDA, CEO

SURVEY RESULT

Five Major Technology Trends in Family Law

The results of our survey suggest that the future of family law, and the legal industry more broadly, will continue to be significantly shaped by emerging digital technology. Here are the five key trends uncovered in our survey of Cordell & Cordell family law attorneys.

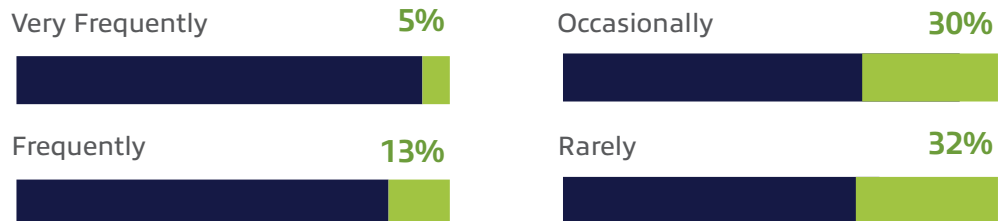
TREND 1

Increased Client Use of Public AI Tools

80%

of attorneys said they have received correspondence, draft pleadings, or strategic suggestions from their clients that were generated using an AI tool.

The rise in AI usage raises concerns for family law attorneys and clients.



A recent Federal court decision, *United States v. Heppner*, issued from the Southern District of New York, potentially affects anyone involved with a family law matter, such as divorce or child custody. The court ruled that entering legal questions into a public AI chatbot, such as ChatGPT, Google Gemini, or in this specific case, Anthropic's Claude, does not mean those conversations are private under the attorney-client privilege. This is because AI is not a lawyer, and clients can't reasonably expect their chats to be kept confidential. Under the court's ruling, any AI chat about a legal matter that happens outside the attorney-client relationship could become evidence, just like social media posts (see Trend 3). It's important for clients to understand this distinct difference.

"The most important thing for clients to understand is that public AI tools are considered third parties under the law, and sharing information with them can waive privilege," says Lisa Karges, B.C.S., Executive Partner at Cordell & Cordell's Tampa, Florida office. "A family law matter is deeply personal. The last thing I would want for one of my clients is for communication that they believed was private to become evidence."

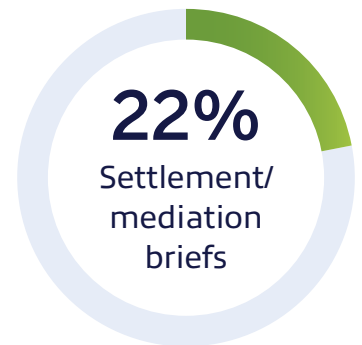
TREND 2

Increase of AI Appearing in Family Law Documents

59.4%

of attorneys surveyed said they have received documents from an opposing party or their counsel that they suspect were generated by an AI tool.

The most common types of documents identified are:



“The use of Artificial Intelligence (AI) is a major legal issue today. Many states have addressed this issue through formal ethics opinions, regulations, or legal precedent. Several state rulings have penalized attorneys for improper AI use, such as failing to verify citations and quoting bad or inaccurate law,” notes Karges.

TREND 3

Attorneys Retain Huge Advantage Over AI Output

84%

of attorneys expressed confidence in their ability to detect AI-generated content.

An overwhelming majority of attorneys are confident that they can spot documents generated by AI. This points to a high level of attorney readiness; it also suggests that family law is more reliant on human emotions than other practices. AI cannot replicate the specific, often messy, interpersonal nuances of long-term family disputes and highly emotional arguments between married couples.

As trained legal professionals, attorneys learn to question the credibility of every aspect of a case, from witnesses to evidence and expert testimony. This level of scrutiny makes them well-prepared to notice inconsistencies or repetitive language patterns, often a hallmark of AI-generated documents.

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As I am reviewing documents on a case, whether they come from a client or opposing counsel, I am now asking, was this written by a human or AI? Upon careful inspection, it becomes apparent when content is AI-generated. An experienced attorney knows when something feels off.

— Lisa Karges

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“

AI is here to stay, and while certain aspects can be beneficial, it can't replace the human element of legal work. AI can be a very useful tool to maximize product quality and enhance our attorneys' ability to litigate in new and innovative ways. It enhances what we do. It doesn't replace us.

— Lisa Karges

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Attorneys also provide something that AI cannot: empathy. While family law is entrenched in fact, it is also deeply emotional, personal, and private. Family court often relies on human judgment and local insights that algorithms and Large Language Models (LLMs) simply can't replicate. AI excels at processing data, checking grammar, or other administrative tasks, but it lacks the emotional intelligence, strategic nuance, and ethical decision-making required to navigate the high-stakes personal matters of child custody and divorce.

TREND 4

Social Media Activity Used as Evidence



An overwhelming majority (86%) of attorneys surveyed reported seeing social media used as evidence in divorce cases.

32%

of attorneys said
this happens

“VERY FREQUENTLY”

36%

of attorneys said
they saw it

“OCCASIONALLY”

26%

of attorneys said
they saw this

“FREQUENTLY”

Clients may be surprised to learn how their personal social media posts can surface during a family law matter, whether it's a divorce, child support agreement, or child custody plan. Attorneys should communicate to clients that any public posts, status updates, comments, messages, screenshots, TikTok videos, and photos may be used as potential evidence during family law proceedings.

Anything shared online may be used to support or challenge claims about income, parenting, or personal conduct. A “single” status update on Facebook, for example, can affect how a judge views a party's intentions or credibility during litigation. Posts that suggest a lifestyle different from what a party has described in court, such as a costly vacation, a new car, or a lucrative new job, can come into question and may undermine any financial claims. Judges and opposing counsel may even analyze a spouse's social media activity for signs of anger, hostility, or parental alienation, which can affect custody decisions.



**“The data is clear:
Any activity on social media
is inherently legal evidence.
And yet, most Americans
don't think about that when
they post.”**

Says Joseph P. Breda,
CEO of Cordell & Cordell.

With 71% of U.S. adults now using Facebook (according to [Pew Research](#)), digital evidence will inevitably become standard in family law court cases. The high percentage of attorneys already treating social media as evidence will only increase as Millennials and Gen Z, who have lived most of their lives online, reach the age when they're ending marriages.

TREND 5

Crypto as an Emerging Marital Asset

61%

of attorneys have handled family law cases involving the division of digital/crypto assets.

In family law, disputes commonly arise over commingled funds, high-net-worth investments, and disagreements on what constitutes joint property or a fair or equitable distribution. With the rise of digital property, such as cryptocurrency, family law will become even more complex. Unlike traditional bank accounts, cryptocurrencies can be stored in private, "cold" wallets or on decentralized exchanges.

Our research shows that financial abuse tactics are still highly prevalent during a divorce:



94%

of attorneys surveyed said they've seen examples of controlling access to money during a divorce proceeding

With the rise of crypto, the potential for a new kind of financial abuse tactic is a greater concern.

As crypto becomes more mainstream, we predict that digital forensic expertise in finance will become vital. Family law firms will increasingly need to rely on, or integrate, forensic accounting and financial discovery specialists to effectively trace, value, and secure marital assets that are often deliberately hidden or manipulated. This will need to extend to digital assets.

Final Thoughts

AI, social media, and cryptocurrency are the latest examples of digital technology making its way into the court system. It's not unusual for technology to outpace our legal framework; however, it's the responsibility of family law attorneys to educate themselves about all the ways that AI, social media, and cryptocurrency content could impact a case.

As for clients, individuals may be tempted to bypass professional legal consultation altogether and rely solely on AI to manage their family law case to save money. This is exceptionally dangerous and could have dire consequences. AI on its own is not a reliable substitute for qualified legal counsel. An AI engine lacks the necessary judgment and expertise of a licensed family law attorney, nor does it hold the same attorney-client privilege.

It's clear that modern family law is facing some new challenges due to technology. Attempting to navigate these issues alone—especially by relying on AI tools—poses significant risks to clients. The complexity of digital discovery, the nuances of asset division involving non-traditional property, and the need for a personalized strategy in high conflict matters all demand the expertise of a licensed family law attorney. In family law, the human element is still the most important factor for a successful outcome.

For individuals facing a life transition such as divorce, custody, pre- or post-nuptial agreement, or support modifications, strategic legal guidance is essential. This presents a significant opportunity for well-prepared, experienced attorneys to share their knowledge and successfully represent clients in more complex family law cases.

METHODOLOGY

Cordell & Cordell surveyed 133 family law attorneys across its practice. The survey was administered via Microsoft Forms over a 20-day period that concluded on April 6, 2026.

