



**The Journal of Robotics,
Artificial Intelligence & Law**

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Victoria Prussen Spears

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THE JOURNAL OF ROBOTICS, ARTIFICIAL INTELLIGENCE & LAW (ISSN 2575-5633 (print) /ISSN 2575-5617 (online) at \$495.00 annually is published six times per year by Full Court Press, a Fastcase, Inc., imprint. Copyright 2026 Fastcase, Inc. No part of this journal may be reproduced in any form—by microfilm, xerography, or otherwise—or incorporated into any information retrieval system without the written permission of the copyright owner. For customer support, please contact Fastcase, Inc., 729 15th Street, NW, Suite 500, Washington, D.C. 20005, 202.999.4777 (phone), or email customer service at support@fastcase.com.

Publishing Staff

Publisher: David Nayer

Production Editor: Sharon D. Ray

Cover Art Design: Juan Bustamante

Cite this publication as:

The Journal of Robotics, Artificial Intelligence & Law (Fastcase)

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A Full Court Press, Fastcase, Inc., Publication

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729 15th Street, NW, Suite 500, Washington, D.C. 20005

<https://www.fastcase.com/>

POSTMASTER: Send address changes to THE JOURNAL OF ROBOTICS, ARTIFICIAL INTELLIGENCE & LAW, 729 15th Street, NW, Suite 500, Washington, D.C. 20005.

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ISSN 2575-5633 (print)

ISSN 2575-5617 (online)

How the Adaptation of Artificial Intelligence Tools Is Impacting the Practice of Law

Seth M. Pavsner*

In this article, the author discusses a number of ways that artificial intelligence tools are affecting the way attorneys practice law.

Artificial intelligence (AI) is seemingly everywhere these days. AI companies are constantly in the news, whether it is Anthropic's battle with the federal government over the acceptable uses of AI in the military, OpenAI prepping for an initial public offering that could set its market value in the hundreds of billions of dollars, or Grok's frequent public relations catastrophes (of which there have been too many to easily recount). But while the public discourse on AI tends to focus on big-picture concepts like its effects on the national and global economy or the morality of AI use as a general principle, attorneys—and the legal profession writ large—have more discrete questions that, while less grandiose, are nevertheless sending reverberations through the legal field that may be felt for years to come.

Ethical Considerations

There are ethical considerations that lawyers must take into account when using AI tools, including ethical pitfalls relating to risks to client confidentiality and attorney-client privilege. The dangers of AI hallucinations were highlighted by the seminal case of *Mata v. Avianca*.¹ AI is a powerful tool that still must not be used as a substitute for thoughtful attorney work product. While those concerns remain (one need not look far to see even prestigious firms falling victim to these avoidable dangers of AI use without proper guardrails), new AI tools specifically designed for attorneys have reshaped the question of AI use by lawyers. In short, the question is no longer about whether lawyers should use AI tools to assist their workflows, but to what extent.

To be sure, there are clear advantages to the use of AI in the legal field, provided they are used as tools to enhance genuine attorney work product rather than as replacements for it. In transactional work, for example, an AI tool can draft a form template for a contract of sale that could save an attorney hours of time better spent on refining that template for each individual use case. For litigators researching new questions of law, an AI tool that draws on a confined database of judicial opinions and secondary sources can cut the time the attorney needs to get from “step zero” (i.e., “how do courts handle this question?”) to “step one” (i.e., “how can I apply these holdings to our fact pattern?”) down from several hours to, in some cases, as little as 15 minutes. When used properly, these AI tools facilitate the initial stages of workflow so much that the attorney’s time can be better spent refining contracts, arguments, and so on to ultimately produce superior work product in less time—a boon to attorneys and their clients alike.

New Workflows

Some of the more advanced AI tools also offer new kinds of workflows that previously did not exist, or at least could not reasonably be accomplished without massively inflating client bills. For instance, an attorney preparing for a court hearing before a certain judge could provide the AI tool with briefing from the case as well as transcripts from that judge in other cases dealing with similar issues and the AI tool can return a list of likely questions the attorney may face from the court, thereby streamlining preparation time and ensuring that the attorney is forearmed with knowledge of what to expect. Previously, such work might be done at only the top firms in the country and farmed out to junior associates who would spend hours upon hours compiling these results. Modern AI tools, by contrast, can accomplish the task in minutes.

Clients, too, are increasingly aware of the uses of AI in streamlining attorney workflows. Demands for faster results—and accordingly lower bills for certain tasks—are becoming commonplace. AI adoption, even in limited and strictly overseen capacities, can be a real boon, particularly to small and midsize firms, in pitches to potential new clients: “We use artificial intelligence tools to enhance our productivity to save you money without compromising our work product” has a distinctly client-friendly ring to it. So too for

existing clients, who are increasingly likely to ask how the firm is using AI to increase efficiency and lower their bills. It always bears repeating that AI is a productivity tool, not a work replacement, and clever attorneys are just as important as ever to refine AI output into winning stratagems. But with clients increasingly focused on lowering their bottom line amid the current economic climate, attorneys who continue to hold out against AI use entirely will increasingly find themselves left behind by their competitors.

Downsides

Of course, downsides to AI use remain. AI output must always be checked for accuracy; even as large language models grow more facile with conversational prompts, incorrect responses are frequent and prompts still require deliberate, thoughtful refinement to ensure that your “step one” is a step taken in the right direction. Law firms should also do their due diligence in vetting the security of their chosen AI tool or platform, as any exposure of sensitive information could lead to privilege waiver and, at worst, a malpractice grievance. Even those firms that outright ban the use of AI tools risk “shadow use” by their employees—that is, attorneys using an AI tool (usually a less secure one, such as the free version of ChatGPT) to do their drafting for them, and then porting those AI-created drafts over to their work devices without revealing their original source. Risks of client confidentiality and privilege waiver (not to mention potential plagiarism, even if unintentional) do not vanish simply by banning AI use; instead, such bans merely push the use of AI tools out of the employer’s sight, making it extremely difficult to monitor and potentially catastrophic if the attorney using the lesser AI tool is just as cavalier about accepting AI-generated output as they are about using it despite being forbidden from doing so.

Conclusion

The use of AI tools in the legal field is rapidly changing, and those changes are unlikely to stop anytime soon. We—attorneys, clients, and our digitally globalized world—must find our footing even as the landscape shifts beneath our feet. Thoughtful adoption of AI tools to assist in streamlining attorney workflows can be a boon to attorneys and clients alike. But both attorneys and clients

must recognize that AI is no substitute for human intelligence. Human-driven attorney work product remains just as vital as ever, and arguably even more so in this increasingly digital world. But provided the proper safeguards are in place, there is nothing wrong with using new tools to get a leg up.

Notes

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1. *Mata v. Avianca*, 678 F. Supp. 3d 443 (S.D.N.Y. 2023).