

Understanding the Benefits & Limitations of AI in Legal Practice

Practical Insights into Effectively and Ethically Leveraging New Technologies

2025 Inns of Court Presentation

Panelists

- *Jonathan P. Lienhard, Holtzman Vogel Baran Torchinsky Josefiak PLLC*
- *John Cycon, Holtzman Vogel Baran Torchinsky Josefiak PLLC*
- *Oliver Roberts, Holtzman Vogel Baran Torchinsky Josefiak PLLC*

Agenda

- I. Survey of AI Across Legal Practice
- II. Foundational AI Concepts and Terms
- III. Uses of AI in Legal Practice
- IV. Ethical Considerations for Lawyers Using AI

Survey of AI Across Legal Practice

- How many lawyers are actually using AI?

Survey of AI Across Legal Practice

- How many lawyers are actually using AI?
- *We don't really know for sure.*

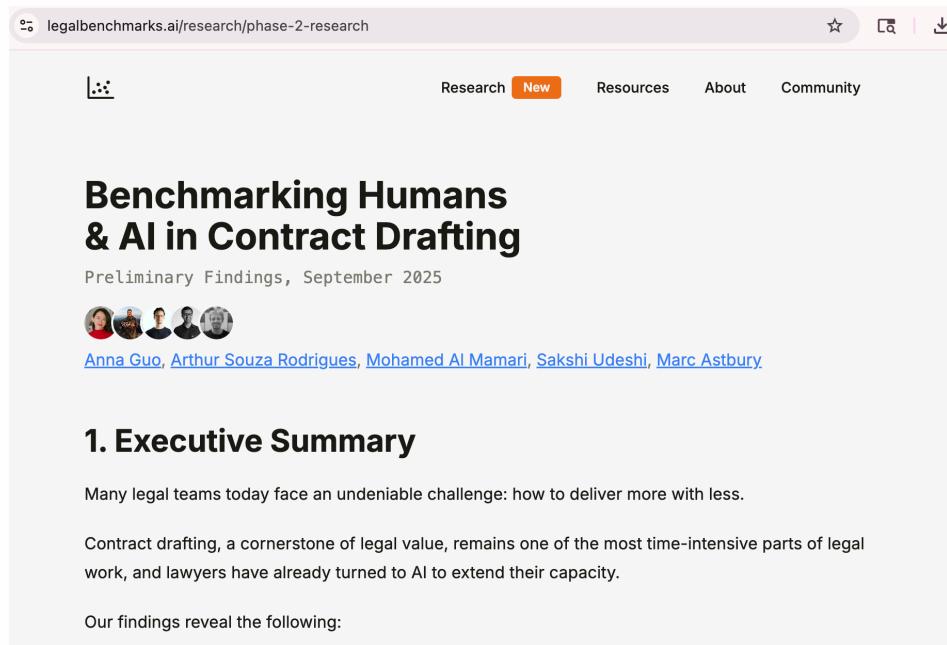
Survey of AI Across Legal Practice

- ABA's annual Legal Technology Survey Report says 30% of lawyers are using AI
- 2024 Clio Legal Trends Report says 79% of lawyers use AI daily
- LegalBenchMarks.ai says 97% of lawyers use AI

https://www.americanbar.org/groups/law_practice/resources/legal-technology-resource-center/tech-survey/?login; <https://www.clio.com/resources/legal-trends/>

Survey of AI Across Legal Practice

- Assess vendor claims and “AI studies” critically



The screenshot shows a web browser displaying the legalbenchmarks.ai/research/phase-2-research page. The page title is "Benchmarking Humans & AI in Contract Drafting: Preliminary Findings, September 2025". Below the title, there are five small profile pictures of the research team members. The text "Anna Guo, Arthur Souza Rodrigues, Mohamed Al Mamari, Sakshi Udeshi, Marc Astbury" is listed. The main content section is titled "1. Executive Summary" and contains the following text: "Many legal teams today face an undeniable challenge: how to deliver more with less. Contract drafting, a cornerstone of legal value, remains one of the most time-intensive parts of legal work, and lawyers have already turned to AI to extend their capacity. Our findings reveal the following: [redacted content]". The top navigation bar includes links for Research (which is highlighted in orange), Resources, About, and Community.

Benchmarking Humans & AI in Contract Drafting
Preliminary Findings, September 2025

Survey of AI Across Legal Practice

- Assess vendor claims and “AI studies” critically

97%

of lawyers use AI tools for legal work, making AI usage nearly universal in the legal profession.

83%

of lawyers use two or more AI tools, reflecting active experimentation across multiple platforms and solutions.

35%

of lawyers use legal AI tools, showing awareness but limited and fragmented adoption despite a crowded market of entrants.

Survey of AI Across Legal Practice

- Assess vendor claims and “AI studies” critically

Key Findings

Based on the evaluations of 450 task outputs, 72 legal community survey responses, and 12 interviews with in-house legal leaders, our key findings are as follows:

1. **AI tools matched and, in some cases, outperformed lawyers in producing reliable first drafts.**
Humans were reliable in 56.7% of tasks, but several AI solutions met or exceeded this baseline.
2. **The top AI tool marginally outperformed the top human.** The top human lawyer produced a reliable first draft 70% of the time, whereas the top AI tool produced a reliable first draft 73.3% of the time.
3. **Legal AI tools surfaced material risks that lawyers missed entirely.** In drafting scenarios with high risks, legal AI tools were far more likely to exercise legal judgment, raising explicit risk warnings in 83% of the outputs compared to 55% for general-purpose AI tools. Humans, by contrast, raised none.

Survey of AI Across Legal Practice

- Assess vendor claims and “AI studies” critically
 - **Survey Limitations:** The survey reflects 72 voluntary, self-reported responses from lawyers, gathered through our global community, LinkedIn, and legal practice networks. As participation was voluntary and response rates were not tracked, the data may be subject to selection bias. For example, respondents may disproportionately represent lawyers already engaged with or curious about AI, as well as those active in online or international networks. The findings should therefore be interpreted as indicative of adoption trends rather than a statistically representative measure of the legal profession.

Survey of AI Across Legal Practice

- Leading Use Cases for AI (among those using AI):

- 77% use it for document review
- 74% use it for legal research
- 74% use it to summarize documents
- 59% use it to draft briefs or memos

Caveat: Stats from legal research provider TR

(Source: 2025 Thomson Reuters' Future of Professionals Report)

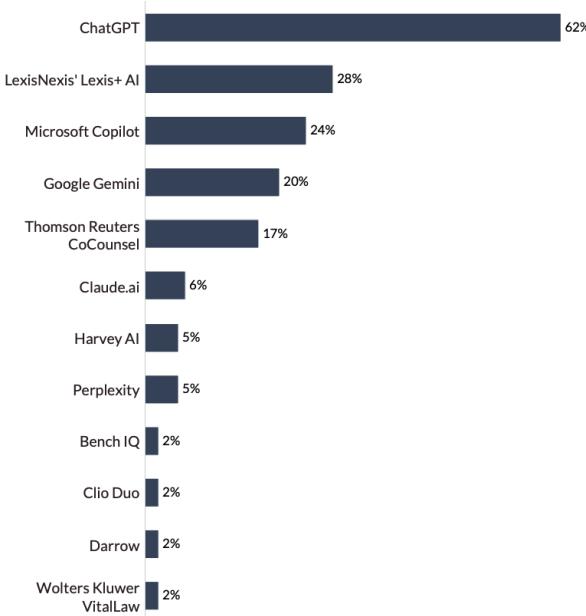
<https://legal.thomsonreuters.com/blog/how-ai-is-transforming-the-legal-profession/>

Survey of AI Across Legal Practice

■ Most Popular LLM Used by Lawyers and Legal Tech Companies?

- ChatGPT
- Gemini
- Claude

Which generative AI tools do you currently use at work, for either legal or other tasks, excluding e-discovery?



Note: Law360 is owned by LexisNexis Legal & Professional, a RELX company, which developed Lexis+AI.

Survey of AI Across Legal Practice

- Judicial Standing Orders on AI Use
 - Many judges (200+) across the U.S. have issued standing orders addressing AI usage in legal filings.
- Orders vary by jurisdiction but commonly include:
 - Mandatory AI Disclosure: Lawyers must reveal if AI assisted in drafting documents.
 - AI Bans: Some courts prohibit AI-generated filings due to accuracy concerns.
 - Verification Requirements: Attorneys must certify AI-generated content's accuracy.

Survey of AI Across Legal Practice

- Lawyers and pro se litigants filing hallucinated citations, quotes, and legal propositions
- As of December 2025, the number of reported instances is over 645 globally and 434 in the United States.

Source: https://www.damiencharlotin.com/hallucinations/?q=&sort_by=-date&states=USA&period_idx=0

Survey of AI Across Legal Practice

- Two federal judges have also rescinded orders after including fake AI-generated citations, quotes, and facts (Judge Wingate and Judge Neals)
- Even “misinformation experts” have included hallucinated sources
 - *Kohls v Ellison* (District of Minnesota): “Defendant Minnesota Attorney General Keith Ellison seeks leave to file an amended expert declaration from Professor Jeffrey Hancock. On November 1, 2024, the Attorney General filed Professor Hancock’s declaration in support of his opposition to Plaintiffs’ motion to enjoin Minnesota’s electoral deepfake law, Minn. Stat. § 609.771 (2024). . . Paragraph 21 of Professor Hancock’s declaration cited to a non-existent journal article that was likely hallucinated by artificial intelligence (AI). Professor Hancock has since confirmed that Paragraph 21 of his declaration cites to a non-existent article by “Hwang et al.” Professor Hancock has also informed the Attorney General’s office that Paragraph 19 of his declaration cites to a non-existent article by De keermaecker & Roets. Finally, Professor Hancock identified a third citation error: . . .

Survey of AI Across Legal Practice

At least 3 judges have used AI for interpretation

Judge Kevin Newsom
11th Circuit

U.S. v. Deleon
(11th Cir., 2024)

“physically restrained”

Judge Josh Deahl
D.C. Court of Appeals

Ross v. U.S.
(D.C. Appeals, 2025)

“Is it harmful to leave a dog in a car with the windows slightly open for an hour and twenty minutes in 98-degree weather?”

Judge Chad Readler
6th Circuit

Smith v. PAM Transport
(6th Cir., 2025)

“What does monkey ass mean?”

AI Terminology and Concepts

- Artificial intelligence (“AI”): technology that enables computers and machines to simulate human intelligence and problem-solving capabilities
 - Examples: Face ID, social media, self-driving cars, and generative AI tools (like Open AI's ChatGPT)
 - Generative AI is a subset of AI

AI Terminology and Concepts

- Large Language Models (LLMs): A type of AI model designed to generate and replicate human language.
- Companies developing LLMs:
 - OpenAI (ChatGPT)
 - Google (Gemini)
 - Anthropic (Claude)
 - Meta (Llama)

AI Terminology and Concepts: LLMs

- Developers and scientists do not fully understand how LLMs process information and give outputs (billions or trillions of data processing points organized in multiple layers)
- Developers cannot directly track every encoded layer in the training and inference process. They know the inputs and outputs but not the exact transformations in between.
- LLMs can exhibit unexpected skills that were not present in smaller models, which is a phenomenon known as emergent abilities. These capabilities are unpredictable and cannot be anticipated solely by scaling up model size

AI Terminology and Concepts: LLMs

User Input

The motion to dismiss was _____

OUTPUT

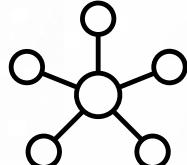
INPUT

The motion to
dismiss was

Tokenization/
Embedding

LLM

Neural Network



WORD	PROBABILITY
granted	0.083
denied	0.078
due	0.048
bad	0.008
colorful	0.001
eh	0.0001

AI Terminology and Concepts: LLMs

User Input

The motion to dismiss was _____

Predicting the next token (word) based on the data it has been trained on

AI Terminology and Concepts: LLMs

The motion to dismiss was _____

Tokens: The motion to dis miss was

An LLM processes text inputs and outputs using tokens.

Token- a basic unit of text, which can be a word, part of a word, or even punctuation, depending on the model's tokenization strategy

AI Terminology and Concepts: LLMs

The motion to dismiss was _____

Tokens: The motion to dis miss was

Embeddings
(Numerical
Representations):

[0.21, -0.56, ...]	[0.31, -0.36, ...]	[0.81, -0.16, ...]	[0.41, -0.73, ...]	[0.21, -0.56, ...]	[0.021, -0.36, ...]
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LLMs then process the embeddings (via the
neural network layer) & predict the next token

Uses of AI in Legal Practice

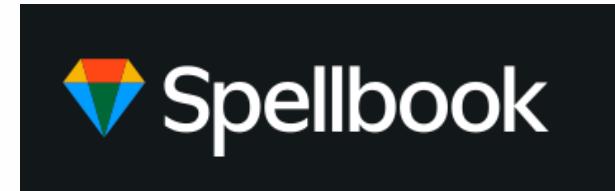
- Legal Research
- Drafting
- Document Review
- Contract Review & Redlining

Uses of AI in Legal Practice

AI for Legal Research



AI for Contract Review



ChatGPT Projects



Live Examples

Ethical Considerations for Lawyers Using AI

- Competency
- Hallucinations

Ethical Considerations for Lawyers Using AI

- Hallucinations: Instances when an AI model generates false or nonsensical information that is presented as fact
- LLMs predict text based on statistical probabilities rather than retrieving facts.
- AI tools are inherently probabilistic, leading to occasional “errors” even with higher accuracy models.
- Even legal-specific AI tools can hallucinate

AI Tools Used by Lawyers

1

General purpose AI models, often referred to as "frontier models", are trained on vast, broad datasets. While they can process and generate human-like text, they have significant limitations when applied to legal work.



ChatGPT

Claude

Gemini

2

Legal-specific AI tools are usually fine-tuned with legal documents, case law, contracts, and regulatory frameworks, often making them more reliable for legal practice. They also contain "pre-prompted" system messages, specific UI/UX, and specific integrations tailored to legal practice.

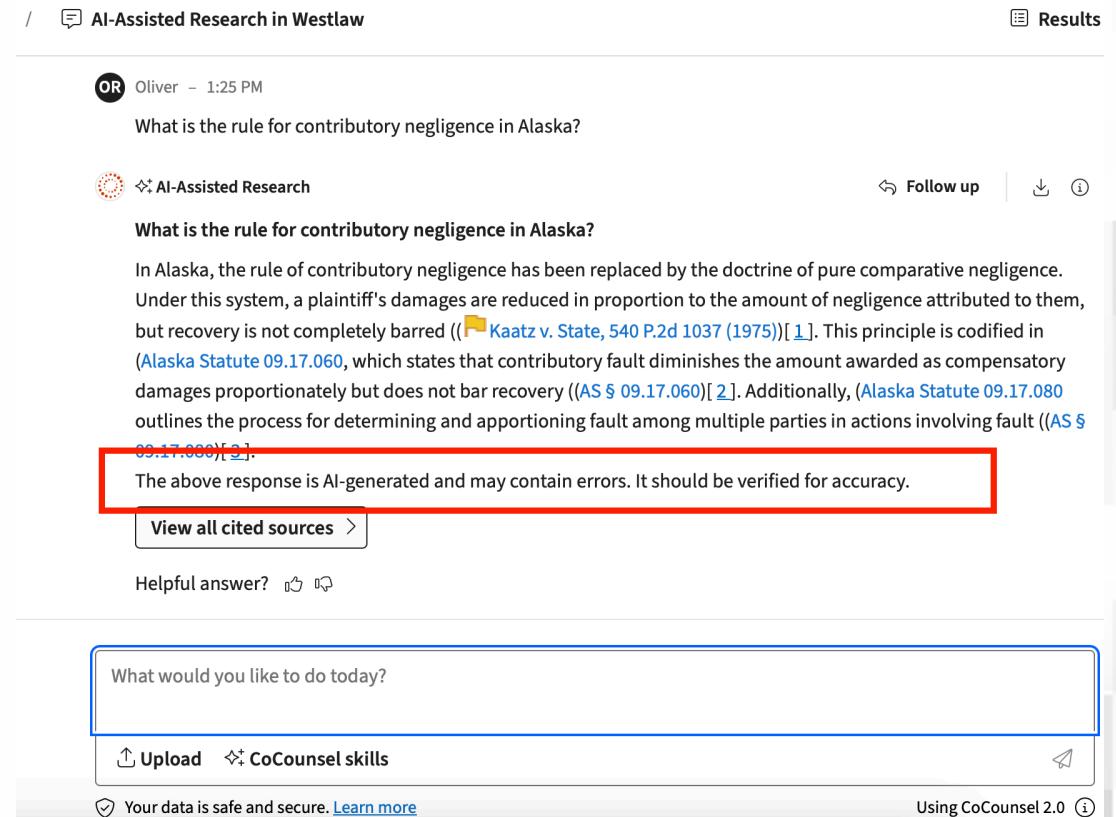
Lexis+ AI™

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WESTLAW™

Ethical Considerations for Lawyers Using AI

- Thomson Reuters CoCounsel:

“The above response is AI-generated and may contain errors. It should be verified for accuracy.”



The screenshot shows a search interface for 'AI-Assisted Research in Westlaw'. A user query is displayed: 'What is the rule for contributory negligence in Alaska?'. The AI-generated response is as follows:

What is the rule for contributory negligence in Alaska?

In Alaska, the rule of contributory negligence has been replaced by the doctrine of pure comparative negligence. Under this system, a plaintiff's damages are reduced in proportion to the amount of negligence attributed to them, but recovery is not completely barred ((Kaatz v. State, 540 P.2d 1037 (1975))[1]). This principle is codified in (Alaska Statute 09.17.060, which states that contributory fault diminishes the amount awarded as compensatory damages proportionately but does not bar recovery ((AS § 09.17.060)[2]). Additionally, (Alaska Statute 09.17.080 outlines the process for determining and apportioning fault among multiple parties in actions involving fault ((AS § 09.17.080)[3]).

The above response is AI-generated and may contain errors. It should be verified for accuracy.

View all cited sources >

Helpful answer?

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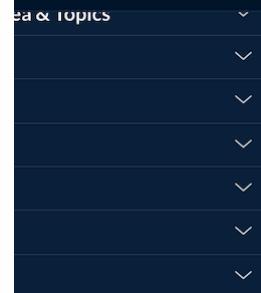
Using CoCounsel 2.0

What are the elements of battery in Mississippi

Natural Language 

My Conversations

What are the elements of battery in Mis...



1

Harrison v. State

Court of Appeals of Mississippi | 23 Sep 2025 | 2025 Miss. App. LEXIS 364 | Mississippi

OVERVIEW: The court determined that Harrison's challenge was procedurally barred because he failed to raise it at trial and did not show cause and actual prejudice.

Headnotes

Opinions

Summary

Oth

... a child under eighteen by person in position of trust/authority. • **Mississippi** precedent establishing that date of offense is not an essential **element** of sexual **battery**. Court Rationale The court determined that Harrison's challenge was procedurally barred because he failed ... [View excerpt](#)

Missing: **elements of battery** | Must Include: "elements of battery"Quick View 

2

▲ Stafford v. Jackson Cty.

Court of Appeals of Tennessee, At Nashville | 04 Aug 2017 | 2017 Tenn. App. LEXIS 528 | Tennessee

OVERVIEW: A sheriff, a sheriff's deputy, and a county were granted summary judgment on an arrestee's intentional infliction of emotional distress claim because the allegations by the arrestee did not rise to the level of outrageous and extreme conduct as to go beyond all bounds of decency and to be regarded as utterly intolerable in a civilized community.

Headnotes

... **Mississippi** has defined the tort of battery as an intentional act that causes an unpermitted, harmful or offensive bodily contact. Therefore, a battery claim requires proof that the defendant intentionally ... [View excerpt](#)

Quick View 

3

◆ Dodd v. Hines

Court of Appeals of Mississippi | 06 Sep 2016 | 229 So. 3d 124 | Mississippi

... **ASSAULT** includes actions such as attempting to cause or purposely, knowingly, or recklessly causing bodily injury to another, or negligently causing bodily injury with a deadly weapon or other means likely to produce death or serious bodily harm

Wallace v. State, 10 So. 3d 913.

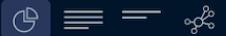
If the inquiry pertains to sexual battery, the elements vary depending on the specific subsection of the statute. For example, under Miss. Code Ann. § 97-3-95, sexual battery involves sexual penetration with another person without their consent **Goodin v. State**, 977 So. 2d 338, **Purnell v. State**, 126 So. 3d 949. Under § 97-3-95(1)(d), it involves sexual penetration with a child under the age of fourteen by a person twenty-four or more months older than the child **Wallace v. State**, 10 So. 3d 913, L.B.C.

More suggested tasks 

Ask a legal question

 MS Publ. C...

Q: What are the elements of battery in Mississippi

Natural Language   

My Conversations

What are the elements of battery in Mis...

Am. § 97-3-95, simple assault includes actions such as attempting to cause or purposely, knowingly, or recklessly causing bodily injury to another, or negligently causing bodily injury with a deadly weapon or other means likely to produce death or serious bodily harm.

Wallace v. State, 10 So. 3d 913.

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More suggested tasks 

Ask a legal question

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[Quick View](#)

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Missing: **elements of battery** | Must Include: "elements of battery"

2

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[Quick View](#)

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[Headnotes](#)

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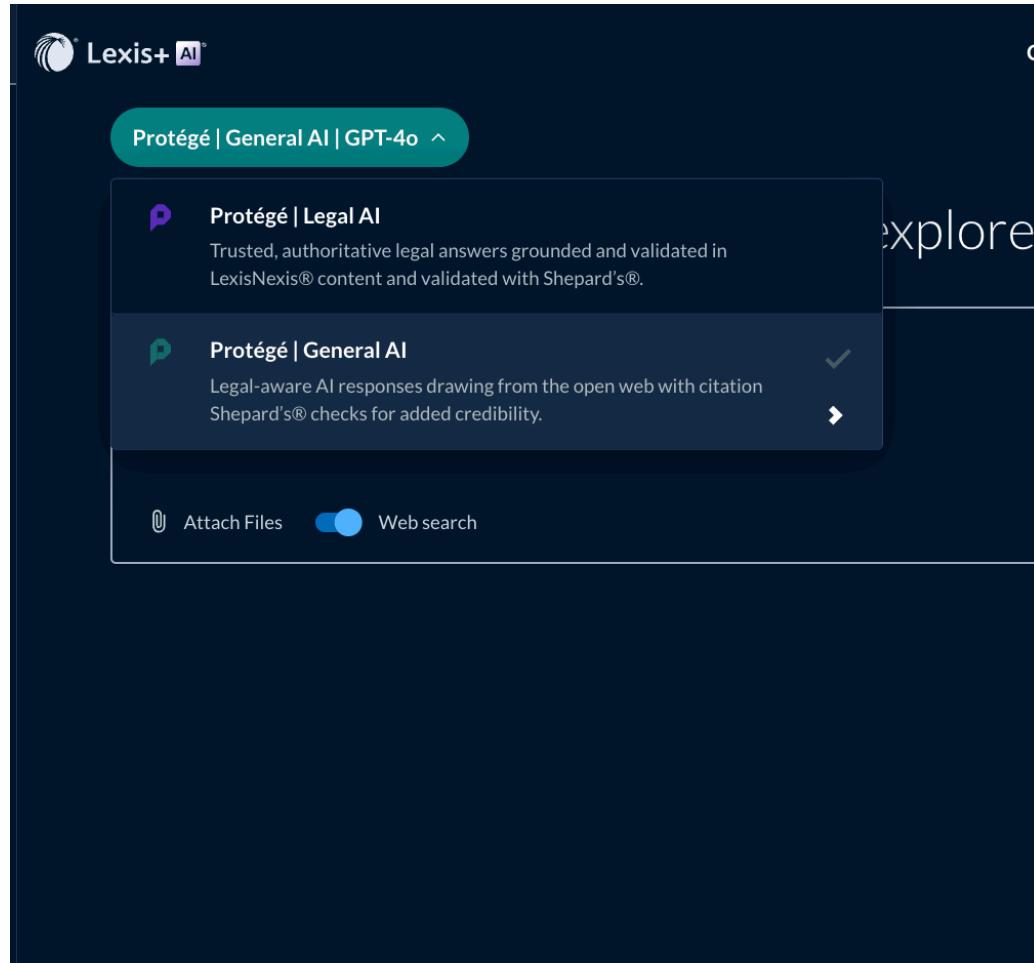
3

Dodd v. Hines

Court of Appeals of Mississippi | 06 Sep 2016 | 229 So. 3d 124 | Mississippi

[Quick View](#)

Lexis Protege | General AI

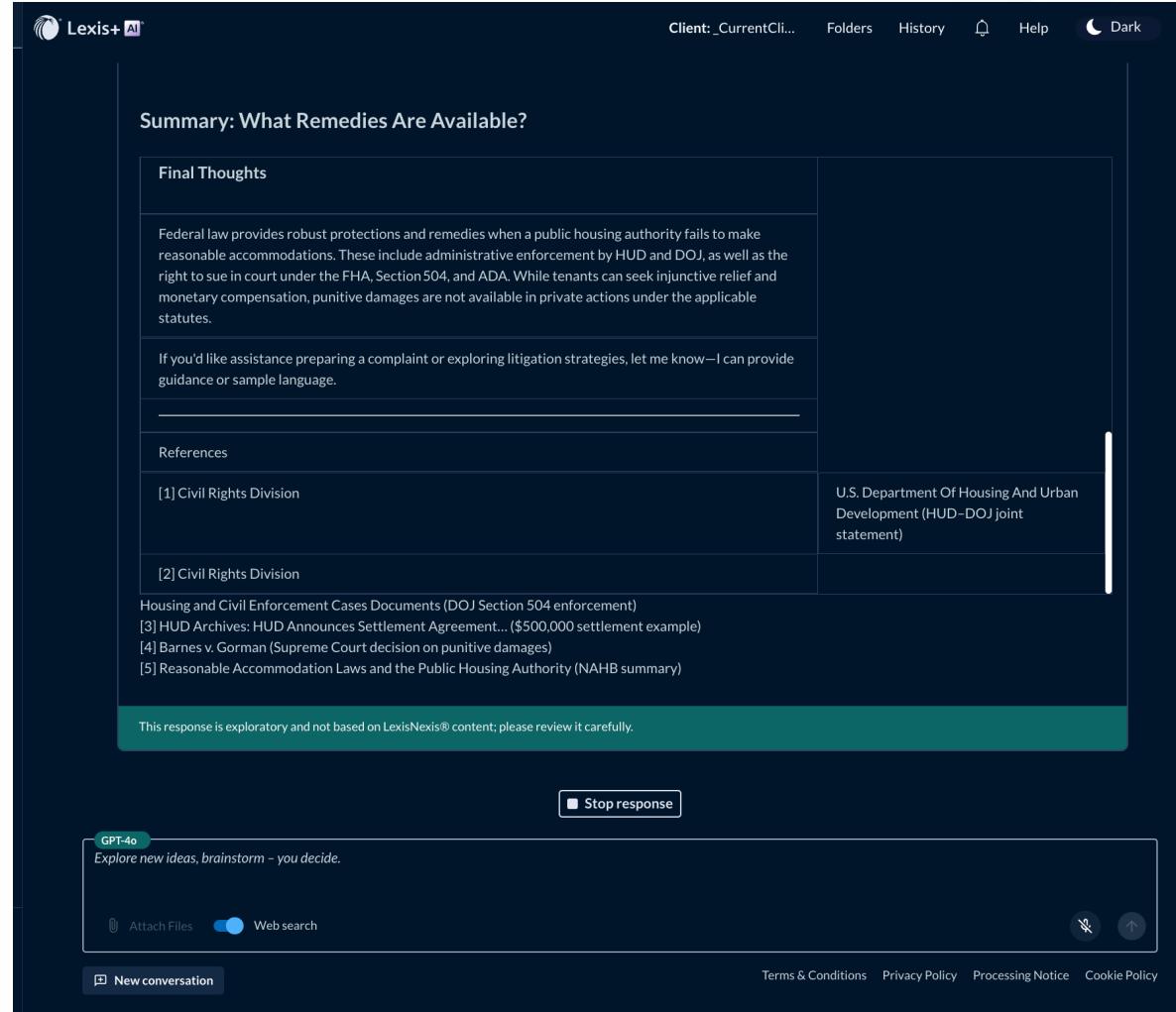


Protégé | General AI | GPT-4o

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Protégé | General AI
Legal-aware AI responses drawing from the open web with citation Shepard's® checks for added credibility.

Attach Files



Summary: What Remedies Are Available?

Final Thoughts

Federal law provides robust protections and remedies when a public housing authority fails to make reasonable accommodations. These include administrative enforcement by HUD and DOJ, as well as the right to sue in court under the FHA, Section 504, and ADA. While tenants can seek injunctive relief and monetary compensation, punitive damages are not available in private actions under the applicable statutes.

If you'd like assistance preparing a complaint or exploring litigation strategies, let me know—I can provide guidance or sample language.

References

[1] Civil Rights Division

[2] Civil Rights Division

U.S. Department Of Housing And Urban Development (HUD-DOJ joint statement)

Housing and Civil Enforcement Cases Documents (DOJ Section 504 enforcement)

[3] HUD Archives: HUD Announces Settlement Agreement... (\$500,000 settlement example)

[4] Barnes v. Gorman (Supreme Court decision on punitive damages)

[5] Reasonable Accommodation Laws and the Public Housing Authority (NAHB summary)

This response is exploratory and not based on LexisNexis® content; please review it carefully.

GPT-4o
Explore new ideas, brainstorm – you decide.

Attach Files

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Ethical Considerations for Lawyers Using AI

Wadsworth v. Walmart Inc. and Jetson Electric Bikes, LLC (D. Wyo, Feb. 2025)

- Judge Kelly H. Rankin imposed sanctions under Rule 11 of the Federal Rules of Civil Procedure, which requires attorneys to conduct reasonable legal research before making legal arguments.
- Sanctions: Attorney who included AI-generated cases had his pro hac vice admission revoked and was fined \$3,000.
- Supervising attorney and local counsel were fined \$1,000 each for their roles.

Ethical Considerations for Lawyers Using AI

Wadsworth v. Walmart Inc. and Jetson Electric Bikes, LLC (D. Wyo, Feb. 2025)

- Lawyer who conducted the research took responsibility in an affidavit and said local counsel “had absolutely no involvement with the preparation or review of said” motion.
- Local counsel still fined.
- Important lesson: if you’re signing the pleadings, you must review the entire work product!

10. Additionally, local counsel Taly Goody, had absolutely no involvement with the preparation or review of said Motions in Limine at any time.
11. Part of my preparation of said Motions in Limine included use of an internal AI tool for purposes of providing additional case support for the arguments I set forth in the Motions. After uploading my draft of the Motion to the system’s AI tool, the relevant queries I made with the tool included “add to this Motion in Limine Federal Case law from Wyoming setting forth requirements for motions in limine”, with an additional query of “add more case law regarding motions in limine”. Another query made was “Add a paragraph to this motion in limine that evidence or commentary regarding an improperly discarded cigarette starting the fire must be precluded because there is no actual evidence of this, and that amounts to an impermissible stacking of inferences and pure speculation. Include case law from federal court in Wyoming to support exclusion of this type of evidence.” There were a few other inquiries made requesting the addition of case law to support exclusion of evidence, all similar in nature. This was the first time in my career that I ever used AI for queries of this nature.
15. My reliance on the query results was misplaced, and I failed to verify that the case citations resulted were in fact accurate as I expected them to be.
16. As a result, I have come to learn the term “AI hallucinations” and take full and sole responsibility for the resulting misinformation to this Court, as unintentional as it was. I have never before, and even in this instance have not, intended to mislead the Court or members of the Bar in any way. However, I appreciate my duty to the Court and the public, and admit I have fallen short of the high standard that I set for myself and what is expected of me as a practitioner.

Ethical Considerations for Lawyers Using AI

Mata v. Avianca, Inc., No. 22-CV-1461 (S.D.N.Y.)

- Avianca submitted a motion to dismiss on January 13, 2023. Mata's reply to the motion was extensively supported by case law citations. They did not exist.
- The Court stated: "The Court is presented with an unprecedented circumstance. A submission filed by plaintiff's counsel in opposition to a motion to dismiss is replete with citations to non-existent cases. When the circumstance was called to the Court's attention by opposing counsel, the Court issued Orders requiring plaintiff's counsel to provide an affidavit annexing copies of certain judicial opinions of courts of record cited in his submission, and he has complied. Six of the submitted cases appear to be bogus judicial decisions with bogus quotes and bogus internal citations. Set forth below is an Order to show cause why plaintiff's counsel ought not be sanctioned."

Ethical Considerations for Lawyers Using AI

- The American Bar Association (ABA) issued its first formal ethics opinion --Formal Opinion 512-- on the use of AI by lawyers on July 29, 2024.
- This opinion emphasizes that lawyers must "fully consider" their ethical obligations when utilizing AI technology, particularly lawyer competence, confidentiality of client data, communication, and fees.

Ethical Considerations for Lawyers Using AI

1

Model Rule 1.1 (Competence):

This rule obligates lawyers to provide competent representation to clients, requiring them to exercise the “legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.” Additionally, the model rule specifies that lawyers should understand “the benefits and risks associated” with the technologies used to deliver legal services to clients

2

Model Rule 1.6 (Confidentiality of Information):

Pursuant to this rule, a lawyer using GenAI must be aware of the obligation to maintain the confidentiality of all information related to client representation, regardless of its origin, unless the client provides informed consent. Additional model rules require lawyers to apply similar protections to the information of former and prospective clients.

Ethical Considerations for Lawyers Using AI

3

Model Rule 1.4 (Communications):

This rule pertains to lawyers' responsibility to maintain communication with their clients, emphasizing their fiduciary duties. Among these obligations is "the duty of an attorney to advise the client promptly whenever he has any information to give which it is important the client should receive." According to Model Rule 1.4(a)(2), a lawyer must "reasonably consult" with the client regarding the methods to achieve the client's objectives.

4

Model Rule 1.5 (Reasonable Fees)

This rule mandates that a lawyer's fees and expenses must be reasonable. The formal opinion highlights that if a lawyer uses a GenAI tool to draft a pleading and spends 15 minutes inputting the relevant information into the program, the lawyer may charge for that time, as well as for the time required to review the resulting draft for accuracy and completeness. However, in most cases, the lawyer cannot bill the client for the time spent learning how to use GenAI tools.

Ethical Considerations: Virginia State Bar Guidance

- Lawyers must understand “the benefits and risks associated with relevant technology.” See Comment [6] to Rule 1.1.
- With generative AI, “those benefits and risks seem to be evolving by the day as the technology, and our skills to use it, rapidly develop.”
- “[L]awyer’s basic ethical responsibilities have not changed, and many ethics issues involving generative AI are fundamentally similar to issues lawyers face when working with other technology or other people (both lawyers and nonlawyers).”

Source: <https://vsb.org/Site/Site/lawyers/ethics.aspx>

Ethical Considerations: Virginia State Bar Guidance

- Virginia State Bar Guidance on Confidentiality:

“A lawyer must be very aware of the Terms of Service and any other information about the possible use of information input into an AI model. Many free, publicly available models specifically instruct users not to input any confidential or sensitive information and any information input into such a model might be disclosed to other users or used as part of the model’s training. Legal-specific products or internally-developed products that are not used or accessed by anyone outside of the firm may provide protection for confidential information, but lawyers must make reasonable efforts to assess that security and evaluate whether and under what circumstances confidential information will be protected from disclosure to third parties. It may be appropriate to consult with IT professionals or other experts before sharing confidential information with any generative AI product.”

Source: <https://vsb.org/Site/Site/lawyers/ethics.aspx>

Ethical Considerations: Virginia State Bar Guidance

- Virginia State Bar Guidance on Disclosure to Clients:

“There is no per se requirement to inform a client about the use of generative AI in their matter. Whether disclosure is necessary will depend on a number of factors, including the existence of any agreement with or instructions from the client on this issue, whether confidential information will be disclosed to the generative AI, and any risks to the client from the use of generative AI.”

Source: <https://vsb.org/Site/Site/lawyers/ethics.aspx>

Ethical Considerations: Virginia State Bar Guidance

- Virginia State Bar Guidance on **Competence and Supervision (billing and fees)**:

“In all instances, fees must be reasonable and adequately explained to the client under Rule 1.5. A lawyer may not charge an hourly fee in excess of the time actually spent on the case and may not bill for time saved by using generative AI. The lawyer may bill for actual time spent using generative AI in a client’s matter or may wish to consider alternative fee arrangements to account for the value generated by the use of generative AI. The lawyer may only charge the client for costs associated with generative AI if permitted by the fee agreement and by Rule 1.5; any costs passed along to the client and described to the client as costs must be actual costs and cannot be marked up. See LEO 1850.”

Source: <https://vsb.org/Site/Site/lawyers/ethics.aspx>

Ethical Considerations: Virginia State Bar Guidance

- Virginia State Bar Guidance on Court Disclosure Requirement:

“Some courts throughout the country have imposed requirements to certify whether generative AI has been used in any document filed with the court. The content and scope of these requirements vary depending on the court, and new requirements may be added at any time. A lawyer must determine whether any disclosure requirement applies to a filing that the lawyer is making and must comply with that requirement pursuant to Rule 3.4(d).”

Source: <https://vsb.org/Site/Site/lawyers/ethics.aspx>



Questions?