June 2025

Artificial Intelligence: Can it replace your lawyer?

Artificial intelligence, or AI, has made the news in recent weeks. And for good reason. AI has apparently made up citations to legal authority in briefs filed in the courts, and has apparently fabricated book titles and authors.

What are the limits of AI in the practice of law, and how does it help?

As a law professor, I counseled my new law students not to rely on AI to write their papers. As lawyers, we are professionally obligated to know the law and to assist the court and our clients in applying the law to the actual facts in our cases. It is a serious breach of professional ethics, not to mention a blow to our credibility as officers of the court, to cite to non-existent legal authority and facts.

AI can be helpful in legal research. As an appellate lawyer, I rely on electronic research databases to help me find the most relevant and up-to-date authorities to support my arguments. I can even upload my briefs or my opponent's briefs and AI will identify relevant authorities and even verify whether quoted material is accurate.

But after AI identifies what is missing, my human creativity, ingenuity, experience, and discretion must go to work to craft the final argument in my client's favor.

AI has severe limitations. It is only as good as the data that has been inputted. It cannot fully analyze all factual nuances in a case. And, as we have seen, where AI does not know the answer, it "hallucinates," or makes things up to fill in the gaps.

If it is programmed correctly, AI should be neutral. No client wants to hire a neutral lawyer. Lawyers are professionally obligated to advocate *for* our clients, within the limits of the law, honesty, and professional integrity. Neutrality is the job of the judge and the jury.

But even judges and juries cannot be replaced by AI. Judges and juries judge not only the facts of a case, but also the credibility of the human witnesses, based in part on their body language, tone of voice, and facial expressions. So far, at least, AI cannot be trusted to determine the credibility of a witness and how much of a witness' testimony to believe and what to reject.

AI can do amazing things. It can supplement human intelligence, but it cannot replace it. Nothing can replace the experience and discretion a real life human brings to representation of a client.