ABA Task Force on Law and Artificial Intelligence

Addressing the Legal Challenges of AI

Year 2 Report on the Impact of AI on the Practice of Law

December 2025

AMERICANBARASSOCIATION

Task Force on Law and Artificial Intelligence

LETTER FROM THE ABA IMMEDIATE PAST PRESIDENT

Dear Colleagues,

As the ABA Task Force on Law and Artificial Intelligence concludes its work, it does so at a pivotal moment for the legal profession. AI is no longer an abstract concept. AI has become key to reshaping the way we practice, serve our clients, and safeguard the rule of law. The Task Force's work this year and the association's commitment to educating our members on a myriad of topics associated with AI reflect the American Bar Association's enduring commitment to both innovation and responsibility. That work will continue in the Center for Innovation.

Our charge has been clear: to examine the profound opportunities AI presents for efficiency, access to justice, and client service, while also confronting the ethical, regulatory, and societal challenges it introduces. In this report, you will find insights on emerging technologies, practical guidance, and recommendations that uphold our profession's core values of competence, integrity, and public trust.

Lawyers are uniquely positioned to navigate this transformation. I am grateful to the members of the AI Task Force for their vision and diligence and to the broader ABA community for embracing this dialogue with both curiosity and care.

The future of our profession will be shaped by how we meet this moment. Together, we will work to promote a future where AI serves both our clients and the public good.

Sincerely,

William R. Bay

William R. Bay
Immediate Past President, American Bar Association

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The views expressed herein represent the opinions of the authors. They have not been reviewed or approved by the House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the position of the Association or any of its entities.

This Report is a product of the 2024-2025 AI Task Force. Its members contributed to the work on which this Report is based but not all Task Force members are authors.

ABA LEADERSHIP ON AI

This ***AI Task Force Year 2 Report on the Impact of AI on the Practice of Law*** focuses on the future of AI and the law. One of the most high-profile and transformative developments of our time, complex and multi-faceted AI technologies have ubiquitous societal impacts and present far-reaching implications for the practice of law. As the national voice for the legal profession, the ABA is uniquely positioned to assess the opportunities and challenges that AI presents and to help ensure its integration is ethical and responsible and serves the public good.

For the past two bar years since its creation in August 2023, the ABA Task Force on Law and Artificial Intelligence ("AI Task Force") has provided essential resources for ABA members and the profession on the profound impact of AI on the legal profession, the courts, legal education, access to justice, governance and risk management, as well as challenges presented by generative AI and ethical dilemmas.

Highlights of the AI Task Force accomplishments include:

- ***Annual Reports.*** The AI Task Force annual reports provide comprehensive assessments of critical AI issues and look to the future. This year's report presents new developments on AI since the ***Year 1 Report on the Impact of AI on the Practice of Law*** (August 2024).

- ***Best-selling (top five) new ABA book. Artificial Intelligence: Legal Issues, Policy, and Practical Strategies*** by the Science & Technology Law Section (SciTech) in collaboration with the AI Task Force continues to be a valuable resource for practitioners and is required reading for a number of law school courses.

- ***"Moving With Change: AI and the Law Webinar Series"*** is a stellar collection of webinars in which leading experts delve into critical AI issues and provide valuable perspectives on AI opportunities and risks. Program descriptions, along with links to view the webinars, are included in this Report.

- ***Legal Education Survey Report.*** The 2024 survey on the integration of AI in law schools provides a useful benchmark to evaluate and assess how AI is revolutionizing legal education.

- ***Impact of AI on the Courts.*** AI tech-savvy judges and experts on the AI Task Force working group on AI and the Courts are conducting ground-breaking work on how the use of AI is transforming the judiciary, including publishing guidance for AI use by judges and exploring solutions to address the intractable problem of deepfakes as evidence in court.

- ***Access to Justice*** (A2J) – Engaging with advocates and scholars, the AI Task Force has identified dozens of use cases that demonstrate the potential for generative AI to make the courts more accessible to pro se litigants and improve access to justice.

- ***Risk Management*** – Experts are exploring ways that AI is changing the way lawyers and judges will approach complex questions of AI risk and liability.

- ***Online Resources*** at **ambar.org/aiLaw** – The AI Task Force website provides videos of its programs, articles and links to key internal and external resources (including ABA Resolutions and Reports) across the ABA.

This report includes insights from AI Task Force experts and presents a wealth of informative resources and practical guidance that lawyers and judges need now and in the coming years to navigate these complex and rapidly changing technologies, and to effectively address and leverage these developments.

The AI Task Force has been assisted in its work by the ABA sections, divisions, forums, the Center for Innovation, and other entities, including the Young Lawyers Division, who have provided their unique expertise in diverse practice areas. These entities have for years presented programs, published materials, and provided opportunities for ABA members to participate in important discussions on AI.

The ABA remains committed to leading the profession in understanding and addressing the legal and ethical complexities of AI and other emerging technologies.

REFLECTIONS

Throughout this report, we curated responses from AI Task Force members and advisors to the question:

What do you think the most important development/ improvement or challenge will be in the application of AI to the law in the next two years?

Each response is signified by a box with this icon: AI

WHAT'S NEXT FOR AI AT THE ABA?

THE AI TASK FORCE TRANSITION PLAN: THE 3 C'S — CONNECTING, CONVENING, AND CURATING

The ABA Task Force on Law and Artificial Intelligence was created in May 2023 to bring together legal subject-matter experts and technologists from across the ABA to identify the issues and frameworks for the legal community to navigate rapidly evolving AI technologies. As the AI Task Force concludes at the end of the 2024–2025 bar year, the ABA Center for Innovation will begin implementing strategic goals shaped by the AI Task Force findings and recommendations over the past two years. The ABA Center for Innovation has a strategic plan centered around three core functions: Connecting, Convening, and Curating. These "3 Cs" aim to ensure the sustainability, visibility, and relevance of the AI Task Force's AI-related work as the ABA continues to address the evolving impact of AI on the legal profession.

1. ***Connecting*** involves building sustained collaboration among ABA sections, divisions, and forums. The Center will maintain and regularly update a repository of AI-related projects, initiatives, and expertise across the ABA to enhance access, prevent duplication, and encourage cross-entity partnerships. Outreach will include bi-monthly surveys and quarterly roundtables, enabling consistent engagement and information-sharing. This function supports a centralized base that tracks ongoing efforts and enables sections, divisions, and other ABA entities to provide subject matter content to their members.

2. ***Convening*** focuses on expanding the Task Force's role in hosting gatherings of disparate association entities to identify emerging issues, recommend programming, and coordinate expert participation in ABA content. In addition, the Task Force will maintain a permanent speaker repository, which will be continuously maintained and expanded. This database of experts in AI and its legal implications will be available for speaking engagements across ABA entities for events, panels, CLEs, and more, reconvening biannually for a structured forum.

3. ***Curating*** emphasizes the preservation, organization, and dissemination of AI resources. The Center will establish a virtual AI clearinghouse, aggregating AI content developed by the AI Task Force and other ABA entities. This includes secure archiving digital materials and proactive promotion through newsletters, social media, and the ABA website.

Through this 3 Cs framework, the Center for Innovation will foster continuity of ABA leadership in AI while promoting a collaborative, informed, and future-ready legal community.

ACKNOWLEDGEMENTS

The AI Task Force consists of a diverse group of 50 leading AI and legal experts, including seven Special Advisors. Many of these lawyers and judges are computer scientists or engineers; they all have deep technology experience and have held leadership positions in law firms and corporations, government, academia, and public service.

Thank you to all those on the AI Task Force who came together to present remarkable programs, part of the "Moving With Change: AI and the Law Webinar Series," and to publish informative articles and reports.

Meet the Special Advisors

We convey our appreciation to the Special Advisors for their time and expertise in addressing the critical AI issues faced by lawyers and judges in their day-to-day practices, and for providing their insights about AI developments and challenges of the past year.


Michael Chertoff


Ivan Fong


Daniel Ho


Michelle K. Lee


Trooper Sanders


Miriam Vogel


Seth P. Waxman

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Lucy L. Thomson, Co-chair
William Garcia, Co-chair
Cynthia Cwik, Vice Chair
Laura Possessky, Vice Chair
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Stephen Wu

The AI Task Force worked with sections, divisions, forums and other ABA entities to collaborate with lawyers across the ABA and to extend our efforts to those lawyers with special expertise in subject-matter areas. We appreciate the contributions of these liaisons and the ABA section, division, and forum directors.

We also thank the individuals below who supported our work by speaking on webinars and contributing to our reports.

Daniel Capra
Colleen Chien
Gary Corn
Hon. Allison Goddard
Lakshmi Gopal
Miriam Kim
Alexandra (Lexi) Lutz
Conor Malloy
Jane Ribadeneyra
Harvey Rishikof
Judge Xavier Rodriguez
Spencer Rubin
Hon. Patrick Schiltz
Gabriella Waters

AI Task Force Leadership

The AI Task Force is grateful to Co-Chairs Lucy Thomson and Bill Garcia; Vice Chairs Laura Possessky, Cynthia Cwik, and James Sandman; and ABA staff, Joseph Gartner, Director and Counsel, Ben Woodson, Lanita Thomas, and intern Ava Chen. Special thanks go to the Working Group co-chairs who led the initiatives on AI and the Courts, Maura Grossman, Judge Scott Schlegel, and Hon. Herbert Dixon (ret.).


Lucy L. Thomson
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William Garcia
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Cynthia Cwik
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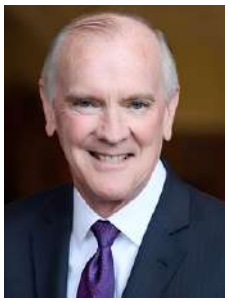

James Sandman
Vice Chair

We extend thanks to **ABA Past President Mary Smith** for her vision and leadership in convening and supporting the AI Task Force in its work to address the impact of AI on the legal profession and the rule of law.

"The rule of law is a principle that everyone, including government officials and leaders, is subject to and accountable under the law. It ensures that laws are applied fairly, consistently, and without bias, and that laws protect fundamental rights and freedoms."

ChatGPT-4.5, in response to the prompt "What is rule of law?" (August 2, 2025)

WHAT ROLE WILL AI HAVE IN SHAPING DEMOCRACY?

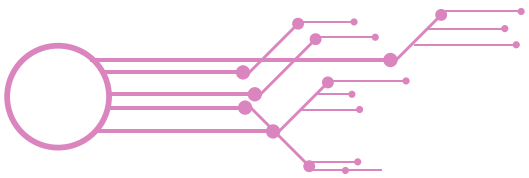
Trustworthy and Responsible AI

To advance the rule of law, AI must encompass the essential building blocks of AI trustworthiness. Trustworthy AI principles developed to encourage ethical and responsible use of AI technologies align with rule of law principles. One prominent model, the NIST AI Risk Management Framework, emphasizes risk management throughout the AI lifecycle and adoption of AI that is: valid and reliable, safe, secure and resilient, accountable and transparent, explainable and interpretable, privacy-enhanced, and fair.

AI, and particularly generative AI, can improve access to justice. AI technologies can be developed to provide reliable and accessible information for pro se litigants and much-needed support for legal services attorneys.

Recognizing the connection between trustworthy AI and the rule of law, the ABA has been a leading voice in helping to ensure that AI enhances the rule of law that underpins our democracy. [1]

In recommending guardrails for the development and use of AI, the ABA adopted Resolution 604, that urged human oversight and control, accountability, and transparency for AI systems and capabilities.



1. American Bar Association, ABA fights for the rule of law (April 28, 2025). https://www.americanbar.org/news/abanews/aba-news-archives/2025/04/aba-defends-rule-of-law-amid-threats/

Related links:

- ABA lawsuits over halt in federal funding
- Bar organizations support the rule of law
- Rule of law resources page

Effective AI governance frameworks are essential to address the impact of AI on democracy. The adoption of AI has raised concerns globally about its impact on democratic processes. Bad actors have already demonstrated the potential disruptive power of AI, threatening the integrity of elections, swaying public opinion with AI-generated misinformation, and injecting bias and faulty algorithmic predictions into a system already fraught with dissention and polarization. On the other hand, if harnessed properly, AI technologies could provide valuable information to increase accountability and transparency and therefore enhance civic engagement.

To some observers, AI is a late-coming interloper to human political history and the progress of democracy. After all, the rule of law has been a foundational principle of democratic society for millennia. It is also the bedrock concept of American government. Nearly 250 years ago, when John Adams advised the North Carolina Provincial Congress on how to shape its government and constitution, he urged that a republic was the best form because it is a government "of laws, and not of men."[2] Today the rule of law is internationally recognized as "a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to the laws that are publicly promulgated, equally enforced and independently adjudicated."[3]

Impact of AI Technologies on the Rule of Law

Legal experts and policy-makers around the globe are assessing the opportunities and risks of AI technologies and their impact on the rule of law. For example, they have identified technologies that are problematic and may undermine the rule of law and the independence of the judiciary, and others that provide untapped opportunities to increase access to justice. Organizations around the world have enunciated principles that form the essential building blocks of trustworthy AI and on which there is global consensus for adoption.[4]

2. III. Thoughts on Government, April 1776," Founders Online, National Archives, https://founders.archives.gov/documents/Adams/06-04-02-0026-0004. [Original source: The Adams Papers, Papers of John Adams, vol. 4, February–August 1776, ed. Robert J. Taylor. Cambridge, MA: Harvard University Press, 1979, pp. 86–93.] Adams then went on to recommend three branches of government and a bi-cameral legislative body as a system of checks and balances. North Carolina – and later the United States – adopted because this "form of government, which is best contrived to secure an impartial and exact execution of the laws, is the best of Republics." Id.

3. United Nations Regional Information Center (UNRIC) Library Backgrounder: Rule of Law; Report of the Secretary-General (S/2004/616, 23 August 2004), https://unric.org/en/unric-library-backgrounder-rule-of-law/

4. See, e.g., OECD AI Principles overview, https://oecd.ai/en/ai-principles. ("The OECD AI Principles promote use of AI that is innovative and trustworthy and that respects human rights and democratic values. Adopted in May 2019, they set standards for AI that are practical and flexible enough to stand the test of time.") Council of Europe, The Framework Convention on Artificial Intelligence (2024) (international treaty on human rights, democracy and the rule of law). https://www.coe.int/en/web/artificial-intelligence/the-framework-convention-on-artificial-intelligence

Disinformation and Deepfakes

The use of AI to spread disinformation is a significant threat to the rule of law. In the 2024 Year End Report on the Federal Judiciary, U.S. Supreme Court Chief Justice John Roberts wrote that he was "compelled to address four areas of illegitimate activity that, in my view, do threaten the independence of judges on which the rule of law depends: (1) violence, (2) intimidation, (3) disinformation, and (4) threats to defy lawfully entered judgments."[5]

Disinformation is frequently facilitated and amplified by AI. The Chief Justice expounded at length on the risks of disinformation on the rule of law:

> *"…much more is needed—and on a coordinated, national scale—not only to counter traditional disinformation, but also to confront a new and growing concern from abroad. In recent years, hostile foreign state actors have accelerated their efforts to attack all branches of our government, including the judiciary. In some instances, these outside agents feed false information into the marketplace of ideas. For example, bots distort judicial decisions, using fake or exaggerated narratives to foment discord within our democracy. In other cases, hackers steal information—often confidential and highly sensitive—for nefarious purposes, sometimes for private benefit and other times for the use of state actors themselves. Either way, because these actors distort our judicial system in ways that compromise the public's confidence in our processes and outcomes, we must as a Nation publicize the risks and take all appropriate measures to stop them."*[6]

The ease with which content can now be created and shared, as well as the use of algorithms that are optimized for engagement, means misinformation can spread widely and quickly. Further, deepfakes – digital media (images, videos, audio, or text) that have been created or altered using AI and machine learning – are designed to appear authentic and can be used to depict people doing or saying things they never actually did. The risks and dangers of deepfakes that undermine the rule of law include these examples:

- **Misinformation and propaganda:** Spreading false information or manipulating public opinion.
- **Erosion of trust:** Making it difficult to distinguish real content from manipulated content, which can undermine trust in media, journalism, and personal communications
- **Challenging the effective disposition of evidence in court:** Faced with deepfakes offered as evidence in court or claims that legitimate evidence is a deepfake, judges are grappling with questions surrounding the authenticity, validity, and reliability of AI-generated evidence.

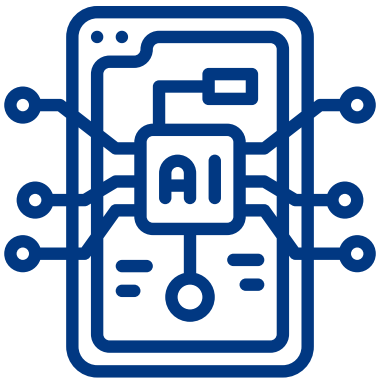
5. https://www.supremecourt.gov/publicinfo/year-end/2024year-endreport.pdf, at 5.
6. Id., at 7.

CONSIDERATIONS SURROUNDING AI ADOPTION

What a difference a year makes. A year ago, the debate over the use of generative AI focused on ethical concerns for lawyers and protecting the confidentiality of client records. But as the transformative power of the technology has become more widely known, the conversation has shifted from ***whether*** to use the AI technology to ***how*** to use it. In a positive development, lawyers are focused less on whether they will be replaced by generative AI tools and now on how to capitalize on AI tools that will to help them be better lawyers.

Outlook on AI Adoption

Early adoption has been limited largely to low-risk, routine tasks where the benefits are clear and the risks are manageable. The entry level uses cases – summarizing, extracting insights from unstructured data, drafting simple communications like emails or short memos, and drafting client alerts – still dominate adoption. But as the platforms become more sophisticated and begin to chain together tasks – whether called robotic process automation or agentic AI – lawyers' creativity in exploring the bounds of AI tools presents interesting challenges for the legal profession and for the innovation teams supporting them.



Predictably, the legal industry is moving toward a stratification of firms into various degrees of technology "haves" and "have-nots." While consumer-grade AI tools are becoming increasingly sophisticated, they present privacy and confidentiality risks. Understandably, firms are looking beyond consumer-grade tools to those that can be hosted in more secure environments, which comes at a cost. Licensing of professional grade tools is expensive.

The adoption of AI tools inevitably means there are also related costs that firms are just beginning to experience over and above licensing. The cost of obtaining or training staff to assist the lawyers to exploit fully the capabilities of the tools is higher than expected. To be sure, these employees have valuable skills that the market rewards. Just as we have seen for decades with new lawyers, there is a developing arms race to obtain, or keep, scarce human resources and expertise.

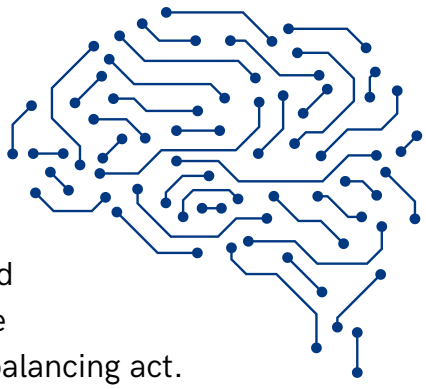
AI Use Integration with Client Service Needs

Change management appreciating a firm's unique culture is critical. Successful adoption requires not only technical training but also proactive strategies to address cultural barriers. This comes at a cost: adding resources and, in the short term, lost productivity.

Despite the shallow technological barrier to entry for users of generative AI, and the resulting remarkably rapid adoption, there is, and will remain, the need to provide assistance with the technology. Whether because of perceived time constraints, perceived technophobia, or reluctance to change established practices, there is a cadre of lawyers for whom "self-service" means "no service." For a firm to take full advantage of AI tools, accommodations will have to be made to align a firm's AI adoption with client service expectations. This fuels demand for scarce resources.

It takes time and resources to adapt even the most general tools for a specific use case. This delay has been a source of frustration and a hindrance to growth for bespoke tools that might have been deployed. Lawyers apply their expectations as consumers to the law office and seek quick, perhaps even pre-existing, robust solutions to newly identified needs. generative AI tools will reduce the cycle time for bespoke tool development, but they will not eliminate it.

Transformation Challenges



At least in the short run, firms will increasingly be challenged to secure staff with the requisite technical skills and bandwidth to develop workflows or chained prompts quickly. At the same time, some lawyers will see generative AI as a panacea and become frustrated when a large language model is not fit for the desired use case. Conditioning users to the limits of generative AI while still pushing for widespread adoption of fit use cases will be a balancing act.

The newfound ability to access the entire body of a firm's work product and have an AI tool that can incorporate insights from every one of those documents quickly leads to the realization that firm document management systems, like the internet itself, are full of artifacts that the firm would be better off excluding from consideration, whether because of age or quality or obsolescence. Creating business rules or technological solutions to solve this problem presents more of a challenge than it would seem it should. Again, this is a resource intensive process as the human oversight required is a major barrier.

Over the last year, we have moved from a fear of the unknown unknowns to a realization that the known unknowns present challenges for firms to face as they employ tools that, when used properly, enhance productivity, reduce the likelihood of errors, and enable attorneys to deliver higher-quality service to clients.

AI USE CASES IN LAW PRACTICE

AI use in law practice generally falls into two main categories. The first and more established use is leveraging AI to automate repetitive or tedious tasks like organizing emails, freeing up time and resources for legal professionals to focus on more meaningful, high-level work, take on more clients, and overall operate at higher efficiency. The second, more novel category, is using AI as a creative thought partner to supplement research, casework, and innovation, whether it be delivering personalized education on complex technical topics for legal research or brainstorming interdisciplinary connections across industries for legal advocacy reform.

As AI develops at a rapid pace and attorneys become more comfortable with integrating AI into their practice, AI is likely to evolve as a "thought partner"—a creative tool to help all aspects of legal practice, instead of primarily taking on mundane or repetitive tasks. The optimal integration of AI into legal practice will be both to automate tasks and to collaborate on more complex work. Automation and thought-partner AI become uniquely effective when implemented strategically in tandem.

Automation

Many legal professionals are using AI to summarize and prioritize high-volume email communications, generate first drafts for marketing content and support other simple content review and generation functions. Even with these relatively basic automation tasks, AI can be tailored to each organization's specific needs, philosophy, and voice—for example, maintaining brand consistency in marketing—exemplifying the unique benefit of AI as personalizable and adaptable to different environments, instead of a one-size-fits-all model.

AI as a Thought-Partner

AI will free up significant time for legal professionals to engage in higher-level work, and presents opportunities for AI to augment such work. In legal education, law professors and students are using AI to significantly streamline the research process via interactive educational chatbots, improve the accessibility of otherwise difficult legal jargon and to offer scalable models for effective legal education. In research and analysis, as with legal risk assessments, valuations and discovery, AI has the power to process vast databases to extract themes, analyze arguments, and even provide cross-industry analogies. Thus, AI has significant potential to spur legal innovation through streamlined knowledge accrual and extraction of common patterns to produce novel approaches to legal analysis in litigation, transactions and risk assessment.

AI should augment instead of replace human oversight in legal practice. AI presents significant opportunities to identify how various AI implementations in law firms, legal aid organizations, law schools, and other legal settings can work together to achieve optimal efficiency, efficacy, and scalability. Adoption of ethical and effective AI governance frameworks will be required. Developing strategies in which different modes of specialized AI can be used to enhance legal practice will help to ensure that AI is used in a responsible and reliable manner.

ANTICIPATING INTELLIGENCE IN LAW

Tactically, AI is proving to be a highly competent partner in carrying out legal tasks. This is good news for lawyers looking to make today's ways of working better. But it also means that strategically, law is one of the high-skilled, well compensated guilds in the crosshairs of AI's disruptive power. Venture capitalist Ethan Batraski recently argued that AI will upend "domains previously exclusive to human experts: strategic negotiations, creative problem-solving, and high-stakes decisions" such as legal services.

AI's potential to lower costs and increase margins presents two strategic opportunities. First, it will reduce barriers to entry enabling legal entrepreneurs and innovators to start practices and grow firms that are better positioned to compete against incumbents. Better pathways to entrepreneurship are especially important for women, people of color, and others with traditionally narrower paths to professional fulfillment and profit. Second, law's high stakes and the natural caution about injecting AI into it creates an opportunity to create a safety, responsibility, and public interest-first approach to building AI-native law firms and organizations. If done well, this would not only advance the practice of law in the United States, it would also boost the country's global competitiveness by fusing the pursuit of profit and innovation with the protection of values and the common good into the operating model of America in the age of AI.

— Trooper Sanders

CHALLENGES APPLYING AI TO THE LAW

Several challenges with generative AI should be considered in the future. One will be establishing an appropriate pool of information for training or fine-tuning a generative AI platform. To maintain client confidentiality, obtaining client consent requires that the client understand how the generative AI platform may use the information. Another is recognizing the complexities of the output of generative AI platforms which are often articulate and rationale, but are not necessarily based on law or fact. They may focus on the most common response, rather a correct one, or one that considers elements of advocacy. There could be a tendency for generative AI output to push work product toward the middle - improving work product that might be considered low quality, but also diluting work product that might be considered high quality. Based on the current state, generative AI output should not be viewed as the final work product or a replacement for human critical thinking and advocacy.

— Matthew Braunel

NAVIGATING AI IN THE JUDICIARY: NEW GUIDELINES FOR JUDGES AND THEIR CHAMBERS

*Five judges and a lawyer/computer science professor walked into a bar…*well, not exactly. But they did collaborate as members of the Working Group on AI and the Courts as part of the ABA's Task Force on Law and Artificial Intelligence to develop the following guidelines for responsible use of AI by judicial officers. The guidelines reflect the consensus view of these Working Group members only, and not the views of the ABA, its Law and AI Task Force, The Sedona Conference, or any other organizations with which the authors may be affiliated.

The authors include:

- **Dr. Maura R. Grossman**, a Research Professor in the Cheriton School of Computer Science at the University of Waterloo and an Adjunct Professor at Osgoode Hall Law School of York University, who serves as a special master in both U.S. state and federal court;
- **Hon. Herbert B. Dixon, Jr.**, Senior Judge of the Superior Court of the District of Columbia;
- **Hon. Allison H. Goddard**, U.S. Magistrate Judge of the U.S. District Court for the Southern District of California;
- **Hon. Xavier Rodriguez**, U.S. District Judge of the U.S. District Court for the Western District of Texas;
- **Hon. Scott U. Schlegel**, Judge of the Louisiana Fifth Circuit Court of Appeal; and
- **Hon. Samuel A. Thumma**, Judge of the Arizona Court of Appeal, Division One.

We hope you will find these guidelines useful in your work as judges. They provide a framework for how you can use AI and generative AI responsibly as judicial officers.

Citation: Hon. Herbert B. Dixon Jr. et al., Navigating AI in the Judiciary: New Guidelines for Judges and Their Chambers, 26 SEDONA CONF. J. 1 (forthcoming 2025), https://thesedonaconference.org/sites/default/files/publications/Navigating%20AI%20in%20the%20Judiciary_PDF_021925.pdf.

Guidelines for U.S. Judicial Officers Regarding the Responsible Use of Artificial Intelligence

These Guidelines are intended to provide general, non-technical advice about the use of artificial intelligence (AI) and generative artificial intelligence (GenAI) by judicial officers and those with whom they work in state and federal courts in the United States. As used here, AI describes computer systems that perform tasks normally requiring human intelligence, often using machine-learning techniques for classification or prediction.

GenAI is a subset of AI that, in response to a prompt (i.e., query), generates new content, which can include text, images, sound, or video. While the primary impetus and focus of these Guidelines is GenAI, many of the use cases that are described below may involve either AI or GenAI, or both. These Guidelines are neither intended to be exhaustive nor the final word on this subject.

I. *FUNDAMENTAL PRINCIPLES*

An independent, competent, impartial, and ethical judiciary is indispensable to justice in our society. This foundational principle recognizes that judicial authority is vested solely in judicial officers, not in AI systems. While technological advances offer new tools to assist the judiciary, judicial officers must remain faithful to their core obligations of maintaining professional competence, upholding the rule of law, promoting justice, and adhering to applicable Canons of Judicial Conduct.

In this rapidly evolving landscape, judicial officers and those with whom they work must ensure that any use of AI strengthens rather than compromises the independence, integrity, and impartiality of the judiciary. Judicial officers must maintain impartiality and an open mind to ensure public confidence in the justice system. The use of AI or GenAI tools must enhance, not diminish, this essential obligation.

Although AI and GenAI can serve as valuable aids in performing certain judicial functions, judges remain solely responsible for their decisions and must maintain proficiency in understanding and appropriately using these tools. This includes recognizing that when judicial officers obtain information, analysis, or advice from AI or GenAI tools, they risk relying on extrajudicial information and influences that the parties have not had an opportunity to address or rebut.

The promise of GenAI to increase productivity and advance the administration of justice must be balanced against these core principles. An overreliance on AI or GenAI undermines the essential human judgment that lies at the heart of judicial decision-making. As technology continues to advance, judicial officers must remain vigilant in ensuring that AI serves as a tool to enhance, not replace, their fundamental judicial responsibilities.

Judicial officers and those with whom they work should be aware that GenAI tools do not generate responses like traditional search engines. GenAI tools generate content using complex algorithms, based on the prompt they receive and the data on which the GenAI tool was trained. The response may not be the most correct or accurate answer. Further, GenAI tools do not engage in the traditional reasoning process used by judicial officers. And, GenAI does not exercise judgment or discretion, which are two core components of judicial decision-making. Users of GenAI tools should be cognizant of such limitations.

Users must exercise vigilance to avoid becoming "anchored" to the AI's response, sometimes called "automation bias," where humans trust AI responses as correct without validating their results. Similarly, users of AI need to account for confirmation bias, where a human accepts the AI results because they appear to be consistent with the beliefs and opinions the user already has. Users also need to be aware that, under local rules, they may be obligated to disclose the use of AI or GenAI tools, consistent with their obligation to avoid ex parte communication.

Ultimately, judicial officers are responsible for any orders, opinions, or other materials which are produced in their name. Accordingly, any such work product must always be verified for accuracy when AI or GenAI is used.

II. *JUDICIAL OFFICERS SHOULD REMAIN COGNIZANT OF THE CAPABILITIES AND LIMITATIONS OF AI AND GENAI*

GenAI tools may use prompts and information provided to them to further train their model, and their developers may sell or otherwise disclose information to third parties. Accordingly, confidential or personally identifiable information (PII), health data, or other privileged or confidential information should not be used in any prompts or queries unless the user is reasonably confident that the GenAI tool being employed ensures that information will be treated in a privileged or confidential manner. For all GenAI tools, users should pay attention to the tools' settings, considering whether there may be good reason to retain, or to disable or delete, the prompt history after each session.

Particularly when used as an aid to determine pretrial release decisions, consequences following a criminal conviction, and other significant events, how the AI or GenAI tool has been trained and tested for validity, reliability, and potential bias is critically important. Users of AI or GenAI tools for these foregoing purposes should exercise great caution.

Other limitations or concerns include:

- The quality of a GenAI response will often depend on the quality of the prompt provided. Even responses to the same prompt can vary on different occasions.
- GenAI tools may be trained on information gathered from the Internet generally, or proprietary databases, and are not always trained on non-copyrighted or authoritative legal sources.
- The terms of service for any GenAI tool used should always be reviewed for confidentiality, privacy, and security considerations.

GenAI tools may provide incorrect or misleading information (commonly referred to as "hallucinations"). Accordingly, the accuracy of any responses must always be verified by a human.

III. *POTENTIAL JUDICIAL USES FOR AI OR GENAI*

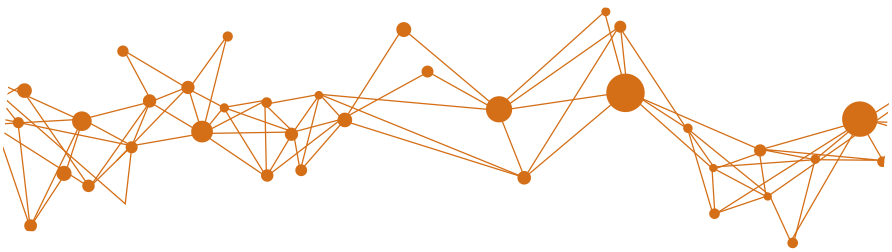
Subject to the considerations set forth above:

- AI and GenAI tools may be used to conduct legal research, provided that the tool was trained on a comprehensive collection of reputable legal authorities and the user bears in mind that GenAI tools can make errors;
- GenAI tools may be used to assist in drafting routine administrative orders;
- GenAI tools may be used to search and summarize depositions, exhibits, briefs, motions, and pleadings;
- GenAI tools may be used to create timelines of relevant events;
- AI and GenAI tools may be used for editing, proofreading, or checking spelling and grammar in draft opinions;
- GenAI tools may be used to assist in determining whether filings submitted by the parties have misstated the law or omitted relevant legal authority;

- GenAI tools may be used to generate standard court notices and communications;
- AI and GenAI tools may be used for court scheduling and calendar management;
- AI and GenAI tools may be used for time and workload studies;
- GenAI tools may be used to create unofficial/preliminary, real-time transcriptions;
- GenAI tools may be used for unofficial/preliminary translation of foreign-language documents;
- AI tools may be used to analyze court operational data, routine administrative workflows, and to identify efficiency improvements;
- AI tools may be used for document organization and management;
- AI and Gen AI tools may be used to enhance court accessibility services, including assisting self-represented litigants.

IV. *IMPLEMENTATION*

These Guidelines should be reviewed and updated regularly to reflect technological advances, emerging best practices in AI and GenAI usage within the judiciary, and improvements in AI and GenAI validity and reliability. As of February 2025, no known GenAI tools have fully resolved the hallucination problem, i.e., the tendency to generate plausible-sounding but false or inaccurate information. While some tools perform better than others, human verification of all AI and GenAI outputs remains essential for all judicial use cases.



RESPONSIBLE USE OF AI & ETHICAL FRAMEWORKS

Over the next two years, we anticipate that there will be multiple efforts at both the state and federal levels to address ethical issues related to the use of artificial intelligence in legal and judicial practices. As AI becomes increasingly integrated into legal and judicial workflows, lawyers and judicial officers will grapple with complex questions about its responsible use. The evolving regulatory landscape will likely see the American Bar Association and other national and state bar associations (and potentially legislative bodies) undertake efforts to craft ethical frameworks to ensure that AI enhances and does not undermine the integrity of the legal and justice systems.

These efforts may include requirements for attorneys or judges to obtain informed consent from clients and litigants when utilizing AI and to promote transparency in how these tools influence case strategies and decision-making. Additionally, state and federal bodies may consider enacting protocols or regulations regarding the supervision of AI-generated outputs to maintain accuracy and prevent errors that could lead to flawed legal advice or rulings. Finally, concerns over confidentiality and data privacy will result in efforts to establish regulations and enact policies and protocols aimed at safeguarding confidential information from unintended exposure or misuse.

—Judge Scott Schlegel (top), Maura Grossman (middle), Judge Herbert B. Dixon (bottom)

AI TOOLS IN DISPUTE RESOLUTION

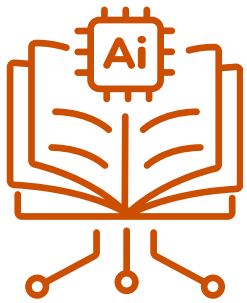
How AI Tools Support Dispute Resolution Practice

AI tools are increasingly used in various aspects of dispute resolution practice. Current AI tools can enhance productivity for arbitrators, mediators, and counsel by speeding up traditionally time-consuming tasks, including summarizing lengthy documents, such as deposition or hearing transcripts or expert reports, and providing links to key citations. AI tools can also identify inconsistencies or patterns. For example, AI can be used to compare a demand to an amended demand and identify the differences. AI tools also can be beneficial in other areas, such as quickly translating documents and creating hyperlinked timelines. AI transcription services can make rough drafts of proceedings available in real time. AI can even be used as a coach for mediators, providing recommendations and strategies for preparing for mediations and suggesting creative solutions and ways to overcome impasses.

There are important challenges with responsibly using AI tools in dispute resolution proceedings, including risks involving security, confidentiality, inaccurate information, algorithmic bias and lack of transparency. For example, the effectiveness and reliability of a generative AI system can depend on the availability of large data sets for training. In arbitration, the confidential nature of arbitral awards could limit the amount of data that is available, although more extensive data bases in international law and arbitration are becoming available, such as through Jus Mundi. All participants in dispute resolution proceedings should always independently verify the accuracy of information obtained using AI tools and consider if there are any potential issues as to the enforceability of arbitral awards because of AI use.

Guidelines on AI Use in Dispute Resolution

With the rapid advances in AI technology, legal professionals, including ADR professionals, must continuously update their knowledge of the technology and the legal parameters surrounding its use. Various organizations have drafted guidelines regarding the appropriate use of AI by legal professionals. For example, in 2024, the ABA's Standing Committee on Ethics and Professional Responsibility issued Formal Opinion 512, which discusses the ethics of using generative AI tools and offers guidance on professional conduct issues. Numerous courts have also issued orders, rules and guidelines related to AI use.



With regard to dispute resolution proceedings specifically, the Silicon Valley Arbitration and Mediation Center published its Guidelines on the Use of AI in Arbitration in 2024 which cover topics such as understanding the use and limitations of AI tools, the duty of competence or diligence, disclosing the use of AI tools, and non-delegation of decision-making. The Chartered Institute of Arbitrators released similar guidance with its Guideline on the Use of AI in Arbitration in April 2025. Although these guidelines are not legally binding, they can be helpful in identifying key issues to keep in mind regarding the use of AI tools in dispute resolution proceedings. In addition, certain dispute resolution providers, including JAMS and the American Arbitration Association, have issued rules and guidance relating to AI.

Promise and Perils of AI Tools

The increasing number of AI tools provides arbitrators, mediators and counsel with opportunities to use AI responsibly to increase productivity and efficiency in dispute resolution proceedings. Although some have hypothesized that AI may soon take on more and more of the tasks that have been traditionally handled by arbitrators and mediators and counsel, and dispute resolution proceedings can become increasingly automated using AI tools, it is important to recognize that currently there are significant limitations. For example, although it may appear that AI reasoning models are producing well-reasoned responses to prompts, at this time the mechanisms by which these models work in responding to input is not clearly understood, and there is a concern that as AI reasoning models become more powerful, they actually are becoming more likely to hallucinate.[9] In addition, one recent investigation in the consumer context urges caution. Specifically, a study by researchers of the automated delegation of negotiation and decision-making to AI agents found that AI agents can have widely different negotiating skills:

> *Our findings reveal that AI-mediated deal-making is an inherently imbalanced game -- different agents achieve significantly different outcomes for their users. Moreover, behavioral anomalies in LLMs can result in financial losses for both consumers and merchants, such as overspending or accepting unreasonable deals. These results underscore that while automation can improve efficiency, it also introduces substantial risks. Users should exercise caution when delegating business decisions to AI agents.*[10]

Human judgment must continue to play a pivotal role in key aspects of dispute resolution proceedings, including decision-making and overseeing the appropriate and responsible use of AI tools.

9 See Cade Metz and Karen Weise, *AI is Getting More Powerful, But Its Hallucinations Are Getting Worse,* N.Y. Times, May 5, 2025 https://www.nytimes.com/2025/05/05/technology/ai-hallucinations-chatgpt-google.html.

10 See Shenzhe Zhu, et al., *The Automated but Risky Game: Modeling Agent-to-Agent Negotiations and Transactions in Consumer Markets,* arXiv preprint arXiv:2506.00073 (2025).

RAILS, or **Responsible AI in Legal Services**, has an AI Use in Courts Tracker, which lists court orders, local rules, and guidelines from courts in the U.S. and other countries regarding AI. *See* https://rails.legal/resources/resource-ai-orders/.

AI TRANSFORMS DISPUTE RESOLUTION

Artificial intelligence tools are beginning to turn laptops and smartphones into always-open, low-cost "courthouses." Online dispute-resolution platforms already use large-language models to intake claims, guide parties through structured negotiation, analyze evidence, forecast outcomes, and even draft arbitral awards. By automating these labor-intensive tasks, AI is making mediation and arbitration more efficient, accessible and fair. AI agents offering symmetrical advocacy and nearly real-time decisions could soon level the playing field for unrepresented or geographically remote users.

For the legal profession, this shift moves talent away from rote document review toward high-value strategy and bespoke counselling while opening profitable new markets in micro-claims and cross-border consumer disputes that were previously uneconomic to serve. Society benefits from shorter dockets, lower transaction costs, and a justice system that reaches people who could never afford it.

Done responsibly, AI can transform dispute resolution from an expensive boutique service into an inclusive public utility, strengthening trust in both legal institutions and the rule of law.

—Bridget McCormack

PROGRESS IN USING AI TO IMPROVE ACCESS TO JUSTICE

The 2024 AI Task Force report detailed the scale of the access to justice crisis in the United States. It described the potential for generative AI to improve access to justice in two ways:

1. by increasing the efficiency and productivity of legal services and pro bono lawyers, so that they can assist many more people with higher levels of service; and
2. by making accurate, usable, and understandable legal information and assistance easily available to individuals with civil legal problems.

While recognizing the need for continued qualitative improvements and risk mitigation in the application of generative AI to deliver legal services, the AI Task Force also observed the growing enthusiasm among members of the legal services community about the ability of AI to expand access to justice.

A WORLD OF INTELLIGENT **POSSIBILITIES**

Over the next two years, generative AI will become more reliable, accurate, powerful, and pervasive. With these enhanced capabilities, legal professionals will increasingly delegate routine and repetitive tasks to AI systems—while maintaining appropriate oversight—freeing up more time to concentrate on complex client interactions, strategic decision-making, and effective advocacy. Lawyers who fail to embrace these changes will become increasingly unable to compete and effectively serve their clients. At the same time, these tools will broaden access to justice. generative AI will begin to enable the delivery of affordable, high-quality legal assistance at scale, helping to expand access to law-related information and services. These advancements will empower lawyers to serve more clients without increasing resources, while also placing essential legal knowledge and capabilities within the reach of underserved populations.

The next two years represent a critical window for lawyers to pivot towards the most powerful technology the legal profession has ever seen. We will begin to transition away from worrying about the competence of lawyers who use generative AI systems and begin worrying about the competence of lawyers who don't.

— Andrew Perlman

Generative AI (GAI) has enormous potential to help litigants, advocates, judges and the administration of justice broadly in ways that previously were unthinkable. These efforts to advance access to justice will range from how to provide better and more efficient advocacy, to helping self-represented litigants navigate an increasingly complicated legal system, simplifying legal processes, preventing legal disputes, and avoiding the need to invoke formal legal decision-making systems. GAI also will allow courts to better structure how disputes can be fairly and promptly resolved, including how to better manage cases and caseloads, schedule hearings, gather accurate data to further improve the judicial system, determine what is successful, and identify areas for further improvement. Corresponding efforts will be needed to avoid mischief in the application of GAI, and to ensure technology does not undercut efforts to enhance access to justice. But GAI allows advances that could not be dreamed of previously, and bright and wise minds can (and I hope will) use the technology to enhance access to justice in the coming years.

— Hon. Samuel Thumma

AI

2025 AI A2J PROGRAM HIGHLIGHTS FROM ACROSS THE COUNTRY

- The Legal Services Corporation's annual three-day Innovations in Technology Conference, held in Phoenix in January 2025, featured multiple programs on AI and access to justice. . A one-day preconference summit was devoted entirely to AI as a tool for closing the justice gap. The conference attracted more than 700 people from 47 states and the District of Columbia.

- The Legal Services Corporation has launched "AI Peer Learning Labs," a regular series of webinars, to help legal aid programs share insights and develop best practices for integrating AI into their delivery of legal services.

- The AI Task Force sponsored a webinar in February 2025 on "How generative AI Can Improve Access to Justice."

- The April 2025 District of Columbia Judicial and Bar Conference featured a presentation on "Artificial Intelligence and Access to Justice: Where We Are Today and Where We Can Be Tomorrow."

The past year has seen progress on all four high-priority areas identified in the 2024 AI Task Force Report.

1 Training and educating the access-to-justice community in the use of AI tools.

The Legal Services Corporation, the AI Task Force, legal services providers, and state and local bar associations have been active in offering conferences, webinars, panel presentations, and other resources about how generative AI can improve access to justice.

2 Publicizing actual use cases.

Perhaps the most effective way to educate the access-to-justice community about the responsible use of generative AI is to publicize cases of actual use by trusted, competent, and innovative community members, and by scholars working with the community. All of the programs described above included and demonstrated use cases. The AI Task Force's February 2025 webinar emphasized the work of Colleen Chien and Miriam Kim of the Berkeley Center for Law and Technology at Berkeley Law School, published in the Loyola of Los Angeles Law Review. "generative AI and Legal Aid: Results from a Field Study and 100 Use Cases to Bridge the Access to Justice Gap," 57 Loy. L.A. L. Rev. 903 (2024). The AI Task Force's website includes a link to a related database that provides detailed descriptions of more than 100 AI use cases for legal aid, including ratings, recommendations, and estimates of efficiency gains resulting from use of the AI tool.

The Task Force recommends regular and widespread sharing of use cases with evaluations like those in Professors Chen's and Kim's database.

3 Developing quality standards.

Rigorous evaluation of AI tools that individuals without lawyers might use for assistance with their civil problems is important to protect the public from inaccurate and potentially harmful information and to facilitate the development of accurate and useful tools.

4 Making reliable AI tools accessible to and affordable by legal services providers and public interest organizations.

Last year, the AI Task Force cautioned that high subscription costs for the best and most reliable legal AI tools might make those tools unaffordable and inaccessible to the access-to-justice community.

The past year has seen a growing appreciation of that risk and concrete action by a few vendors to make legal AI products available to legal services providers and public interest organizations free of charge or at discounted prices. Examples include Thomson Reuters' AI for Justice Legal Aid Program and Everlaw's "Everlaw for Good" initiative. But more needs to be done to expand affordable access. Otherwise high costs may have the unintended consequence of widening the justice gap by making powerful new legal tools available to clients of means and their lawyers that are not available to low- and moderate-income people and their lawyers. Financial accessibility to the access-to-justice community must be raised and addressed regularly with legal AI developers.

AI

A CASE FOR AI ASSESSMENT TOOLS

Dr. Margaret Hagan, the Executive Director of the Legal Design Lab at Stanford Law School, is focused on human-centered design of legal services and, to that end, is leading the development of well-defined quality metrics for assessing the performance of AI tools. Dr. Hagan's work is practical, researched-based, and grounded in her familiarity with the access to justice crisis in the United States. Her recommendations emphasize the need for further research and for regular, continuous assessment and improvement once legal AI tools for individual use are introduced.

"Measuring What Matters: A Quality Rubric for Legal AI Answers,"
"Measuring What Matters: Developing Human-Centered Legal Quality Q and A Standards Through Multi-Stakeholder Research"

Once appropriate standards for evaluating AI tools have been identified, those standards will have to be adopted and implemented by AI developers to be effective. That challenge – achieving actual adoption of good assessment standards – has generated little discussion to date and needs attention now to ensure prudent implementation of AI to address inequities in access to justice.

AI AND LEGAL EDUCATION

From developing AI courses to using AI tools to simulate negotiations, many law schools have prioritized integrating AI literacy and innovation into curricula. In 2024, the AI Task Force surveyed law school administrators to gain insights on their plans for AI integration into their curricula. The results showed that 55% of the 29 respondent law schools offered classes on AI, and 83% reported availability of opportunities like clinics where students can learn how to use AI tools hands-on. Overall, the survey demonstrated a clear national trend of law schools adapting to the rapid development and adoption of AI into the legal field. AI continues to make inroads into legal education in notable ways as law schools explore new approaches using AI in curricula to educate students on responsible use of AI tools.

HIGHLIGHTS: AI IN LAW SCHOOL CURRICULA

- **Case Western Reserve School of Law** (Cleveland, OH). Launched in February 2025 in partnership with Wickard.ai, Case Western Law's "Introduction to AI and the Law" program teaches law students about the fundamentals of AI and its impacts on the legal world. All first-year law students are required to take the course, making Case Western the first American law school to require students to earn a certification in legal AI. The program offers hands-on experience with legal AI tools such as Spellbook and CoCounsel, educates on the AI regulatory landscape, and advises on ethical considerations with AI in law practice.

- **Suffolk University Law School** (Boston, MA). Suffolk Law's Legal Innovation & Technology Lab has developed several AI bots to facilitate legal education: Moot a Case, a judge simulation that allows students to practice oral arguments; Go Socrates, which conducts the Socratic method with cases; Distill & Question, which conducts an interactive question and answer session with students about particular cases; and more. Furthermore, in partnership with the American Arbitration Association (AAA), the Lab has created an Online Dispute Resolution Innovation Clinic where Suffolk Law students design an AI-powered workflow to help litigants deliver accurate documents to court.

- **Vanderbilt University Law School** (Nashville, TN). At Vanderbilt Law's AI Law Lab (VAILL), students build AI legal aid tools to help close the access to justice gap, such as an end-of-life AI planning tool for wills and advanced directives. This particular tool is targeted towards Tennessee residents and intended to help legal aid organizations. VAILL promotes radical and collaborative experimentation, aiming to "reimagine the future of law through the lens of AI."

- **Stanford Law School** (Stanford, CA). The Stanford Center for Legal Informatics has developed an M&A Negotiation Simulator, which uses generative AI's capabilities of mimicking characters to help law students refine the interpersonal skills needed for merger and acquisition negotiations, which even includes simulations of belligerent and bluffing lawyers. Megan Ma, Executive Director of Stanford Law School's Legal Innovation through Frontier Technology Lab, remarked on the designed realism of the simulator: "We built AI agents that reflect the personalities and the thinking of senior lawyers…We effectively downloaded their brains."

- **North Carolina Central University School of Law** (Durham, NC). In Spring 2025, the NCCU School of Law, through the Technology Law and Policy Center (TLPC), became the first law school in the U.S. to offer a course in AI Governance that prepares students to take the IAPP AI Governance Professional (AIGP) certification exam. This course offers students the opportunity to study emerging technologies and critical issues such as risk management, AI related harms, bias, environmental impact, labor and work implications, and international regulation. According to NCCU Law professor April Dawson, who taught the AI Governance course, this curriculum "helps prepare students to think critically and lead in a legal landscape that is being reshaped by technology."

- **University of Pennsylvania** (Philadelphia, PA). Penn Carey Law is offering an Executive Education Certification Program focused on AI, Industry, and the Law. According to their website, "Artificial Intelligence is shaping the future across industries, transforming businesses and governments alike. This program is designed to navigate the dynamic landscape of AI, showcasing its evolution through curiosity-driven innovation and pragmatic applications. Explore the convergence of AI, regulation, and law, revealing the transformative possibilities across a diverse array of sectors."

- **Georgetown University Law Center** (Washington, DC). Georgetown offers eight AI-related courses to students, as well as the Tech Scholars program and academic programs through its affiliation with MIT. The Georgetown Law Institute for Technology Law and Policy hosts a broad range of executive programs not only for alumni, but to train government leaders and policy-makers on AI and emerging technologies.

As law professors, labs, and initiatives develop these innovative legal AI tools, clinics, and curricula, keeping up to date with recent technological developments remains paramount. As Mark Williams, Vanderbilt Law professor and co-director of VAILL, says, "I tell students right up front that half of the substantive material that we cover in this class is probably going to be outdated by the time that you graduate." This vigilance, along with upholding professional ethics and prioritizing human-centered innovation, will best prepare law students to successfully navigate how AI will impact the practice of law in the years ahead.

WHITE HOUSE UNVEILS AI ACTION PLAN, SHIFT IN STRATEGIC PRIORITIES TO SPUR AI ADOPTION

As a follow-up to Executive Order 14179 on *Removing Barriers to America's Leadership in AI, i*n July the White House released "Winning the Race: America's AI Action Plan" with its three AI pillars – accelerate AI innovation, build American AI infrastructure, and lead in international AI diplomacy and security.

America's AI Action Plan represents a shift in U.S. policy toward AI technology advancement. As core strategic priorities it emphasizes deregulation, infrastructure expansion, workforce development, and international leadership to ensure American domination of AI technologies.

The president also signed three AI-related Executive Orders to further the AI Action Plan: 1) "Accelerating Federal Permitting of Data Center Infrastructure"; 2) "Promoting the Export of the American AI Technology Stack"; and 3) "Preventing Woke AI in the Federal Government."

The Plan outlines over 90 near-term federal actions intended to reshape the U.S. AI landscape with strategic implications across the public and private sectors. Here are some of the highlights.

Federal agencies are encouraged to expand their use of AI tools, and under Pillar I the Plan requires that they identify and eliminate regulatory and procurement barriers to AI innovation. Agencies must only procure AI models that are "objective and free from top-down ideological bias." The criteria for assessing "objectivity" have not been defined and ensuring neutrality in AI systems under the "preventing woke" executive order will be challenging.

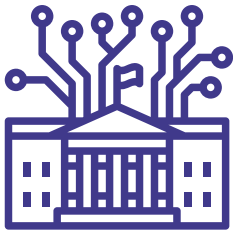
The focus of Pillar II on physical infrastructure to support AI advancements emphasizes accelerating development and construction of data centers, modernizing the energy grid and expanding high-performance computing capacity and semiconductor manufacturing.

The Department of Homeland Security (DHS) will create an AI Information Sharing and Analysis Center (ISAC) to address AI-related cybersecurity threats, and issue AI-specific cybersecurity guidance for the private sector.

Pillar III is designed to accelerate the export of U.S.-made AI technologies. The Plan directs the U.S. to counter Chinese influence in international AI governance bodies and advocate for innovation-friendly, American values-based standards.

An April 2025 policy directive from the Office of Management and Budget (OMB) provides details on how federal agencies must ensure their AI use is trustworthy, secure, and accountable, in accordance with Executive Order 13960. Executive Order on Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government (Dec. 3, 2020).

OMB Memorandum M-25-21 provides guidance to federal agencies on how to innovate and promote the responsible adoption, use, and continued development of AI, while ensuring appropriate safeguards are in place to protect privacy, civil rights, and civil liberties, and to mitigate any unlawful discrimination, consistent with the AI in Government Act.



Agencies are required to follow minimum risk management practices for high-impact AI (defined as "when its output serves as a principal basis for decisions or actions that have a legal, material, binding, or significant effect on rights or safety.") The broad range of mandated risk management practices include the conduct of pre-deployment testing and a complete AI impact assessment, ongoing monitoring for performance and potential adverse impacts, ensuring adequate human trainingand assessment, and providing additional human oversight, intervention, and accountability.

Further AI governance and implementation requirements agencies must follow include updating internal policies on IT infrastructure, data, cybersecurity, and privacy, developing generative AI policy, updating AI Use Case Inventories, and developing agency AI strategies (OMB will provide template) and publishing them on their website.

AI GOVERNANCE: OBSERVATIONS FROM AI TASK FORCE WEBINARS

"AI Governance: A Conversation with Michael Chertoff, Former Secretary of Homeland Security and Miriam Vogel, President and CEO of EqualAI and Chair of the National AI Advisory Committee"

November 2024

The AI Task Force hosted a fireside chat with Secretary Michael Chertoff and Miriam Vogel moderated by Cynthia Cwik, Vice Chair of the AI Task Force. The discussion explored critical issues surrounding AI governance, liability, regulatory trends, and best practices for organizations using AI systems.

The Importance of AI Governance

AI is now integral to many organizations, and its governance is essential to mitigate risks and ensure responsible use. Organizations must develop comprehensive AI governance frameworks, drawing parallels to the early days of cybersecurity planning. Miriam Vogel emphasized that most modern organizations, regardless of their primary industry, are effectively "AI companies" due to their reliance on AI for human resources, research, and operational functions. She observed that ignoring AI governance could expose organizations to significant liability and operational risks.

> *"We are all using [AI] in human resources and research functions in ways that are critical to our work with employees, consumers, clients, and infrastructure, and as a result, organizations should have a plan in place for AI governance. You need to be thoughtful about who is in charge and what your game plan is going to be."*
>
> —Miriam Vogel, President and CEO of Equal AI

The **NIST AI Risk Management Framework** is a foundational tool for organizations, as it incorporates input from global stakeholders and provides guidance on managing AI-related risks. Vogel, who participated in development of the framework, emphasized the importance of accountability at the highest levels, advocating for C-suite leadership to oversee AI governance efforts. Establishing testing protocols and integrating AI governance into existing cybersecurity and privacy frameworks are also essential steps.

3-D Principles: Data, Disclosure, and Decision-Making

Secretary Michael Chertoff discussed the "3D" principles for governing the design, development and deployment of AI:

- **Data**. An organization must ensure that AI training data is unbiased and not skewed to ensure accuracy, which requires careful attention to the raw data used.
- **Disclosure**. Transparency is critical, and organizations must disclose when AI is being used.
- **Decision-Making**. Human oversight must remain central to decision-making, particularly when AI outputs affect individuals.

> *"[I]f the result of AI is a decision that affects human beings, a human has to have the final say, and we can't simply outsource it entirely to AI. So to my mind, the 3D's are things people ought to pay attention to in using artificial intelligence."*
>
> —Michael Chertoff, Former Secretary, Department of Homeland Security

National Security and Liability Challenges

AI presents both risks and opportunities in national security. For example, AI can improve cargo screening at borders and detect cybersecurity anomalies. However, it also increases vulnerabilities, such as enabling voice cloning for fraud or using generative AI to bypass multi-factor authentication. These risks necessitate proactive governance and readiness.

AI is transforming liability norms, particularly in emerging areas like self-driving cars and AI-driven medical devices. Traditional torts frameworks may require adaptation. For example, determining liability in autonomous vehicle accidents raises questions about whether fault lies with the driver, the vehicle manufacturer, or the AI system. Similarly, in healthcare, AI-trained devices may produce biased results if training datasets lack diversity, potentially leading to misdiagnoses. AI adds a new variable in determining fault and will likely lead to new liability frameworks and increased litigation.

Legal Precedents and Current Regulatory Landscape

The panelists emphasized that AI is not operating in a regulatory vacuum. While there are gaps, existing laws in areas like discrimination, privacy, and copyright are being applied to AI-related cases. In a recent Equal Employment Opportunity Commission case against Itutor, the company's AI system was found to discriminate against older candidates. Similarly, the U.S. Copyright Office has ruled that AI-generated materials cannot be copyrighted unless there is human involvement.

Further, new legal questions are emerging. For example, can governments use AI-trained models that rely on anonymized data sets without violating constitutional protections? Such issues remain unresolved and will require judicial interpretation as cases arise.

Global Trends in AI Regulation

Both speakers highlighted the importance of monitoring global regulatory developments. The EU AI Act, for instance, introduces significant compliance requirements for high-risk AI applications, such as those in education, healthcare, and infrastructure. Because implementing governance programs to meet such regulations could take years, organizations need to act proactively.

Secretary Chertoff emphasized the need for international alignment in AI regulation to prevent fragmented compliance requirements. He cautioned that without such coordination, U.S. enterprises may face stricter regulatory obligations abroad, diminishing their competitiveness.

Role of the Legal Community

Secretary Chertoff and Miriam Vogel called on the legal community to play a central role in shaping AI governance frameworks. Lawyers are uniquely positioned to navigate the risks and opportunities of AI, advising clients on balancing innovation with accountability. Ongoing education is important to ensure that legal professionals remain informed about AI developments.

Similar to the early days of television advertising, when consumers were taught to approach commercials with skepticism, there is a need to cultivate AI literacy among the public, particularly regarding potential manipulation through highly personalized AI-generated messaging.

Call to Action

The discussion concluded with a call to action for organizations to prioritize AI governance and for individuals to develop a deeper understanding of AI's impact on their personal and professional lives. As AI continues to evolve, proactive governance, regulatory alignment, and public awareness will be critical to maximizing its benefits while minimizing potential harms.

HEAR THE WHOLE CONVERSATION

LEARN MORE: "Is Your Use of AI Violating the Law: An Overview of the Current Legal Landscape" 26 N.Y.U. J. Legis. & Pub. Pol'y 1029 (2024).

"A Roundtable Regarding AI Legal Issues, Policy and Practical Strategies"

January 2025

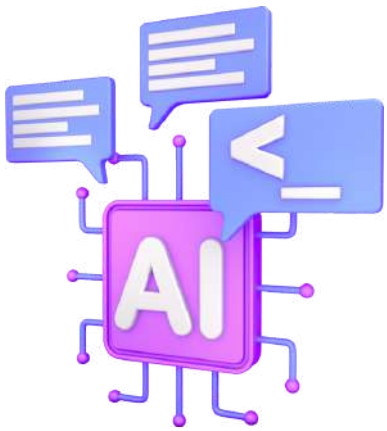
This program featured a panel discussion highlighting key issues discussed in the book, *Artificial Intelligence: AI Legal Issues, Policy and Practical Strategies*, published by the American Bar Association and featuring contributions from leading experts.

Program Excerpt featuring Karen Silverman on AI Governance

AI governance is essential for managing the unique challenges posed by artificial intelligence, which requires approaches extending beyond traditional compliance frameworks. Effective governance must address the full lifecycle of AI deployment and its broader implications.

AI presents distinct challenges due to its velocity and scalability, allowing it to rapidly impact industries and society. Its inherent errors, such as hallucinations, arise from the statistical nature of AI systems. These errors are not malfunctions but an expected outcome of how AI operates, requiring careful oversight. Additionally, emergent capabilities enable AI systems to generate results and associations beyond human expectations, creating uncertainty about their potential impacts. AI's unequal access and asymmetries, both in terms of data availability and expertise, further complicate governance, as do uneven regulatory frameworks across jurisdictions, which hinder consistent oversight.

AI tools, particularly large language models, also face language limitations due to the inherent imperfections of language as a medium for communication and interpretation. These limitations can lead to miscommunication or unintended outcomes, underscoring the importance of robust governance systems.



A comprehensive governance framework should encompass six key components: strategy, risk management, organizational readiness, principles and policies, processes and tools, and compliance. Risk management, in particular, must focus not only on mitigating and eliminating risks but also on actively managing them to build resilience. Organizational readiness is critical, as many organizations lack adequate data governance and employee training to effectively scale AI technologies.

Governance frameworks must also address broader societal concerns, including national security, privacy, and sustainability. Transparency, accountability, safety, ethics, and fairness are foundational principles that organizations should embed into their AI strategies. Furthermore, governance must account for the challenges of managing AI systems as they become increasingly capable and integrate deeply into critical functions.

Ultimately, AI governance must balance fostering innovation with addressing risks and ethical considerations. Organizations should adopt a human-centered approach to ensure that AI technologies are used responsibly and effectively, while aligning with evolving legal and regulatory standards.

HEAR THE WHOLE CONVERSATION

"The reality is that most of what organizations and clients will have to do is come up with private internal rules and norms or industry rules and norms that manage how [to]function with these tools successfully. . . If we're moving to a point where we're going to be scaling these technologies as it seems we are, we're going to discover problems quickly. And what we're really going to discover is not just how to manage where these tools are going wrong, which they will. But how are we going to manage them when they go really well. When these tools get very smart and very capable, what kinds of human management and governance do we want attached to them? And this is really the much harder question."

—Karen Silverman, CEO/Founder, The Cantellus Group

AI ASSURANCE: NAVIGATING PRACTICAL CHALLENGES AND IMPLICATIONS IN LEGAL PRACTICE

Reva Schwartz and Gabriella Waters, Civitaas Insights LLC

The successful adoption of AI technology in the legal profession is dependent on such tools providing genuine practical value while maintaining compliance with professional ethical obligations. Recent high-profile cases, including sanctions against attorneys for submitting AI-generated fictitious case citations, demonstrate the professional liability risks inherent in generative AI use. The tendency of generative AI tools to produce confidently stated but erroneous or false outputs (aka AI "hallucinations") presents ongoing risks that will require systematic monitoring and oversight. This challenge is especially significant for legal practitioners, who have professional obligations to ensure accuracy and factuality in their representations to courts and clients. The propensity of hallucinations in AI-generated content creates questions for legal professionals, chief among them - "if I have to go through my entire legal brief and fact check what the AI tool generated, is it actually creating any value or utility?".

Traditional computational methods for assessing risk and reliability typically employ curated datasets to assess AI tool performance and the efficacy of different methods to reduce risk likelihood in generated output. While useful, these computational assessments are too limited to shed light on AI's secondary and tertiary effects, such as practical utility, workforce and economic shifts, and the downstream impacts of risks in the real world. Measures of whether specific risks are contained in static output do not provide the higher-order detail necessary to understand AI's dynamic effects in context. "Real World AI Evaluation" methods that integrate usage and procedural factors can complement these existing approaches. We recently published research demonstrating how to do just that-by designing evaluations that can comprehensively account for AI's effects in the real world.[11] Evaluators can use these real world methods to expand beyond computational assessments of AI tool performance and functionality, capture detailed information about how risks such as AI hallucinations play out in deployment, and investigate whether (and how) these tools provide practical utility.

11. Schwartz, R., et. al., *Reality Check: A New Evaluation Ecosystem Is Necessary to Understand AI's Real World Effects* (2025), https://arxiv.org/abs/2505.18893

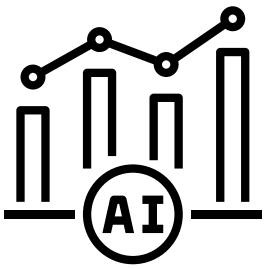
This methodology establishes a framework to obtain "contextual awareness" - knowledge about what matters in a given deployment setting - and facilitate deeper insights about AI's real world opportunities and threats. The process begins with multistakeholder engagement to specify the evaluation context, produce a theory of change, and systematize the real world phenomena underlying the evaluation's focus. The next step is to collect and generate contextually-informed data. Real world testing leverages approaches like red teaming and field testing to collect response data from different types of users as they remotely interact with AI tools. Depending on target variables and experimental design requirements, these real world data can be captured at scale. The resulting contextual information from real world AI evaluations can help non-ML actors translate and make sense of evaluation results for their own activities and decision making and provide AI practitioners with vital feedback about how the technology they build is actually being used.

AI

MODEL AI CONTRACT TERMS

The AI Task Force worked with a group of tech-savvy business lawyers from the Young Lawyers Division to publish model contract terms for entities incorporating AI into their business. The AI industry is both growing and consolidating, as many players invest in or acquire companies developing and using AI. Lawyers are a leading resource in managing these investments and acquisitions and helping clients sort out the applications and opportunities of AI while minimizing risks.

Wrangling the Wild West of AI: A Mock Negotiation
(August 8, 2025)



Speakers: *Ted Claypole*, Partner, Womble Bond Dickinson (US) LLP; *Lisa R. Lifshitz*, Partner, Torkin Manes LLP; *Spender Rubin*, Associate, Grellas Shah LLP; and *Alexandra (Lexi) Lutz*, Sr. Corporate Counsel – Privacy, Nordstrom. Inc.

Acquiring AI systems offers some unique legal considerations and challenges. Taking into account both the vendor and the buyer perspective, this program covers the key areas of AI contracts, including usage rights, licensing and data ownership, bias, privacy/ cyber, representation, warranties and disclaimers, indemnities, service levels and termination consideration.

AI RISK MANAGEMENT AND MITIGATION

The rapid development of AI products and capabilities (particularly generative AI) and the introduction of new legal risks has led to a continued laser focus on risk management. AI Task Force members have explored complex issues of how to increase transparency and address unanticipated developments with AI, and assess how to allocate liability if and when AI technology does not perform as expected, particularly because AI capabilities can learn and develop rules for themselves.

AI design and development risks include cybersecurity, privacy, and bias, as well as the accuracy, reliability, and safety of AI applications, products, services. and capabilities.

Risks caused by the use of AI encompass:

- Intellectual property (IP), unfair trade practices, and fraud
- Trustworthy and responsible AI, human oversight, accountability and transparency
- Role in creating and spreading disinformation

The **MIT AI Risk Repository** provides a "comprehensive living database of over 1600 AI risks categorized by their cause and risk domain." https://airisk.mit.edu/

Some critical AI risks:

- **Fairness with Mitigation of Algorithmic Bias:** Bias exists in many forms and can become ingrained in the automated decision-making (ADM) systems that help make decisions about individual's lives, such as, for example, financial, health care, or hiring. According to NIST, while bias is not always a negative phenomenon, AI systems can potentially increase the speed and scale of harmful biases and perpetuate or amplify harms to individuals and organizations.
- **Privacy:** AI privacy risks stem from the vast amount of personal data AI systems collect, process, and use, leading to potential data breaches (large datasets are attractive targets for cybercriminals) and the unauthorized access and misuse of the information. Collection and use of biometric data and facial recognition systems are particular concerns.
- **Transparency and Explainability:** Many AI systems are "black boxes," making it difficult to understand how they make decisions or what data they use.

- **Disinformation and Deepfakes**: The rise of social media and AI has "democratized" the practice of spreading disinformation. The ease with which content can now be created and shared, as well as the use of algorithms that are optimized for engagement, means misinformation can spread widely and quickly.

  Further, deepfakes – digital media (images, videos, audio, or text) that have been created or altered using AI and machine learning – are designed to appear authentic and can be used to depict people doing or saying things they never actually did.

  The World Economic Forum has assessed that AI-generated deepfakes pose one of the greatest threats to national security and presents significant challenges for maintaining trust in democratic institutions, elections, and the rule of law. According to the FBI, deepfakes present a national security threat and cybersecurity risks The most substantial threats from the abuse of synthetic media are techniques that

  - Threaten an organization's brand,
  - Impersonate leaders and financial officers, and
  - Use fraudulent communications to enable access to an organization's networks, communications, and sensitive information.

  NSA, FBI, CISA, Contextualizing Deepfake Threats to Organizations, https://www.cisa.gov/news-events/alerts/2023/09/12/nsa-fbi-and-cisa-release-cybersecurity-information-sheet-deepfake-threats

AI

NIST developed the AI Risk Management Framework to manage the benefits and risks of AI to individuals, organizations, and society and covers a wide range of risk ranging from safety to lack of transparency and accountability. https://www.nist.gov/itl/ai-risk-management-framework

NIST published a companion generative AI Profile to help organizations identify unique risks posed by generative AI and proposes actions for generative AI risk management that best aligns with their goals and priorities. *NIST-AI*-600-1, Artificial Intelligence Risk Management Framework: Generative Artificial Intelligence Profile (July 26, 2024), https://nvlpubs.nist.gov/nistpubs/ai/NIST.AI.600-1.pdf

ALLOCATING AI LIABILITY RISKS

As AI becomes embedded in more features of business and even personal activities, the potential for harmful effects will increase. AI may increasingly impact hiring decisions, investment decisions, law enforcement and regulatory activities, and other high consequence decision-making. When someone is aggrieved by an AI-driven result, they will seek legal recompense, often through a lawsuit. That will raise increasingly complicated questions about who is responsible and who, therefore, is liable. Is it the algorithm designer?

The collector and screener of data? The operator who determines the extent of reliance to be placed on AI in decision-making? The evaluator of the outcome with responsibility for corrections and modifications? These parties may well jostle to shift responsibilities from one to the other.

Generally, there will be two possible approaches to allocating the burden of avoiding untoward AI consequences. One approach is to attempt a comprehensive study of all the facets of an AI driven process, with a view to laying out law and regulations that assign these responsibilities at the outset to those best situated to avoid harms. The other approach is the traditional common law approach of modifying the law through adjudication of specific fact patterns so that the legal architecture is the sum of individual experiences in varied factual situations. While it is tempting to try to lay out the legal landscape at the outset, it may be that the common law incremental method needs to be an important part of the legal process.

— Michael Chertoff

AI

As AI adoption expands, so does the landscape of related legal liability. Lawyers, policymakers, and business executives should become AI-literate with respect to the potential harms and litigation risks associated with this technology as it grows in capabilities and adoption. The Article provides a brief introduction to the legal landscape to consider when developing, licensing, or using AI systems. While the regulatory and legal landscapes are rapidly evolving, this Article aims to provide a foundational understanding to help mitigate liability and avoid the associated harms to companies, individuals, and communities.

Miriam Vogel et al., Is Your Use of AI Violating the Law? An Overview of the Current Legal Landscape, 26 N.Y.U. J. Legis. & Pub. Pol'y 1029 (2024). Learn more

UNKNOWN PITFALLS OF AI POSE CHALLENGES

The most obvious known pitfalls today include generative AI's tendency to "hallucinate" and the risk that clients' confidential information may be exposed if it is uploaded into a generative AI platform. To me, these known issues are manageable precisely because they are known. We do not yet know all of the problems that might arise from the use of generative AI. Will reliance on GenAI erode junior associates' drafting and research skills, resulting in a generation of new lawyers who are simply worse at their jobs? Will we end up with a briefing process that is less efficient, not more, and thus more expensive, because we will have to work harder to tell fact from fiction when responding to briefs that were created using GenAI? Will some of our clients lose out to GenAI, resulting in the contraction or disappearance of entire market sectors and increased competition for business? We don't know, and that's what I think we need to be most concerned about.

—Claudia Ray

"HUMAN IN THE LOOP" CHALLENGES IN CYBERSECURITY AND NATIONAL SECURITY

Focusing on the areas of national security and cybersecurity, it seems clear to me that the most significant development in the application of AI, which will be both an improvement and a challenge, is the extent to which AI will be deployed in situations where response times are measured in seconds rather than minutes, thereby significantly degrading the "human in the loop" architecture of current responses. When, for example, a cyber intrusion is managed in real-time by an adaptive AI adversary, then an AI-based defense will likewise need to act at the equivalent pace. Humans will still set the basic parameters and limits of an AI response, but the details will be chosen and adapted by AI response mechanisms within those boundaries.

The likelihood is quite high that at some point AI-chosen actions will conflict with societal values in some way. Indeed, in the context of military applications, it seems a near certainty that sometime soon semi-autonomous weapons systems will become the norm. And it seems equally likely that at some juncture, one of those systems will transgress currently accepted limits on military conduct. Whether those limits are enforced or modified to fit new paradigms of combat is a near-existential question we are likely to face sooner rather than later.

—Paul Rosenzweig

AI DATA ISSUES EVERYWHERE

AI is trained on data, including personal and otherwise sensitive data. That raises all kinds of legal issues: privacy, security, confidentiality, intellectual property, bias and discrimination, ethics, and more. So when it comes to challenges in applying this strange new world of powerful AI to the law, I'd say take me to your data.

—Ruth Hill Bro

"AI creates new re-identification risks, not only because of its analytic power across disparate datasets, but also because of potential data leakage from model training. AI's predictive capabilities could also reveal greater insights about people as well as amplify behavioral tracking and surveillance. On the positive side, the analytic scope and broad reach of AI could be used to power personal privacy assistants that could help people better manage their privacy preferences across their online activities."

Katerina Megas, Cybersecurity Insights, A NIST Blog, Managing Cybersecurity and Privacy Risks in the Age of Artificial Intelligence, NIST (Sep. 19, 2024), Learn more

Privacy in an AI Era: How Do We Protect Our Personal Information? Stanford University, Human-Centered Artificial Intelligence, (March 18, 2024), Learn more

AI STANDARDIZATION

AI is an active area of international standardization, and over 50 international AI standards have been published. Many of the early AI standards were focused on foundational aspects such as terminology and concepts, and now a wide range of AI-related topics (e.g., guidance/requirements, use cases, data quality and use, evaluation/ assessments, etc.) are in the development pipeline.

With increased government interest in AI, standards development organizations (SDO) have taken note and begun developing standards that can be leveraged by governments and organizations. One such standard is ISO/IEC 42001:2023, the world's first AI management system standard; it specifies requirements for establishing, implementing, maintaining, and continually improving an Artificial Intelligence Management System (AIMS). With the soon-to-be published ISO/IEC 42006, AI certifications will become an option for organization that want to demonstrate they responsibly manage AI challenges in areas like ethics, data quality, risk, and transparency.

—Eric Hibbard

INTELLECTUAL PROPERTY (IP)

Intellectual property rights holders will have a major influence on the evolution of AI and its risk management frameworks. IP laws have historically struck a balance between the competing interests of owners and innovators. However, AI's reliance upon large volumes of data and its rapid information processing are likely to result in revisiting how to strike that balance.

Developers frequently turn to the vast information readily available online to test, train and implement AI tools. Courts are grappling with several infringement cases arising from the unauthorized use of copyrighted material to train AI algorithms. The viability of AI business models that rely on scraping data and content from the internet without permission hangs in the balance.

Further, as AI technologies evolve, novel legal questions will arise over ownership and the protective scope of patents, trademarks and copyrights. Challenges over copyright authorship and rights infringement are already preoccupying lawyers and courts. In March 2025, *Thaler v. Perlmutter*, No. 23-5233 (D.C. Cir. 2025), confirmed that copyrights are intended to reward *human* creativity. The decision upheld guidance from the U.S. Copyright Office that machine-generated original works are not entitled to protection - even if a human developed the AI technology.

The outcomes of these cases will fundamentally impact the evolution of AI, its risk assessment frameworks and approaches for AI governance.

AI

Reva Schwartz, et. al., Towards a Standard for Identifying and Managing Bias in Artificial Intelligence, NIST Spec. Pub. 1270 (March 2022), https://doi.org/10.6028/NIST.SP.1270

The intent of this document is to surface the salient issues in the challenging area of AI bias, and to provide a first step on the roadmap for developing detailed socio-technical guidance for identifying and managing AI bias.

Specifically, this special publication:

- describes the stakes and challenge of bias in artificial intelligence and provides examples of how and why it can chip away at public trust;
- identifies three categories of bias in AI — systemic, statistical, and human — and describes how and where they contribute to harms;
- describes three broad challenges for mitigating bias — datasets, testing and evaluation, and human factors — and introduces preliminary guidance for addressing them.

NEW AI-SPECIFIC INSURANCE TERMS

With the advent of generative AI and widely publicized reports of its risks—hallucination errors, copyright violations, biased or hateful content, and a host of others—some insurers have voiced concerns about "silent AI" coverage: that is, traditional all-risk policy forms covering novel risks that were not necessarily accounted for in their premiums. Accordingly, new AI-related exclusions or restrictions have started to appear in some renewal policies. These AI-specific terms—some of which may be ineptly drafted or overly broad—warrant careful scrutiny by counsel, to ensure that they do ot eviscerate past protection for critical functions of the policyholder or otherwise create coverage gaps.

On the other hand, a few insurers have seized the opportunity to promote new products providing affirmative AI-specific protection to fill the potential gaps in more traditional coverages. Munich Re pioneered this market in 2018 with an AI performance guarantee marketed as aiSure, described as "a suite of comprehensive coverage for AI systems designed to address a wide area of AI-related risks for AI providers and corporate adopters caused by AI performance errors." AXA XL entered the affirmative AI coverage market in October 2024, when it unveiled a new endorsement to its cyber policies extending coverage for specific Gen AI risks, including data poisoning, intellectual property infringement, and regulatory violations. Others that have recently offered AI-specific insurance products include Superscript, offering the aiSure performance guarantee in partnership with Munich Re, as well as "a wide variety of covers bespoke to [AI providers'] specific needs"; Armilla and Testudo, both backed by Lloyd's of London, offering a range of AI-specific risk-management solutions; and Vouch, which promotes coverage specifically for AI startups.

The insurers offering affirmative AI-specific coverage operate in the surplus lines market, largely free from state insurance commissioners' regulation of their policy forms, and their terms are typically tailored to fit each individual insured's specific situation and risks. Businesses purchasing these novel insurance products should scrutinize their wordings carefully, with the help of counsel if necessary, to make sure that they unambiguously provide the scope of coverage promised and expected.

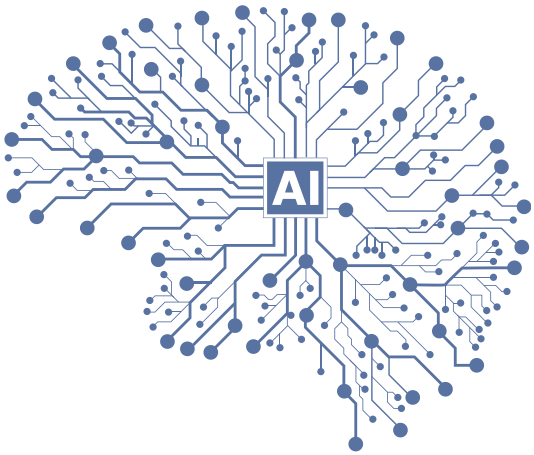
—John Buchanan

THE LONG-TERM FUTURE OF LAW AND AI

In recent years, artificial intelligence has captured the world's imagination and sparked mass adoption of AI products and services for both lawyers and their clients. Today, lawyers and clients are understandably focusing on immediate concerns: developing and deploying AI systems and using them in an effective, reliable, safe, secure, ethical, and legally compliant manner. While they strive to address present-day challenges out of perceived practical necessity, the most important challenge that AI poses for law today is anticipating and preparing for the long-term future of AI.

AI technology continues to advance at an exponentially increasing rate. Can anyone doubt that, if given enough time, the world will eventually see AI systems that reach and later surpass humans in speed, processing power, and collective capabilities? While commentators and academics ponder opportunities and threats posed by advanced AI mostly as theoretical possibilities, companies and organizations are working feverishly today on developing the technology for human-level AI intelligence. A sudden advance may leave the world grossly unprepared for managing AI systems that meet or even far exceed human capabilities, with the potential for both miraculous improvements for the human condition and for unmitigated catastrophes. Beginning now, we must prepare to seize the AI opportunities for productive improvements to human welfare and avoid AI threats through community, national, and worldwide preparedness efforts. Lawyers will provide critical aid to AI governance efforts by promoting legal compliance, managing legal risks, and, most importantly, preserving the rule of law in the development, use, and behavior of AI systems.

—Stephen Wu



A YEAR LATER: BAR ETHICS RULES AND GUIDANCE

In July 2024 The American Bar Association released Formal Opinion 512 covering the use of generative AI (GAI) in the practice of law. The ABA opinion states that to ensure clients are protected, lawyers and law firms using GAI must "fully consider their applicable ethical obligations," which includes duties to provide competent legal representation, to protect client information, to communicate with clients and to charge reasonable fees consistent with time spent using GAI.

Over the past year, many state bar associations and judiciaries have issued ethics opinions and guidance on the use of AI in law practice. AI ethics opinions outline how lawyers can implement AI in their practices while continuing to meet their professional obligations.

Alaska – Alaska Bar Association – Ethics Opinion 2025-1 (April 23, 2025)

Arizona – Steering Committee on Artificial Intelligence and the Courts (AISC) of the Arizona Supreme Court – Guidance for the Use of Generative Artificial Intelligence in the Practice of Law in Arizona (November 14, 2024)

California – State Bar of California Standing Committee on Professional Responsibility and Conduct – Practical Guidance for the Use of Generative Artificial Intelligence in the Practice of Law (November 16, 2023)

Connecticut – State of Connecticut Judicial Branch – Artificial Intelligence Responsible Use Framework (February 1, 2024)

Delaware – Commission on Law and Technology of the Delaware Supreme Court – Policy on the Use of GenAI by Judicial Officers and Court Personnel (October 22, 2024)

District of Columbia – DC Bar – Ethics Opinion 388: Attorneys' Use of Generative Artificial Intelligence in Client Matters (April 1, 2024)

Florida_– Board Review Committee on Professional Ethics of the Florida Bar – Florida Bar Ethics Opinion 24-1 (January 19, 2024)

Illinois – Illinois Supreme Court – Policy on Artificial Intelligence (January 1, 2025)

Kentucky – Kentucky Bar Association – Ethics Opinion KBA E-457 (March 15, 2024)

Michigan – State Bar of Michigan – Ethics Opinion Ji-155 (October 27, 2023)

Michigan – State Bar of Michigan Board of Commissioners AI Workgroup – Transforming the Legal Landscape in the Age of AI (June 1, 2025)

Minnesota – Minnesota Judicial Council – Artificial Intelligence Policy (November 1, 2024)

Mississippi – The Mississippi Bar – Ethics Opinion No. 267 (November 14, 2024)

Missouri – Supreme Court of Missouri – Opinion 2024-11 (April 25, 2024)

New Jersey – The New Jersey Supreme Court – Legal Practice: Preliminary Guidelines on the Use of Artificial Intelligence By New Jersey Lawyers (January 24, 2024)

New Mexico – State Bar of New Mexico Ethics Advisory Committee – Formal Ethics Advisory Opinion 2024-004 (September 24, 2024)

New York – The New York City Bar Association Committee on Professional Ethics – Formal Opinion 2024-5 (August 7, 2024)

North Carolina – North Carolina State Bar – 2024 Formal Ethics Opinion 1 (November 1, 2024)

Oregon – Oregon State Bar – Formal Opinion No 2025-205: Artificial Intelligence Tools (February 1, 2025)

Pennsylvania – Pennsylvania Bar Association Committee on Legal Ethics and Professional Responsibility and Philadelphia Bar Association Professional Guidance Committee Joint Formal Opinion 2024-200 – Ethical Issues Regarding The Use Of Artificial Intelligence (May 1, 2024)

South Carolina – The Supreme Court of South Carolina – Policy on the Use of Generative Artificial Intelligence (March 25, 2025)

Texas – The Professional Ethics Committee for the State Bar of Texas – Opinion 705 (February 1, 2025)

Vermont – Vermont Judiciary Committee on Artificial Intelligence and the Courts – Vermont Judiciary Committee on AI and the Courts Annual Report (March 1, 2025)

Virginia –The Virginia Bar Association – Model Artificial Intelligence Policy for Law Firms (May 1, 2024)

Virginia – The Virginia Bar Association – Legal Ethics Opinion 1901 (March 20, 2025) *Pending approval by Virginia Supreme Court

West Virginia – West Virginia Office of Disciplinary Counsel (ODC) – Legal Ethics Opinion 24-01: Artificial Intelligence (June 14, 2024)

West Virginia – West Virginia Judicial Investigation Commission – Advisory Opinion 2023-22 (October 13, 2023)

AI PROGRAM HIGHLIGHTS ACROSS THE ABA

SciTech ABA 7th Annual Artificial Intelligence and Robotics National Institute

Presented annually by the **Science & Technology Law Section** (SciTech), the 7th Annual Artificial Intelligence & Robotics National Institute will take place on **October 13-14, 2025** at **Santa Clara University School of Law.**

The program will focus on agentic AI; emerging AI legislation, regulation, and standards and the technology influencing them; legal issues in using AI that shapes or responds to human emotions; risk mitigation for robots and physical AI; ethically using AI in legal practice; and a capstone discussion on whether AI will really replace humans.

The Institute will feature two breakout tracks. The **AI in Practice track** will feature three programs on negotiating and managing contracts, using AI to generate documents, and drafting policies and notices. The **Intellectual Property track** will focus on drafting and negotiating AI data and IP licenses, using copyrighted content in training GenAI models, and AI patent and trade secret issues.

The 6th Artificial Intelligence & Robotics Institute was presented on October 14-15, 2024 at Santa Clara University in collaboration with the **ABA Intellectual Property Law Section**, offering breakout tracks on early AI legal flashpoints: (1) IP and (2) data protection (ambar.org/ai2024).

Delivery of Legal Services: DLS AI Arcade Toolkit

The **AI Arcade Toolkit** is a digital resource developed by the ABA's Standing Committee on the Delivery of Legal Services to help legal professionals safely, practically, and ethically explore generative AI tools. Designed to replicate the committee's in-person, hands-on "AI Arcade" experience, the toolkit provides guidance for using tools like ChatGPT, Harvey AI, and Perplexity. These tools assist with various legal tasks, including document drafting, legal research, and client communication. The toolkit includes explanations of each tool's strengths, practical use cases, and tips for effective prompt engineering tailored to the legal context.

This resource is especially helpful for lawyers at all experience levels seeking to integrate AI into their practices while maintaining ethical and professional standards. It offers practical advice on how to experiment with AI safely—such as avoiding client-specific data in public models and verifying AI-generated content—and encourages transparency with clients about AI use. The toolkit empowers users to build confidence in leveraging AI by combining legal knowledge with iterative prompt design and thoughtful tool selection.

TECHSHOW 2025

At TECHSHOW 2025 (April 2-5, 2025), 28 of the 72 sessions, or nearly 40%, discussed AI. The overarching approach to AI reflected a dual focus: embracing innovation while reinforcing ethical and regulatory frameworks. Sessions consistently emphasized AI's role in automating core legal functions, focusing on document drafting, legal research, and high-volume review. Many highlighted generative AI—large language models in particular—as a game-changer for accelerating routine tasks like contract analysis and litigation preparation, as well as helping firms produce first drafts, summarize large datasets, and customize communications at scale. Overall, AI use in firms was framed as both a time-saver and a catalyst for reallocating lawyer effort towards higher-value strategic work.

Another commonly discussed application was AI's use in improving client interaction and access to justice via smarter intake systems, chat-based guidance, and tools tailored for self-represented litigants. Several sessions closely tied the potential of AI to serve the latent legal market to new service models that move beyond the billable hour and increase scalability. Meanwhile, courtroom-centered sessions addressed how judges and litigators are beginning to navigate the presentation of AI-generated evidence in court, particularly regarding the problem of deepfakes, highlighting the need for authentication standards and disclosure norms. Taken together, these applications reflect a legal field rapidly adapting AI for both operational efficiency and broader system reform.

21 Days of AI: A Grit and Growth Mindset Challenge

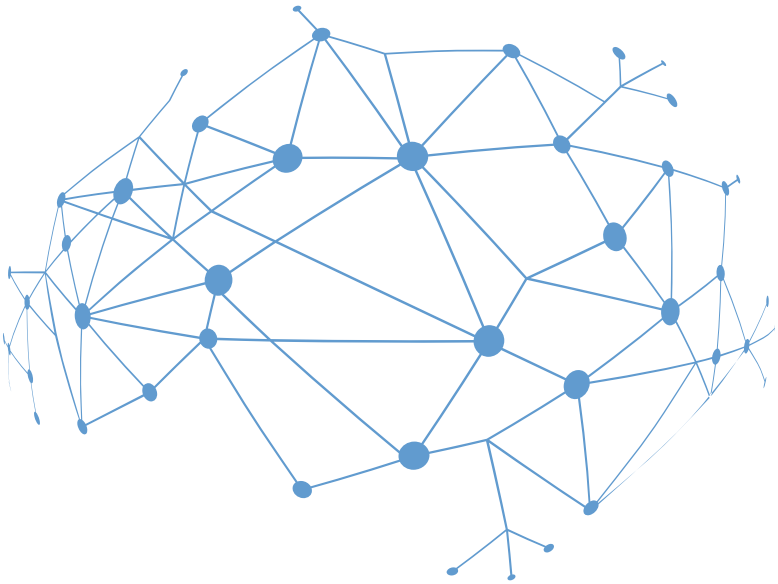
In 2020, The ABA Commission on Women in the Profession developed the 21-Day Grit and Growth Mindset Challenge to help build knowledge of the concepts and frameworks around grit and growth to cultivate confidence for women in the profession. In 2025, the goals of the original challenge were reimagined to build resilience for a rapidly evolving facet for women in the profession: AI. Adapting the format of the original challenge and as a result of partnership with the Center for Innovation, the 21 Days of AI: A Grit and Growth Mindset Challenge is an online resource that focuses on developing perseverance to engage in the conversation of AI and mitigate the widening gender gap in technology.

This new challenge applies the grit and growth mindset principles to learning about and gaining familiarity with foundations and new innovations of artificial intelligence. Split into three week-long modules, the challenge explores the capabilities of AI, the different roles these functions can fulfill your workflow, and specific use cases for professional development, each supported by interactive exercises and resources from world-class thought leaders in AI and the law.

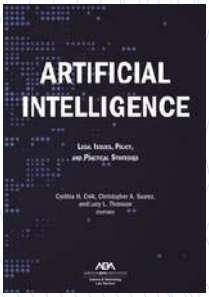
Civil Rights and Social Justice Section: AI & Economic Justice Project

The AI & Economic Justice Project by the **ABA Civil Rights and Social Justice Section** surveyed 180+ attorneys in 2023 to assess how AI and automated systems affect low-income and marginalized clients. The report highlights disparities in access and systemic issues like opaque automated denials, biased datasets, and limited transparency in tenant screening, criminal justice, public benefits, and other domains. Survey respondents generally recognize AI's impact but lack familiarity with how these systems operate and feel unprepared due to insufficient training or CLE opportunities. Thus the project recommends that the ABA enhance technological training, advocate for algorithmic transparency and fairness, and ensure equitable access to AI benefits to marginalized communities, ultimately positioning AI as a catalyst for A2J instead of an obstacle.

Of key survey findings, while most attorneys are aware that automated systems affect their clients, many are unfamiliar with how these systems work and lack confidence in explaining or navigating them. Roughly a third of respondents were familiar with tools like surveillance systems, fraud detection, generative AI, and risk scoring—but 70% felt at least slightly uncomfortable explaining how these systems function. Nearly half were unaware of when automated systems were in use, yet a majority could identify their negative impacts. Concerns include biased algorithms, opaque decision-making processes, and limited access to necessary technology like broadband internet.



AI BOOKS



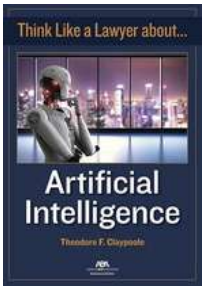
ARTIFICIAL INTELLIGENCE: LEGAL ISSUES, POLICY, AND PRACTICAL STRATEGIES

Edited by Cynthia H Cwik, Christopher A Suarez, and Lucy L Thomson

This is a comprehensive guide published by the Science & Technology Law Section in collaboration with the AI Task Force to help legal professionals navigate the transformative impact of AI on legal practice. With contributions from over 40 legal and AI experts from private practice, academia, in-house counsel, the judiciary, and government, the book covers critical issues such as AI governance, intellectual property, cybersecurity, and AI usage in court. It also explores the broader implications of generative AI, AI's potential in closing the access to justice gap, and the long-term future of AI.

The book emphasizes both the immense potential of legal AI and the significant risks it poses. While AI can drastically boost efficiency, it simultaneously comes with threats to client confidentiality, potentially inaccurate or biased outputs, privacy and security issues, and more. Through practical strategies and legal analysis, the book offers attorneys a roadmap for responsibly integrating AI into their work while remaining alert to the legal, technological, and ethical hurdles involved.

CLICK HERE!



THINK LIKE A LAWYER ABOUT ARTIFICIAL INTELLIGENCE

By Theodore Franklin Claypoole

This practical guide explores AI through legal, functional, and policy-oriented lenses, and is sponsored by ABA Business Law Section. Written for lawyers, policy-makers, and executives, the book encourages readers to think critically about how AI technologies operate, how they affect the legal system and society, and how to craft policies to manage the risks AI creates.

Claypoole defines AI as a set of predictive tools and organizes the discussion around its functional categories, such as generative, decision-making, personal identification, military, and others. The book tackles legal implications ranging from intellectual property issues to biased decisions, as well as exploring whether AI should receive legal rights. By urging lawyers to think differently about AI, the guide offers both foundational knowledge and forward-looking insights into how legal professionals can use AI in compliance with rules of professional conduct while helping develop the nascent legal framework around this evolving technology.

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MOVING WITH CHANGE: AI AND THE LAW WEBINAR SERIES

The AI Task Force continued its webinar series, which explores the evolving intersection of AI and the legal system, emphasizing the urgent need for ethical governance, responsible implementation, and legal adaptation. Across the sessions, experts examined AI's impact on judicial processes, evidence standards, access to justice, intellectual property, legal education, law firm operations, and much more. Central themes include transparency, bias mitigation, deepfake detection, and the role of lawyers in guiding safe AI use. The overarching goal of Moving with Change webinars is to equip the legal profession with the knowledge and tools needed to navigate and shape the responsible use of AI in law and society.

Congressional Series: AI and Deepfakes (April 8, 2025)

Presenters: Harvey Rishikof, Gary Corn, Lakshmi Gopal, Hon. Paul Grimm

Presenters explore the emerging legal, ethical, and regulatory challenges posed by deepfakes. Industry experts and legislators discuss the adoption of legal tools to identify deepfake content, safeguard democratic processes, protect individual rights, and propose frameworks for accountability in both political and judicial arenas.

How Generative AI Can Improve Access to Justice (February 14, 2025)

Presenters: Jim Sandman, Miriam Kim, Colleen Chien, Jane Ribadeneyra, Conor Malloy

The program highlights real-world use cases where generative AI boosts legal-aid efficiency and empowers self-represented litigants. The session showcases AI tools that produce understandable, accurate legal documents, demonstrating how such technology helps legal aid attorneys serve more clients and delivers legal guidance directly to underserved communities.

Behind Closed Doors: Judges Unveil the Role of AI in Chambers (January 29, 2025)

Presenters: Judge Scott Schlegel, Judge Xavier Rodriguez, Judge Allison Goddard

The discussion offers a rare inside view into how judges are incorporating generative AI tools in their chambers. Through candid judicial insights, the webinar reveals how AI assists with case analysis, memo drafting, and research—while addressing issues like confidentiality, ethical considerations, and maintaining judicial discretion.

Do We Need New Rules of Evidence for AI-Generated Evidence? (January 9, 2025)

Presenters: Daniel Capra, Maura Grossman, Hon. Paul Grimm, Hon. Patrick Schiltz

The panelists examine whether AI-generated outputs, from acknowledged uses to covert deepfakes, require updates to the Federal Rules of Evidence. The panel evaluates competing proposals, considering how to assess authenticity, reliability, and admissibility of AI-based evidence in court proceedings.

AI Governance: A Conversation with Michael Chertoff and Miriam Vogel (November 18, 2024)

Presenters: Michael Chertoff, Miriam Vogel, Cynthia Cwik

A "fireside chat" discussing the evolving intersection of AI governance and legal accountability. They weigh policy frameworks, global regulatory trends, trust-building, and the ethical obligations of AI in public safety and civil rights.

Data Analytics and the Courts: Essential Information for an Emerging Generative AI Function (June 17, 2024)

Presenters: Judge Jennifer Mabey, Judge Scott Schlegel, Judge Xavier Rodriguez, Ron Hedges

A judge-led roundtable examines how generative AI is reshaping litigation and judicial decision-making. The discussion covers courtroom deployment of analytical tools, best practices, cautionary tales, and insights into preparing the judiciary for an AI-driven future.

AI Governance: A Conversation with Elizabeth Kelly (June 13, 2024)

Presenters: Cynthia Cwik, Elizabeth Kelly

Cynthia Cwik and Elizabeth Kelly of the U.S. AI Safety Institute explore trends in AI oversight and governance, addressing global governance structures, risk mitigation strategies, and collaboration among policymakers, technologists, and legal professionals to foster responsible AI.

Unraveling AI's Impact on Intellectual Property (April 25, 2024)

Presenters: Lindsey Edelstein, Claudia Ray, Louise Nemschoff, Ekta Oza

An expert panel dissects how generative AI is challenging traditional IP frameworks. They analyze case law implications, ownership questions, authorship rights, and emerging legal standards, offering practitioners practical insights for navigating copyright, patent, and trademark issues in an AI-driven world.

AI Governance and Risk Management – The Role of Lawyers (April 18, 2024)

Presenters: Ifeoma Ajunwa, Katherine Fick, Karen Buzard, Madhu Srikumar

Legal leaders share strategies on lawyer-led governance. They outline how attorneys are defining AI policies, overseeing risk frameworks, and guiding clients through responsible AI adoption.

Primer on AI Technologies and Definitions (March 2024)

Presenters: Judge Scott Schlegel, Maura Grossman, Theresa Harris, Stacey Marz, Shay Cleary

Tailored towards judges and clerks, this webinar aims to explain core AI concepts and applications in legal work. Topics include generative AI mechanics, contract tools, firm policy development, and IP risk considerations, providing actionable guidance for law firm integration.

A Roundtable on Generative AI: Practical Advice for Attorneys (March 14, 2024)

Presenters: Maura Grossman, Lisa Lifshitz, Brian Beck, Dazza Greenwood, Karen Silverman

This webinar explores the practical and legal implications of generative AI for law firms and in-house legal teams, including how the technology works, its applications in legal workflows (like contract drafting and document review), and the importance of establishing clear internal policies for its use. Panelists also examine emerging risks and challenges, particularly around intellectual property, data privacy, and ethical use, offering guidance to help legal professionals responsibly integrate generative AI into practice.

The Impact of Deepfakes on the Justice System (January 22, 2024)
Presenters: Hany Farid, Hon. Paul Grimm, Maura Grossman

Focused on courtroom implications, this webinar, featuring Hany Farid, Paul Grimm, and Maura Grossman, examines how deepfakes affect trial integrity. It offers tools, detection techniques, legal strategies, and resources to support judges and lawyers confronting deepfake evidence.

AI Governance: A Conversation with Miriam Vogel
Presenters: Miriam Vogel, Cynthia Cwik

Moderator Cynthia Cwik and Miriam Vogel, President of EqualAI and Chair of the National AI Advisory Committee, discuss global AI oversight, anti-bias efforts, and the intersection of ethics and governance in legal practice.

How Large Law Firms Are Incorporating AI into Practice (January 10, 2024)
Presenters: Ted Claypoole, Peter Geovanes, William Garcia

This webinar explores how major law firms adopt AI tools—like automated drafting and predictive platforms—while addressing regulatory and ethical implications. It highlights implementation hurdles, internal policy creation, and AI's transformative potential in large-scale legal services.

The Implications for Generative AI on Legal Education – A Conversation with Andrew Perlman (December 14, 2023)
Presenters: Cynthia Cwik, Andrew Perlman

Andrew Perlman and Cynthia Cwik reflect on how generative AI is reshaping legal education. They cover curriculum innovation, skill development for future lawyers, ethical training, and the balance between AI literacy and legal reasoning.

ABA Presidential Speaker Series: Artificial Intelligence – The New Frontier (November 2023)
Presenters: Daniel Ho, Michelle Lee, Trooper Sanders, Miriam Vogel, Seth Waxman, Lucy Thomson

This panel featuring the Special Advisors and moderated by AI Task Force Chair Lucy Thomson discusses the future of AI in law, public policy, ethics, and access to justice, offering a strategic vision for AI's impact on the legal profession and society.

AI Governance: A Conversation with Reva Schwartz about NIST's new AI Risk Management Framework (September 28, 2023)
Presenters: Reva Schwartz, Cynthia Cwik

Cynthia Cwik and National Institute of Standards and Technology (NIST) research scientist Reva Schwartz explore the NIST AI Framework and how organizations—from firms to regulators—are using it to promote trustworthy and responsible AI systems.