

AI Ain't Atticus: Why Machine Learning Can't Master Legal Reasoning (Yet)

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An increasing number of litigators are relying on artificial intelligence to streamline their workflows and generate legal products, from research and memos to predictive insights. While the efficiency and capabilities of these tools are advancing rapidly, as a seasoned litigator in both federal and state courts in various arbitration fora such as AAA and FINRA, I would strongly caution practitioners—and the clients who hire them—to use AI as a supplement, not a substitute, for sound legal judgment.

AI's Role in Litigation

AI-driven platforms are helping lawyers analyze vast amounts of data, uncover patterns, and even predict case outcomes based on historical decisions. Tools like e-discovery software can process and categorize thousands of documents in a fraction of the time it would take a human team. Firms also use chatbots and virtual assistants for preliminary client intake and communication, and some even use AI to recommend settlement strategies or assist in jury selection.

These types of time saving techniques are obviously attractive to many practitioners, particularly smaller firms who are attempting to compete with much larger adversaries in complex litigation matters. Having practiced at both large firms and boutiques, I know that timing and resources are paramount considerations when taking on any new matter.

But like anything in life, when it seems too easy, there may be a catch....

Key Considerations

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Bias and Fairness

AI systems are only as reliable as the data they're trained on. If historical data contains bias—such as racial, socioeconomic, or gender disparities—AI could unintentionally replicate or reinforce these inequities. Ensuring fairness and transparency in algorithms is essential.

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Accountability and Ethics

Lawyers are held to ethical standards that no machine can shoulder. AI may support decision-making, but it cannot assume responsibility. Over-reliance on AI can lead to missteps; ultimately, the attorney who must answer for them.

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Accuracy of Legal Content

Some AI programs have been found to generate case citations that are incomplete, misleading, or outright fictitious. Indeed, certain AI programs have produced case results for cases that do not exist. This undermines the credibility of the legal product and can raise serious concerns in the courtroom. If an attorney submits filings containing fabricated or incorrect citations, the consequences may include sanctions, reputational damage, or even adverse rulings. Moreover, this has broader equity implications—clients with fewer resources may disproportionately suffer from lower-quality work products that rely too heavily on unchecked AI output.

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Privacy and Confidentiality

AI tools often require access to large datasets, including sensitive client information. Maintaining confidentiality and compliance with privacy regulations is paramount, especially as cyber threats and data breaches become more sophisticated.

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Explainability

Many AI systems function as "black boxes," delivering results without a transparent explanation of how those results were reached. In a legal context, particularly when presenting arguments in court, being able to explain and defend reasoning is non-negotiable.

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Regulatory Compliance

As AI's presence in legal practice grows, regulators are beginning to set standards for its use. Law firms and their practitioners must remain vigilant, ensuring their use of AI adheres to both current and emerging legal ethics and professional conduct rules.

Conclusion

Many practitioners and pundits believe that AI holds great promise for litigation, from enhancing efficiency to revealing insights that might otherwise be missed. But its role should be that of an assistant, a tool or a resource (at most) — not a decision-maker nor a substitute for a seasoned, educated and skilled practitioner.

Practitioners must therefore exercise judgment, skepticism, and caution, recognizing that the practice of law remains, at its core, a human endeavor.