

The Risks of Using AI for Legal Clients

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Attorneys Sarah Sawyer and Russell Berger of Offit Kurman discuss risks created when clients use AI tools like ChatGPT for legal questions during litigation or transactional matters. They explain that courts are applying traditional attorney-client privilege and work product rules to AI, meaning using public AI can waive protection. They warn against pasting privileged emails or legal strategy into AI for explanations or summaries. Ask your lawyer directly, who can use AI through protected channels. They also note that AI chat histories may trigger litigation hold obligations, including preserving records that might otherwise auto-delete.