FACT SHEET 2025 - 12

WHY LAWYERS STILL MATTER IN THE AGE OF AI

DECEMBER 2025

1. INTRODUCTION – AI & THE LEGAL SPHERE

Artificial intelligence **('AI')** and Generative AI are quickly becoming a staple of the 21st century workforce, providing increases in workforce efficiency and enabling professionals to focus less on menial tasks and more on important responsibilities. Whilst this all may seem promising, whether AI is a net positive for the legal profession is ultimately up for debate. Among the many concerns regarding AI is the fact that AI often draws from irrelevant and disreputable sources, causing it to give incorrect legal advice and fabricate case law. Additionally, generative AI collects user data, meaning it does not give proper weight to user privacy and confidential information.

2. STRATEGIC JUDGEMENT CAN'T BE AUTOMATED

Whilst AI can provide a number of benefits, it is merely a tool and bears several limitations.[1] First and foremost, AI lacks the ability to exercise higher judgement and the human nature required for ethical services.[2] All of this causes AI to fall short in applying judgement in a particular context, as it does not have the capacity to make good decisions and ensure that clients achieve the most favourable outcome.[3]

The biggest concern with AI technology however is that it can generate incorrect results. Considering that AI is in its infancy, it has several limitations, among these is AI's tendency to produce 'hallucinations.' These 'hallucinations' refer to a persistent phenomenon whereby AI fabricates unsourced and incorrect information due to limitations regarding the data utilised in its training. Because of this, AI is known to provide inaccurate legal information and even generate non-existent case law, with chatbots often having access to limited data, causing them to be unaware of recent legal developments.[4] Such hallucinations have already been seen in the legal sphere and can be observed in the *Mata v. Avianca, Inc.* (2023) case in the United States, where a lawyer used ChatGPT to create a submission, only to discover that the cases cited were completely generated by the AI itself.

AI also lacks the open-mindedness and expertise that lawyers have, as it can create biases based on the data inputs it receives from users and is often trained utilising biased data.[5] Considering that the data used to train AI is occasionally copyright protected material, generative AI can produce derivative works based on copyrighted content, which creates a risk for legal professionals utilising AI works when drafting documents. All this, along with the fact that AI bears no obligations surrounding the administration of justice itself,[6] means that AI remains a mere tool in the legal sphere whose output requires fact checking and review from legal professionals.

---

[1] https://www.lsbc.vic.gov.au/news-updates/news/statement-use-artificial-intelligence-australian-legal-practice
[2] Ibid.
[3] https://www.tandfonline.com/doi/full/10.1080/10383441.2025.2493493#d1e193
[4] https://lplc.com.au/resources/lplc-article/limitations-risks-ai-in-legal-practice
[5] https://digitaldefynd.com/IQ/ai-in-the-legal-profession-pros-cons/
[6] Ibid.

3. RELATIONSHIPS, NOT JUST RESULTS

Lawyers provide a deeper level of trust and assurance than AI, as, unlike AI, lawyers have to follow strict professional and ethical obligations when providing legal services and are required to act in their client's best interests.[7] AI's non-existent obligations to its users means that generative AI tools fail to consider factors like confidentiality when it comes to sensitive information.[8] This unfortunate reality and the fact that AI products are developed for corporate use means that AI products frequently collect private information about users, including the specific questions and interactions users have with AI chatbots.[9]

As a consequence of their strict algorithms, AI chatbots cannot provide the same personal relationships and direct interaction that lawyers can.[10] Because of this pre-programmed nature, it cannot engage in the same personal interactions that build rapport and trust between lawyers and their clients.[11] Specific human traits, like emotional understanding and empathy cannot be replicated by AI chatbots, effectively rendering them incapable of providing a greater degree of care and consideration in sensitive cases.[12] In this sense, when real decisions need to be made, AI falls flat in times of crisis.[13]

4. HUMAN INSIGHT IN COMPLEX SITUATIONS

AI models are not designed to fully comprehend and process complex human emotions[14] because emotional and psychological considerations do not form part of AI Model training.[15] Consequently, AI Models produce output that feels detached and impersonal.[16]

Lawyers bring emotional intelligence to the process and are able to identify and consider complex factual, personal and cultural dynamics.[17] With such emotional intelligence, lawyers can approach sensitive issues in a careful matter, ensuring their approaches are both legally sound and emotionally considerate to involved parties.[18]

Supplementing all of this, in situations where there is legal ambiguity, AI frequently provides incorrect responses and, unlike a lawyer, does not request further context to ensure the best possible response.[19] As a result, AI consistently provides significantly incomplete or unreliable answers to users, often supported by irrelevant law or cases.[20]

---

[7] https://www.tandfonline.com/doi/full/10.1080/10383441.2025.2493493#d1e138
[8] https://lplc.com.au/resources/lplc-article/limitations-risks-ai-in-legal-practice
[9] https://lplc.com.au/resources/lplc-article/limitations-risks-ai-in-legal-practice
[10] https://digitaldefynd.com/IQ/ai-in-the-legal-profession-pros-cons/
[11] Ibid
[12] Ibid.
[13] https://www.linkedin.com/posts/jteringo_ai-and-the-rise-of-the-niche-lawyer-activity-7254481122556837888-_KMe
[14] https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5038334
[15] Ibid.
[16] Ibid.
[17] Ibid
[18] Ibid.
[19] https://www.collegesoflaw.edu/blog/2023/12/13/artificial-intelligence-ambiguity-legal-analysis/
[20] Ibid.

5. GUIDELINES

The impact of AI on the legal practice has been addressed by both the Supreme Court of Western Australia and Legal Practice Board of Western Australia.

<u>Supreme Court of Western Australia</u>

The Supreme Court cautions litigants and practitioners who utilise AI tools in the preparation of court documents, stating that they should understand both the limitations and capabilities of AI models. Additionally, the Court affirms that legal professionals must verify AI generated content that is relied upon for the purposes of conducting proceedings in the Supreme Court. On top of this, a practitioner is required to take legal responsibility for the contents of a document, with litigants and practitioners who sign or certify a document that is filed with the court or relied upon in court proceedings ultimately being responsible for omissions from the document and the accuracy of the document's contents.

Existing obligations make it so that a practitioner filing or signing a court document must verify that the document does not contain any misleading information and affirm that there is sufficient basis for all factual and legal contentions advanced to the court. As consequence of this, if a document contains errors or omissions, the fact AI was utilised in its production is not a sufficient excuse.

In line with existing obligations, litigants and practitioners must ensure that all confidential, supressed or legally privileged information is not entered into public or unsecured AI tools to prevent the disclosure of such information. Moreover, practitioners and litigants must also exercise extreme caution when utilising Gen AI to assist with the creation of documents intended to represent evidence or opinion. For example, in affidavits and witness statements, AI cannot replace the witness' own voice. AI also cannot replace the voice of an expert witness' opinion in expert reports and opinions, with experts being required to disclose the use of Gen AI in the preparation of an expert report or opinion. Effectively, there is a need for legal practitioners and litigants to apply existing professional obligations to any Gen AI use in legal proceedings.

<u>Legal Practice Board of Western Australia</u>

At this point, the Legal Practice Board allows for the use of AI tools in legal practice for tasks which are lower risk and easier to verify and discourage the use of AI for higher risk tasks. They state that legal professionals should be transparent about their use of AI to clients as well as courts and fellow practitioners when necessary. The Legal Practice Board also states that lawyers who are using AI should implement clear, risk-based policies to minimise data and security breaches, as well as set out what AI tools they have decided to use in their practice, who can use those tools, for what purposes and with what information.

6. CONCLUSION

Despite these potential issues, the capacity for AI to significantly improve the efficacy of legal processes is immense. It can sift through information with much greater speed to locate important information, and draft documents. If used responsibly and with sufficient oversight and review from legal professionals, it can be a great service to the legal profession, with some firms already benefitting from its use. Not only can AI reduce the time to complete procedural and menial tasks and hence, costs for clients, but it can provide practitioners with the opportunity to spend more of their time on the more complex aspects of the law. All in all, whilst Integra Legal welcomes the effective use of AI in the legal practice and provision of feedback based on AI generated legal perspectives from clients, our client relationships remain at the core of the delivery of our legal services and always will.