

Navigating AI's Wild West

Trends, Ethics, and Backlash in Legal Practice

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What's Being Used?

● Frontier chat models

● Research platforms

● Contract review

● T&E-specific tools

● Firm-built internal

● Agentic tools

The most common deployment is a personal account on a personal phone

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Rules and Opinions

1.1
Competence

1.6
Confidentiality

5.1 / 5.3
Supervision

1.4
Disclosure

1.5
Fees

3.3
Candor

ABA Formal Opinion 512 (July 29, 2024) — the baseline document

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What's in a SNT File?

Diagnoses	Psychiatric history	Substance use	Capacity evaluations
Sealed guardianship	School records	Minors	Family finances

When the trustee is your client, the most sensitive material belongs to a beneficiary who is not your client, cannot consent, and is not in the room.

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Bias

NOT TRAINED ON

Disabled adults
writing about
their own lives

TRAINED ON

Clinical literature,
caregiver guidance,
risk management

*Text written about disabled people by the institutions managing them.
A model reproduces the stance that dominates its sources.*

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Bias (cont'd)

"despite his limitations"

Concessive framing

"confirm with his mother"

Invented surrogate

"a six-month trial period"

Adulthood as earned

"verify it is being used"

Routine surveillance

"impulsive requests"

A planned trip, reclassified

"autonomy within limits"

Constraining autonomy

None of this fails a citation check.

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Catching Bias

1 Who is missing from this analysis?

2 Swap in a non-disabled beneficiary. Does it change?

If it changes and nothing was disability-related, that is bias, not prudence.

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Ethics and Law

UTC 804 Prudent administration

UTC 807 Delegation — is discretion even delegable?

Accountings Your reasoning is a chat log you did not write

Restatement 87 Abuse of discretion, even under sole discretion

Corporate and pooled trustees are bound by all of this (and by no Rule of Professional Conduct.)

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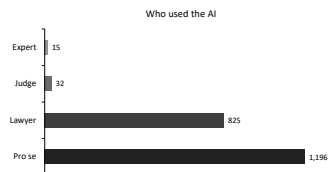
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Why confidence is eroding

2,077

HALLUCINATION CASES LOGGED WORLDWIDE

Charlotin database, Sept. 2026.
Updated daily (i.e., this number is
already out of date).



Not only a pro se problem. 825 of them were lawyers.

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AI Use Policies



PROHIBITED

Client or beneficiary data in consumer tools · unverified legal conclusions · discretionary decisions



VERIFY, ALWAYS

Document review · summarization · consistency checks · drafting — with a file note



UNRESTRICTED

No client data, no legal conclusion · orientation · formatting · internal drafting

Say what is permitted, not only what is forbidden. Cover non-lawyer staff.

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“Did you write this with AI?”

Have the answer ready before you are asked

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The answer

“I used it for this. I checked that. The judgment is mine.”

Two questions in one

Did it decide, or merely touch it?
They mean the first, ask the second.

The analogies break

A form book can be asked why.
Saying so beats insisting.

Audience matters

A daughter, opposing counsel
and a judge each want something else.

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Accurate is not the same as fair

Verify every citation and you have addressed the first.
You have not yet asked whether the framing was one you would have chosen.

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