

MORE THAN MACHINES: THE ETHICAL AND HUMAN IMPLICATIONS OF GENERATIVE AI ON LAWYERING

by Larry O. Natt Gantt, II*

Introduction

The release of OpenAI's ChatGPT on November 30, 2022, exploded the use and popularity of generative artificial intelligence in various sectors around the world. Although artificial intelligence has been in use for many years, the creative capabilities of generative AI captured the attention of many individuals in diverse sectors ranging from higher education to business to medicine.

Legal education and the legal profession were quickly caught up in this wave, as law school professors and legal profession leaders began opining about how generative AI would disrupt legal education and the practice of law. Scripture reminds us that "there is nothing new under the sun,"¹ yet we must recognize that technological advances and other societal changes affect the form—although not perhaps the nature—of the challenges we face in this world.

In this article, I discuss how generative AI is indeed impacting the form—although not perhaps the nature—of the ethical challenges attorneys face, and I then summarize those ethical challenges. I next discuss the more fundamental question of how generative AI has understandably caused a reexamination of what it means to be a lawyer—and particularly in this context, what it means to be a *Christian* lawyer.

Artificial Intelligence (AI) Defined

Although the legal definition of AI is evolving, the emerging definition comes from current regulatory frameworks, such as the European Union Artificial Intelligence (EU AI) Act, formally adopted by the European Council on May

21, 2024, and the Biden Executive Order on AI, issued on October 30, 2023. For instance, the Biden Executive Order defines AI as:

A machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments. AI systems use machine- and human-based inputs to perceive real and virtual environments; abstract such perceptions into models through analysis in an automated manner; and use model inference to formulate options for information or action.²

The Order defines *generative* AI as "the class of AI models that emulate the structure and characteristics of input data in order to generate derived synthetic content."³ This can include images, videos, audio, text, and other digital content." This technology therefore goes beyond earlier forms of AI to generate products, such as textual responses or images, in response to a user's request based on the large set of existing data on which the program has been trained. This technology specifically employs machine learning models called large language models (LLMs) that process the user's request and are designed to generate outputs that resemble human-created content.

Ethical Implications of Lawyers' Use of Generative AI

Given that lawyers are often called upon to produce written content for clients and others, it was only a matter of time before lawyers would em-

* Professor of Law and Associate Dean for Academic Affairs, High Point University Kenneth F. Kahn School of Law.

¹ *Ecclesiastes* 1:9b. The full verse states: "What has been will be again, what has been done will be done again; there is nothing new under the sun." All Bible quotations are to the New International Version unless otherwise noted.

² Exec. Order No. 14110, 88 Fed. Reg. 75,191 (Oct. 20, 2023).

³ *Id.*

ploy generative AI to help draft written products like court filings and client contracts. Such use quickly caught the attention of judges and bar regulators because generative AI programs notoriously produce content, usually termed “hallucinations,” that is fabricated but is presented as real authority.⁴ Another significant problem in using generative AI is AI bias, in which such programs have been shown to produce text and images that perpetuate biases relating to race, gender, political affiliation, and other factors.⁵

These problems, particularly hallucinations, have already led attorneys to be disciplined and have garnered significant media attention. In one of the first such cases, *Mata v. Avianca, Inc.*, two lawyers were fined \$5,000 for submitting a brief that included fictitious legal research generated by the AI model ChatGPT.⁶ The judge in the case ruled that the lawyers acted in bad faith by relying on the AI-generated research without verifying its accuracy.⁷ In a later case, *People v. Zachariah C. Crabill*, the Colorado Supreme Court suspended Crabill for a year and a day, with ninety days to be served and the remainder to be stayed upon his successful completion of a two-year probation period, for filing a motion that included fictitious case law generated by ChatGPT.⁸ He failed to verify the information before submission and initially blamed an intern for the error when questioned by the judge.⁹

Despite the novel context in which these attorney discipline cases arise, AI technology implicates many of the same ethical duties, such as competence, diligence, confidentiality, proper supervision, and independent professional judgment, that apply to lawyers’ use of other forms

of technology. Indeed, lawyers who use generative AI to complete legal tasks must consider the same ethical implications as if they were overseeing another nonlawyer completing those tasks; the ethical issues themselves again are not new, just the context. The relative straightforward nature of these legal ethics issues is highlighted in a 2023 article in the *North Carolina State Bar Journal* in which the author quoted ChatGPT’s own response to the question “What are the ethical considerations for a lawyer’s use of artificial intelligence in a law practice?” and then recognized that its answer generally acceptably summarized those issues.¹⁰ Moreover, on July 29, 2024, the ABA Standing Committee on Ethics and Professional Responsibility issued Formal Opinion 512 in which it discussed the ethical implications of using generative AI.¹¹

The primary legal ethics issues implicated by using generative AI include these issues summarized below.

1. *Competence & Diligence*

The ABA Model Rules and many state rules of professional conduct expressly include comments providing that lawyers’ general duty of competence extends to their use of technology like artificial intelligence. According to these comments, lawyers who use AI must understand the “benefits and risks” associated with such technology.¹² Lawyers therefore risk violating their duty of competence if they avoid using AI when that use would benefit their provision of legal services.¹³ Moreover, if they use the technology, they must have at least a “reasonable understanding” of how the technology functions

4 See *When AI Gets It Wrong: Addressing AI Hallucinations and Bias*, MIT MGMT., <https://mitsloanedtech.mit.edu/ai/basics/addressing-ai-hallucinations-and-bias/> (last visited June 22, 2024).

5 *Id.*

6 *Mata v. Avianca, Inc.*, 22-cv-1461 (PKC) (June 22, 2023).

7 Sarah A. Emmerich, *Artificially Unintelligent: Attorneys Sanctioned for Misuse of ChatGPT*, MINDING YOUR BUS. (June 20, 2023), <https://www.mindingyourbusinesslitigation.com/2023/06/artificially-unintelligent-attorneys-sanctioned-for-misuse-of-chatgpt/>.

8 *People v. Crabill*, 2023 WL 8111898 (Colo. O.P.D.J. Nov. 22, 2023).

9 *Id.*

10 Brian Oten, *Artificial Intelligence, Real Practice*, 28 N.C. ST. BAR J. 6, 6-7 (2023).

11 ABA STANDING COMMITTEE ON ETHICS & PROFESSIONAL RESPONSIBILITY, FORMAL OPINION 512: GENERATIVE ARTIFICIAL INTELLIGENCE TOOLS (2024), https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/ethics-opinions/aba-formal-opinion-512.pdf.

12 MODEL RULES OF PROF’L. CONDUCT r. 1.1 cmt. 8 (AM. BAR ASS’N 2024) [hereinafter MRPC].

13 ABA STANDING COMM. ON ETHICS & PROF’L RESPONSIBILITY, FORMAL OP. 512, *supra* note 11.

and how its use can result in ethical problems.¹⁴ The recent ABA opinion stresses that, given the fast-paced nature of technological change, maintaining this level of understanding is “not a static undertaking.”¹⁵ Ethics opinions acknowledge that lawyers and law firms often will need to rely on consultants generally in the use of technology, but caution that in doing so the lawyers still have an independent responsibility to ensure ethical standards are satisfied.¹⁶

Related to competence, lawyers’ ethical duty of diligence requires them to exercise “reasonable diligence” in representing a client.¹⁷ Competence and reasonable diligence, in turn, require that lawyers do not so heavily rely on AI tools that they fail to provide the proper human oversight to review AI output and ensure adequate client representation.¹⁸

2. Confidentiality

The ABA Model Rules and many state rules also expressly provide that lawyers’ duty of confidentiality requires they undertake “reasonable efforts” to prevent the disclosure of confidential client information.¹⁹ This duty applies to lawyers’ submission of confidential information to AI programs like ChatGPT, Claude, and Gemini for lawyering projects. Lawyers thus must undertake such efforts to ensure client information is not improperly disclosed in training the AI or through data breaches or through improper commingling with other data.²⁰

The ABA Model Rules and many state rules outline in their comments several factors used in assessing the reasonableness of the lawyers’ efforts and precautions, such as “the sensitivity of the information, the likelihood of disclosure if additional safeguards are not employed, [and] the cost of employing additional safeguards.”²¹ At a minimum, lawyers must understand the terms of use and privacy policy of any program they utilize. For instance, confidential client information should not be uploaded into ChatGPT, as Open AI’s privacy policy provides several ways that it uses and discloses users’ personal information and transaction history.²² The confidentiality concerns surrounding self-learning generative AI tools led the recent ABA opinion to conclude that lawyers should obtain informed consent from their clients before inputting confidential client information into such tools.²³

3. Duty of Supervision

With the rise of AI, much legal commentary has already been devoted to how AI systems, particularly generative AI, can perform certain legal tasks that junior lawyers and paraprofessionals, like paralegals, have traditionally performed. Lawyers have duties in ABA Model Rules 5.1 and 5.3, and their state counterparts, to supervise lawyers and nonlawyers properly; and the comments to Rule 5.3 clarify that the duties of proper nonlawyer supervision can apply to law-

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *See id.*; ABA STANDING COMMITTEE ON ETHICS & PROFESSIONAL RESPONSIBILITY, FORMAL OPINION 495: LAWYERS WORKING REMOTELY (2020), <https://www.lawnext.com/wp-content/uploads/2021/09/aba-formal-opinion-495.pdf>; ABA STANDING COMMITTEE ON ETHICS & PROFESSIONAL RESPONSIBILITY, FORMAL OPINION 498: VIRTUAL PRACTICE (2021).

¹⁷ MRPC r. 1.3 (AM. BAR ASS’N 2024).

¹⁸ ABA STANDING COMM. ON ETHICS & PROF’L RESPONSIBILITY, FORMAL OP. 512, *supra* note 11.

¹⁹ MRPC r. 1.6 (AM. BAR ASS’N 2024) (defining confidential information as “information relating to the representation of a client”).

²⁰ Note that these concerns also relate to potential implications on the attorney-client privilege.

²¹ MRPC r. 1.6 cmt. 18 (AM. BAR ASS’N 2024). The comments to Virginia Rule of Professional Conduct 1.6 also provide detailed information on steps lawyers should consider taking to protect confidential client information. In a context analogous to AI programs, ABA Formal Opinion 498 provides detailed guidance on the considerations necessary to ensure the protection of a client’s files and communications when lawyers use vendors to provide cloud storage. *See* ABA STANDING COMM. ON ETHICS & PROF’L RESPONSIBILITY, FORMAL OP. 498, *supra* note 16. For instance, the opinion adds that the lawyer must take steps to ensure the vendor regularly backs up any client data stored with the vendor. *Id.*

²² *See Privacy Policy*, OPENAI, <https://openai.com/policies/privacy-policy/> (Nov. 14, 2023).

²³ *See* ABA STANDING COMM. ON ETHICS & PROF’L RESPONSIBILITY, FORMAL OP. 512, *supra* note 11.

yers' use of technology to facilitate the representation.²⁴

Specifically, the relevant language in Rule 5.3 requires lawyers to “make reasonable efforts” to ensure that the actions in which technologies like AI engage are “compatible with the professional obligations of the lawyer.”²⁵ This broad language underscores that lawyers remain independently responsible for their use of generative AI tools and cannot “blame” misconduct on the technology. Moreover, because lawyers cannot provide ethical direction to AI tools the same way they might communicate such direction to nonlawyer personnel, lawyers must be vigilant to understand how generative AI works in creating the content lawyers might use.

4. *Unauthorized Practice of Law*

Related to lawyers' duty to supervise nonlawyers properly is the duty that lawyers cannot ethically delegate certain tasks to a nonlawyer and cannot assist a nonlawyer in the unauthorized practice of law (UPL).²⁶ At the same time, as noted above, lawyers' duty of competence and diligence encourages lawyers not to “under-delegate” tasks to AI when such delegation would improve their provision of legal services.²⁷

An interesting AI development related to UPL is legal chatbots. These are “AI-powered programs that interact with users who have legal issues by simulating a conversation or dialogue.”²⁸ Consumers are accessing these chat-

bots to perform law-related tasks like “fight[ing] parking tickets, advis[ing] victims of crimes, or draft[ing] privacy policies or non-disclosure agreements.”²⁹ When lawyers create or maintain these tools, the question arises whether the lawyers are assisting another, here AI-powered technology, in engaging in the unauthorized practice of law. Lawyers therefore must not improperly delegate certain tasks to such tools because the technology is unable to exercise the independent professional judgment and provide the nonlegal counseling needed in many legal situations.³⁰

5. *Communication*

Another ethical issue relating to the use of AI concerns lawyers' duty to keep their clients “reasonably informed” about their matters and to “reasonably consult with the client about the means by which the client's objectives are to be accomplished.”³¹

From this duty, the question arises whether lawyers must consult with their clients when they use AI, particularly generative AI, to conduct the tasks needed to represent the client. Lawyers, of course, do not generally need to consult with their clients when they use technology to assist in the representation because such assistance should reasonably be assumed. As potential uses for technology expand, however, and take on tasks traditionally performed by humans, such delegation to AI resembles outsourcing client work to nonlawyers. Some

²⁴ See MRPC r. 5.3 cmt. (AM. BAR ASS'N 2024). Pursuant to Rules 5.1 and 5.3, lawyers' duty of supervision also includes the responsibility to train subordinate lawyers and nonlawyers on how to comply with lawyers' ethical obligations when using AI. See ABA STANDING COMM. ON ETHICS & PROF'L RESPONSIBILITY, FORMAL OP. 512, *supra* note 11.

²⁵ MRPC r. 5.3(a-b) (AM. BAR ASS'N 2024).

²⁶ MRPC r. 5.5 (AM. BAR ASS'N 2024).

²⁷ See David Lat, *The Ethical Implications of Artificial Intelligence*, ABOVE THE L., <https://abovethelaw.com/law2020/the-ethical-implications-of-artificial-intelligence/?rf=1> (last visited June 28, 2024).

²⁸ *Id.*

²⁹ *Id.*

³⁰ MRPC r. 2.1 (AM. BAR ASS'N 2024) (“In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation.”); see also ABA STANDING COMM. ON ETHICS & PROF'L RESPONSIBILITY, FORMAL OP. 512, *supra* note 11.

³¹ MRPC r. 1.4 (AM. BAR ASS'N 2024).

authorities have opined that such “outsourcing” to AI requires client consent when confidential client information is involved.³² Moreover, if the lawyers’ use of AI materially impacts the lawyers’ fee, the general allocation of authority between clients and lawyers supports discussing these impacts with the client.³³ These general considerations led the recent ABA ethics opinion to conclude that lawyers should consult with their clients about their use of generative AI any time “its output will influence a significant decision in the representation.”³⁴

6. Fees and Billing

Finally, lawyers’ use of generative AI potentially impacts their duty to ensure their fees are “not unreasonable.”³⁵ With the capacity of AI to enable lawyers to complete certain legal tasks much more quickly, lawyers must ensure their fees remain ethically compliant. Lawyers who bill hourly therefore cannot charge for time they would have spent on a matter but no lon-

ger need to because of their use of AI. Lawyers, of course, remain free to charge clients through other billing methods, such as flat fees, as long as the fee remains “not unreasonable” and does not misrepresent the time the lawyer spent on the matter.³⁶

Implications of AI on the Role of Christian Lawyering

The ethical implications discussed above must undoubtedly be considered by lawyers as they examine how best they can use generative AI in their practice while satisfying their ethical responsibilities. As the Preamble to the ABA Model Rules outlines so well, lawyers must recognize that these responsibilities flow “to clients, to the legal system and to the lawyer’s own interest in remaining an ethical person while earning a satisfactory living.”³⁷ In addition to these ethical implications, however, the rise of generative AI fuels a more fundamental inquiry: As AI overtakes many of the technical aspects of lawyering,

³² For instance, the State Bar of California Standing Committee on Professional Responsibility and Conduct has issued guidance stating that lawyers “should consider” informing their clients if generative AI tools will be used as part of their representation. 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 (2023), <https://www.calbar.ca.gov/Portals/0/documents/ethics/Generative-AI-Practical-Guidance.pdf>; see also *Ethics Opinion: Opinion 24-1*, THE FL. BAR (Jan. 19, 2024), <https://www.floridabar.org/etopinions/opinion-24-1/> (“[I]t is recommended that a lawyer obtain the affected client’s informed consent prior to utilizing a third-party generative AI program if the utilization would involve the disclosure of any confidential information.”); *2007 Formal Ethics Opinion 12*, N.C. STATE BAR (Apr. 25, 2008), <https://www.ncbar.gov/for-lawyers/ethics/adopted-opinions/2007-formal-ethics-opinion-12/>. (allowing outsourcing legal tasks to third parties “provided the lawyer properly selects and supervises the foreign assistants, ensures the preservation of client confidences, avoids conflicts of interests, discloses the outsourcing, and obtains the client’s advanced informed consent”).

³³ See MRPC r. 1.2, cmt. 2 (AM. BAR ASS’N 2024) (noting that “lawyers usually defer” to clients regarding the means of representation when those means impact the expenses incurred).

³⁴ See ABA Standing Comm. on Ethics & Prof’l Responsibility, Formal Op. 512, *supra* note 11 (providing several such instances, including when lawyers use generative AI “to evaluate potential litigation outcomes or jury selection”).

³⁵ See MRPC r. 1.5(a) (AM. BAR ASS’N 2024). Certain state rules have slightly different standards regarding fees than ABA Rule 1.5. For instance, North Carolina Rule 1.5 provides that lawyers shall not charge “clearly excessive” fees or expenses. N.C. RULES OF PROF’L CONDUCT r. 1.5(a) (2024).

³⁶ In addition to their base fee, lawyers generally may not charge clients an overhead or administrative fee in which they roll in the firm’s general expenses for office-related costs, which could include costs associated with technology (like AI). Although decided well before the advent of AI technology in lawyering, a 1993 ABA Formal Ethics Opinion includes reasoning that clearly applies to billing for lawyers’ use of such technology. Specifically, the opinion reasoned that lawyers cannot charge clients general office overhead absent disclosure to the client in advance of the engagement. The opinion also prohibits surcharges on expense disbursements above the amount actually incurred in directly representing the client, absent disclosure to the client. From this reasoning, lawyers who seek to pass along AI costs to their clients must not do so through a general administrative fee, unless they disclose this fee to the client prior to the engagement. Similarly, absent client consent, they cannot bill clients for AI services over the amount those services cost the lawyer (including any direct cost and cost for allocated expenses) to provide the specific work the lawyer dedicates to the client. See ABA STANDING COMM. ON ETHICS & PROF’L RESPONSIBILITY, FORMAL OP. 512, *supra* note 11. Cf. *2022 Formal Ethics Opinion 4*, N.C. STATE BAR (Oct. 27, 2023), <https://www.ncbar.gov/for-lawyers/ethics/adopted-opinions/2022-formal-ethics-opinion-4/> (addressing billing of expenses to clients).

³⁷ MRPC Preamble (AM. BAR ASS’N 2024).

what are the *human* aspects of lawyering that will become the essence of lawyering in the future?³⁸

This recognition of the importance of the human aspects of lawyering is not new. Indeed, the well-being crisis in the legal profession has underscored that developing lawyers must cultivate not only doctrinal knowledge and practical skills, but also their “professional identity” in which they discern how their personal values align with their professional calling.³⁹ Generative AI, however, has accelerated this discussion as focusing on the human aspects of lawyering becomes more than a question of educational best practices; it becomes central to the issue of lawyers’ market relevance. Indeed, unlike other recent technological breakthroughs like the internet which caused lawyers to reexamine the practice of law, generative AI feels different. Previous technologies facilitated lawyers’ ability to communicate with others and access information; generative AI, in contrast, *creates* content designed to mimic human-centered lawyering.

Legal scholars and futurists have opined in response that lawyers must become more “people-focused” and concentrate on “build[ing] professional relationships and trust in ways that machines may never be able to replace.”⁴⁰ They also recommend that lawyers hone their “‘soft’ human skills like communication and creativity.”⁴¹

These recommendations are certainly well-taken, as experts agree that current AI technology is not sentient to any meaningful degree.⁴² These same experts, however, recognize that “rapid advances in AI technology could soon create AIs of plausibly debatable sentience and

moral standing, at least by some relevant definitions.”⁴³ Moreover, recent research indicates that scientists are developing new algorithms to help AI models minimize hallucinations and increase their reliability.⁴⁴ What then when AI becomes arguably sentient and sufficiently reliable? Might a client be able to develop an attorney-client relationship with a robot?

I understand that such questions seem fantastic and far-fetched, but as technological advances expand, Christian lawyers need to affirm a principled approach to lawyering that underscores the fundamental truth that humans are created in the image and likeness of God.⁴⁵ Machines will never be. From this core theological truth flows eternal principles about human-to-human relationships, many of which are beyond the scope of this article.⁴⁶ For Christian lawyers who must serve their clients and the legal system, certain of these truths become paramount. I discuss three of these below: advocacy, empathy, and wisdom.

1. *Advocacy*

I have often heard others reference John 2:1 as support for the role of the Christian lawyer: “My dear children, I write this to you so that you will not sin. But if anybody does sin, we have an advocate with the Father—Jesus Christ, the Righteous One.” Although Christ’s advocacy for humankind does not mirror Christian lawyers’ for their clients—after all, Jesus not only advocated for sinners, He also took our punishment—the principle of Christian advocacy certainly permeates Scripture. The Bible is replete with passages that call believers to advocate for those

³⁸ See L.O. Natt Gantt, II, *Law Schools’ Pivotal Role in Lawyer-Leader Formation*, LAW PRAC. MAG. (Feb. 5, 2024), https://www.americanbar.org/groups/law_practice/resources/law-practice-magazine/2023-november-december/lawschools-pivotal-role-in-lawyer-leader-formation/.

³⁹ See *id.*

⁴⁰ See Bernard Marr, *How Generative AI Will Change the Jobs of Lawyers*, FORBES (Mar. 14, 2024), <https://www.forbes.com/sites/bernardmarr/2024/03/14/how-generative-ai-will-change-the-jobs-of-lawyers/>.

⁴¹ *Id.*

⁴² Eric Schwitzgebel, *AI Systems Must Not Confuse Users About Their Sentience or Moral Status*, PATTERNS 4 (Aug. 11, 2023), <https://www.cell.com/action/showPdf?pii=S2666-3899%2823%2900187-3>.

⁴³ *Id.*

⁴⁴ See Billy Perrigo, *Scientists Develop New Algorithm to Spot AI “Hallucinations,”* TIME (June 19, 2024), <https://time.com/6989928/ai-artificial-intelligence-hallucinations-prevent/>.

⁴⁵ Genesis 1:26-27.

⁴⁶ For a helpful discussion of theological implications of our being created in God’s image, see Chapter 24 (“The Image of God in the Human”) in MILLARD J. ERICKSON, CHRISTIAN THEOLOGY (2d ed. 1998). See also the piece from Jason Thacker in this volume.

in need, perhaps most famously in Proverbs 31:8-9: “Speak up for those who cannot speak for themselves, for the rights of all who are destitute. Speak up and judge fairly; defend the rights of the poor and needy.” Moreover, from Moses to Daniel to Esther to Paul, men and women in Scripture exemplify that calling of advocating for others in need.⁴⁷

Generative AI is becoming increasingly adept at creating content that can be used to advocate for others, but it cannot—and will not—serve as the advocate. Lawyers uniquely serve that role. They are the ones to select the causes in which they contend, and Christian lawyers can select their causes with a focus on promoting justice, as defined by the moral law of Scripture.⁴⁸ Christian lawyers can also approach their role as advocate with a Christ-like spirit of excellence, service, and humility. Colossians 2:23 reminds Christian lawyers to represent their clients and engage in their work “with all your heart, as working for the Lord, not for human masters.” Finally, Christian lawyers can conduct their advocacy with an appreciation that they are representing individuals who are image-bearers of God or entities that work and operate through such image-bearers.

2. Empathy

Just as Christian lawyers are able to advocate for their clients in ways machines cannot, this appreciation that clients and others are similarly created in God’s image demands they be treated with dignity, respect, and love. My former Regent colleague Ben Madison and I have written much on how good lawyers are empathic lawyers.⁴⁹ Empathic lawyers are able to better understand how others are affected by their decisions

and therefore are able to better evaluate competing options in their decision-making.⁵⁰ For Christian lawyers, seeing others as image-bearers of God deepens the meaning of empathy. C.S. Lewis powerfully recognizes the import of our status as image-bearers in his oft-quoted passage in *The Weight of Glory*:

It is a serious thing to live in a society of possible gods and goddesses, to remember that the dullest most uninteresting person you can talk to may one day be a creature which, if you saw it now, you would be strongly tempted to worship, or else a horror and a corruption such as you now meet, if at all, only in a nightmare. All day long we are, in some degree helping each other to one or the other of these destinations. It is in the light of these overwhelming possibilities, it is with the awe and the circumspection proper to them, that we should conduct all of our dealings with one another, all friendships, all loves, all play, all politics. There are no ordinary people. You have never talked to a mere mortal. Nations, cultures, arts, civilizations—these are mortal, and their life is to ours as the life of a gnat. But it is immortals whom we joke with, work with, marry, snub, and exploit—immortal horrors or everlasting splendors.⁵¹

As Robert Cochran explores in his book *The Servant Lawyer*, Lewis’ emphasis that no one is a “mere mortal” reminds us to treat others with due regard to their spiritual identity.⁵² Cochran recognizes that Christian lawyers should show

⁴⁷ See World Vision, *What Does the Bible Say About Advocacy?*, NAT’L CHRISTIAN FOUND. (Jan. 30, 2019), <https://www.ncfgiving.com/stories/what-does-the-bible-say-about-advocacy/>.

⁴⁸ See Micah 6:8 (“He has showed you, O man, what is good; and what does the LORD require of you but to do justice, and to love kindness, and to walk humbly with your God?”) (RSV).

⁴⁹ See Benjamin V. Madison, III & Larry O. Natt Gantt, II, *The Emperor Has No Clothes, But Does Anyone Really Care? How Law Schools are Failing to Develop Students’ Professional Identity and Practical Judgment*, 27 REGENT U. L. REV. 339, 386-90 (2014-15).

⁵⁰ *Id.* at 390.

⁵¹ C.S. LEWIS, *THE WEIGHT OF GLORY AND OTHER ADDRESSES* 45-46 (2001).

⁵² ROBERT F. COCHRAN, JR., *THE SERVANT LAWYER: FACING THE CHALLENGES OF CHRISTIAN FAITH IN EVERYDAY LAW PRACTICE* 8-20 (2024).

others respect and love, making sure that we listen to our clients and appreciate the difficulties they are facing.⁵³

With the rise of generative AI, the lawyer's ability to understand and appreciate the client—and the ability to express in a gracious way that understanding and appreciation—become even more critical. Generative AI will become increasingly skilled at accessing legal information and creating legal documentation. It will never, however, be able to empathize with others as a fellow human. We as lawyers must cultivate a sense of presence so we can *abide with* others in crisis, including being present with our clients in the midst of the legal problems they face.

3. Wisdom

By its very name, artificial intelligence evokes concerns over machines that become so intelligent they outsmart humans. Think HAL 9000 in the classic 1968 movie *2001: A Space Odyssey*. These concerns conflate intelligence with wisdom. Artificial intelligence computing is defined as “the math-intensive process of calculating machine learning algorithms, typically using accelerated systems as software.”⁵⁴ Wisdom, however, is much deeper and richer than math computations and algorithms. Theologians recognize that our status as image-bearers of God includes an “inner sense of right and wrong” and an ability to obtain wisdom that is inaccessible to other created things.⁵⁵

In discussing the importance of wisdom for the good lawyer, much of the recent literature on lawyers' professional formation has underscored the classic Aristotelian virtue of *phronesis*, or practical wisdom. “Aristotle viewed practical wisdom as the cardinal virtue implicit in the other virtues, including courage, self-control, fairness, gentleness, loyalty, friendliness, and honesty. Significantly, Aristotle's emphasis was on one who knew how to employ these virtues ‘practically’ in human affairs in order to be wise.”⁵⁶ Such wisdom combines intellectual understanding with moral and ethical sensitivity and facilitates an individual's ability to resolve dilemmas when competing virtues (such as honesty and loyalty) appear in conflict.⁵⁷ Moreover, such wisdom guides individuals not just to what to do in a situation of uncertainty, but also *how* to do it.⁵⁸

Beyond Aristotle's practical wisdom, exercising *biblical* wisdom enables Christian lawyers to proceed on a fundamentally different level computers can never attain. Although Christians are not able to discern the complete wisdom of God,⁵⁹ theologians recognize that “God's wisdom is, of course, in part communicable to us.”⁶⁰ It begins with reading and obeying His Word.⁶¹ Scripture specifically adds that we discern wisdom from fearing God and seeking to please and depend on Him.⁶² God promises that He will grant us wisdom when we ask: “If any of you lacks wisdom, you should ask God, who gives

53 *Id.* (referencing James 1:19b: “Everyone should be quick to listen, slow to speak and slow to become angry.”).

54 Rick Merritt, *What is AI Computing?*, NVIDIA (Jan. 20, 2023), <https://blogs.nvidia.com/blog/what-is-aicomputing/>.

55 WAYNE GRUDEM, *SYSTEMATIC THEOLOGY: AN INTRODUCTION TO BIBLICAL DOCTRINE* 445-46 (1994).

56 Madison & Gantt, *supra* note 49, at 346.

57 *Id.* at 346-47; see also PATRICK EMERY LONGAN ET AL., *THE FORMATION OF PROFESSIONAL IDENTITY: THE PATH FROM STUDENT TO LAWYER* 16-17 (2d. ed. 2024).

58 LONGAN ET AL., *supra* note 57, at 17.

59 See Isaiah 55:8-9 (“‘For my thoughts are not your thoughts, neither are your ways my ways,’ declares the LORD. ‘As the heavens are higher than the earth, so are my ways higher than your ways and my thoughts than your thoughts.’”); Romans 11:33 (“Oh, the depth of the riches of the wisdom and knowledge of God! How unsearchable his judgments, and his paths beyond tracing out!”).

60 GRUDEM, *supra* note 55, at 194.

61 See Psalm 19:7 (“The law of the LORD is perfect, refreshing the soul. The statutes of the LORD are trustworthy, making wise the simple.”).

62 See Proverbs 9:10 (“The fear of the LORD is the beginning of wisdom, and knowledge of the Holy One is understanding.”).

generously to all without finding fault, and it will be given to you.”⁶³ Moreover, the presence of the power of the Holy Spirit, which the Apostle Paul calls the “Spirit of wisdom,”⁶⁴ facilitates in the lives of believers their access to the wisdom of God. Finally, the fellowship of godly believers and appreciation of Christians’ witness throughout history can enhance Christian lawyers’ wisdom, for “[a]s iron sharpens iron, so one person sharpens another.”⁶⁵ In the face of smarter and smarter computers, Christian lawyers must therefore renew their focus on appropriating godly *wisdom* in their practice.

Conclusion

Generative AI represents a groundbreaking technology that is set to disrupt legal education and the legal profession. Its ethical implications, although not fundamentally different from the implications of other technological advances, do lead lawyers to face these implications in new contexts where computers perform legal tasks previously done by lawyers or paraprofessionals. Lawyers must thus be vigilant in recognizing the potential ethical pitfalls when they use generative AI.

In the midst of this disruption, however, the more foundational issue concerns how generative AI will change what it means to be a lawyer. Understanding the uniquely human qualities of advocacy, empathy, and wisdom in the age of generative AI underscores that, now more than ever, Christian law students and lawyers must seek to cultivate these qualities in their lives. We must put ourselves in positions where we better appreciate and understand the needs of others,⁶⁶ and we must pray to have the heart of God that pursues justice and manifests the fruit of the Spirit.⁶⁷ In the end, this technological advancement may surprisingly lead to revival in our core mission as Christian lawyers to love God and love others through our vocation.

⁶³ *James* 1:5.

⁶⁴ *Ephesians* 1:17 (“I keep asking that the God of our Lord Jesus Christ, the glorious Father, may give you the Spirit of wisdom and revelation, so that you may know him better.”).

⁶⁵ *Proverbs* 27:17.

⁶⁶ Putting ourselves in such positions may occur in a variety of ways, from representing indigent clients to serving the community through nonprofit ministries.

⁶⁷ The fruit indeed are moral qualities that generative AI cannot embody: “But the fruit of the Spirit is love, joy, peace, forbearance, kindness, goodness, faithfulness, gentleness and self-control. Against such things there is no law.” *Galatians* 5:22-23.