



AI will make my legal bill cheaper, right?

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There is a lot of talk about AI and the efficiencies it can deliver, so it's easy to think there's no downside to using AI for legal disputes or when communicating with your lawyer. While AI is a powerful tool with plenty to offer, we are increasingly seeing situations where its use actually increases clients' costs and risk profile.

Anything you put into a publicly accessible (open) AI product can be treated as public information. There have even been criminal cases where Google searches were used as evidence against the accused. Generally speaking, AI queries could be used the same way.

Communications between you and your lawyer are usually protected by legal privilege, meaning you don't have to share them with other parties. If you enter your lawyer's advice into an open AI tool, you may waive that privilege. In the worst-case, you could be required to disclose those communications (including anything that might not support your case). A public AI tool also might store your prompts, questions, and the responses you get. There's a risk that data could have to be discovered in litigation.

AI can be great for brainstorming questions to ask your lawyer, but it can produce large volumes of content quickly. Reviewing that content, correcting errors, and advising you on every AI-generated issue can take your lawyer significant time. In many cases, a direct conversation with your lawyer is more efficient.

Keep in mind that AI's responses cannot always be trusted. If your prompts aren't precise, you might get answers that sound convincing but are wrong or irrelevant to your situation. If the AI draws on overseas sources, the advice may not align with New Zealand law. AI can even reference legal cases that it has invented and do not actually exist (i.e. an AI hallucination).

As more clients use AI, we're seeing matters become complex and costly (an outcome everyone wants to avoid). A good starting point is to talk to your lawyer about where AI can help and where it might create risks, so you know the traps to avoid.