

Generative AI in the Legal Practice: A Study of ABA Opinion 512

The advent of legal technology tools such as legal research software, case management systems, and e-discovery platforms has streamlined productivity and positively impacted legal professionals, to the point that the profession has developed a reliance on these systems. Now, generative AI (GAI) is slowly making its way into the legal field, and many in the profession hope that it will be the solution to many of the remaining gaps in the legal practice.¹ The legal field is notoriously slow to change, and critics argue that the profession must adapt more quickly to keep up with rapidly evolving technology.

Even as the broader legal landscape remains hesitant to fully embrace GAI, the American Bar Association Standing Committee on Ethics and Professional Responsibility (ABA) felt it prudent to publish a formal opinion for the professionals enthusiastic about adopting these tools in July 2024. In Formal Opinion 512 (Opinion 512), the ABA addressed the ethical rules associated with GAI usage and identified existing model rules lawyers should consult when deciding whether to implement GAI in their practice.² Rather than creating new ethical obligations, the ABA framed GAI as another professional tool governed by longstanding duties. In doing so, the ABA responded to concerns about accuracy, confidentiality, billing practices, client consent, and supervision by emphasizing that the Model Rules apply in much the same way to GAI.

¹“Future of Professionals Report: AI-Powered Technology & the Forces Shaping Professional Work July 2024.” *Thomson Reuters*, July 2024, www.thomsonreuters.com/content/dam/ewp-m/documents/thomsonreuters/en/pdf/reports/future-of-professionals-report-2024.pdf.

²“ABA Formal Opinion 512.” *American Bar Association Standing Committee on Ethics and Professional Responsibility*, 29 July 2024, www.americanbar.org/content/dam/aba/administrative/professional_responsibility/ethics-opinions/aba-formal-opinion-512.pdf.

This paper analyzes some key ethical duties discussed in Opinion 512, compare the responses of ABA with critiques from the legal technology community, and examines what Opinion 512 may mean for law firms attempting to adapt to a rapidly changing technological landscape. While the profession appears willing to adapt cautiously, surrounding factors indicate that it needs to quicken its pace.

A recent Thomson Reuters report found that 85% of legal leaders believe generative AI will be integrated into everyday legal work within the next two years to drive up profits, with more than half of law firms saying AI should already be applied to tasks like research drafting, despite some employees doubting the benefits will trickle down to their work-life balance.³ Similarly, a Harvard Law School study found that AmLaw 100 firms are already restructuring their business models around AI due to changing productivity expectations and pricing; although, those firms are not certain whether introducing GAI would affect their staffing models.⁴ GAI supports knowledge work, which is the use of critical thinking and specialized learning to solve complex and non-routine problems, by quickly providing first drafts of work-product to allow workers to spend more time editing and being productive, which means that employees will spend more time editing rather than initially producing ideas.⁵ The potential for greatness with GAI seems infinite at present; however, quotidian use of GAI presents potential for widespread harm in the legal profession.⁶ To limit potential harms

³Thomson Reuters, *Future of Professionals Report*

⁴Couture, Robert J., et al. "The Impact of Artificial Intelligence on Law Firms' Business Models." *Harvard Law School Center on the Legal Profession*, 25 Feb. 2025, clp.law.harvard.edu/knowledge-hub/insights/the-impact-of-artificial-intelligence-on-law-law-firms-business-models/.

⁵Captain, Seán. "How Ai Will Change the Workplace - Cybersecurity at MIT Sloan." *Cybersecurity at MIT Sloan*, 14 May 2023, cams.mit.edu/wp-content/uploads/2023-05-15-WSJ-How-AI-Will-Change-the-Workplace.pdf.

⁶Neal, Jeff. "Harvard Law Expert Explains How AI May Transform the Legal Profession in 2024." *Harvard Law School*, 14 Feb. 2024, hls.harvard.edu/today/harvard-law-expert-explains-how-ai-may-transform-the-legal-profession-in-2024/. Many people are familiar with recent cases of attorneys using

associated with GAI usage, the ABA created Opinion 512 in July 2024.⁷ Opinion 512 does not endorse or reject GAI outright.⁸ Instead, the ABA frames GAI as a tool that lawyers may use so long as they remain compliant with the core ethical duties governing competence, confidentiality, and supervision.⁹

Opinion 512 begins with Model Rule 1.1 Competence, which requires lawyers to provide competent representation to clients.¹⁰ Competence requires an understanding of both benefits and risks associated with relevant technology used to deliver legal services to clients.¹¹ This duty requires lawyers to reach out to experts or participate in self-study to develop a basic understanding of GAI's capabilities and limitations, including its tendency to produce inaccurate or fabricated information if improperly prompted or unsupervised.¹²

ABA's reminder that practitioners should seek out GAI information closely aligns with Susskind's prediction that technological competence will become inseparable from professional competence.¹³ Susskind argues that, rather than being completely replaced by technology itself, lawyers who fail to understand technology will be replaced by

GAI services to draft legal documents without proofreading for accuracy. Neal writes that GAI is getting much better and hallucinating less as the industry is moving from non-specialized AI to AI trained on materials. Many lawyers attest that ChatGPT can write legal memos as well as first-year law firm associates. With such consistent production, Neal encourages viewers to consider the monetary costs of AI versus a first-year associate.

⁷ Perlman, Andrew, and Robert J. Couture. "Generative Legal Minds." *Harvard Law School Center on the Legal Profession*, 9 Mar. 2023, clp.law.harvard.edu/knowledge-hub/magazine/issues/generative-ai-in-the-legal-profession/generative-legal-minds/. Despite producing fluent language, GAI still lacks depth and human reasoning and should not be relied on to produce full drafts of legal documents. Legal educators and practitioners suggest that law schools and firms should teach students how to use GAI effectively instead of rejecting it.

⁸ ABA Formal Opinion 512.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Richard Susskind, *Tomorrow's Lawyers: An Introduction to Your Future* (3rd ed. 2023).

lawyers who embrace it.¹⁴ Opinion 512 adopts similar reasoning by placing responsibility for technological understanding on individual lawyers.

However, the ABA's treatment of competence is narrower than Susskind's. Susskind foresees a restructuring of legal work itself; whereas Opinion 512 assumes that the current lawyer-client relationship will remain unchanged.¹⁵ This distinction demonstrates Susskind's optimistic vision for how lawyers can use technology to achieve endless potential, while the ABA approaches emerging technology with hesitancy.

Opinion 512 pays special attention to Model Rule 1.6 Confidentiality, emphasizing that lawyers must assess whether using GAI tools involves disclosing client information to third parties.¹⁶ The ABA places great importance on the lawyer-client relationship throughout the Model Rules, and its reminder that, unless an exception applies, lawyers may not reveal information relating to the representation of a client without informed consent falls squarely in line with this sentiment.¹⁷ Because many GAI tools rely on cloud-based systems or third-party vendors, the ABA advises lawyers to evaluate how client data is stored, processed, and potentially reused; depending on the circumstances, lawyers may need to anonymize inputs, negotiate contractual safeguards, or obtain client consent before using GAI.¹⁸

Susskind similarly predicts that trust will remain central to legal services, but that trust will increasingly depend on institutional safeguards rather than individual discretion. Susskind's prediction seems more likely, as technology enthusiasts continue to report the increasing rate of accuracy with GAI systems and push for more integrated

¹⁴ *Id.* at 61.

¹⁵ *Id.* at 37.

¹⁶ ABA Formal Opinion 512.

¹⁷ *Id.*

¹⁸ *Id.*

legal systems.¹⁹ Opinion 512 and Susskind align on this view of risk assessment paired with transparency.

Finally, Opinion 512 analyzes GAI tools through the lens of Model Rules 5.1 and 5.3 to address the managerial and supervisory duties of lawyers with regards to firms, subordinate lawyers, and nonlawyers. Lawyers must ensure that GAI tools are used in ways consistent with ethical obligations and must review outputs before reliance.²⁰

The ABA insists that ultimate responsibility remains with the lawyer, and Susskind agrees that human review is essential. However, Susskind questions whether lawyers must personally supervise every component of legal service delivery, predicting a future in which systems themselves perform many supervisory functions.²¹ Based on Susskind's prediction, evolving technology will force the ABA to confront vagueness that has existed in its rules for years. Currently, practitioners must act in good faith to determine what defines adequate contact with a client, reasonable fees, and depth of review used by supervisors. The ABA's rules are conservative to give lawyers freedom to practice with minimal restrictions; however, the rules must consider or respond more quickly to rapid technological developments.

Formal Opinion 512 does not mandate specific implementation strategies, but many law firms have already adopted practices to become technologically fluent while still aligning closely with the ABA's ethical framework. To address confidentiality concerns, firms such as Allen & Overy use private generative AI systems like "Harvey," which is a private large language model that operate within closed environments

¹⁹ Neal, "Harvard Law Expert Explains How AI May Transform the Legal Profession in 2024."

²⁰ ABA Formal Opinion 512.

²¹ Susskind at 82.

without training on public data, thereby limiting client data exposure.²² Firms have also established internal AI governance committees to evaluate tools, approve use cases, and set firm-wide policies, reflecting the supervisory duties outlined in Opinion 512.²³ In addition, some firms now include optional AI disclosures in engagement letters to promote transparency. Finally, commentators have observed that AI-driven efficiency is accelerating a shift away from time-based billing toward value-based models, a development that directly implicates Rule 1.5's reasonableness requirement.²⁴

Finally, ABA Opinion 512 references comment 8 of Rule 1.1: “[t]o maintain the requisite knowledge and skill [to be competent], a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engaging in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.”²⁵ ABA’s creation of Opinion 512 demonstrates its attempt to remain aware of changes in the legal profession. However, as GAI continues to evolve, the tension identified by both the ABA and Susskind makes it clear that the profession’s primary long-term challenge will be whether its ethical framework can adapt quickly enough to govern it effectively.

²² Harvey – In-House, Harvey, <https://www.harvey.ai> (last visited Dec. 12, 2025).

²³ Thomson Reuters, *Future of Professionals Report*

²⁴ *Competing in the Age of AI: Strategy and Leadership When Algorithms and Networks Run the World - Book - Faculty & Research - Harvard Business School*, <https://www.hbs.edu/faculty/Pages/item.aspx?num=56633> (last visited Dec. 12, 2025).

²⁵ “Rule 1.1 Competence - Comment.” *American Bar Association*, www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_1_competence/comment_on_rule_1_1/. Accessed Dec. 2025.