

# Five things AI is not

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Artificial intelligence is everywhere now. It's drafting documents, summarizing depositions, researching case law, even generating trial strategy checklists.

Whether you've dipped your toe in these waters or are still standing on the shore watching the waves, one thing is clear: This isn't a passing trend. AI is changing how we work. And for those of us in the legal field, that presents both opportunity and risk.

The March 2025 issue of *Bench & Bar of Minnesota* included my article "Help! A tech-reticent lawyer's guide to getting started with AI," a practical starting point for those unsure how and where to begin using AI tools in practice. That piece encouraged exploration, experimentation, and taking manageable first steps toward integrating AI into legal workflows.

Lawyers are smart, capable, and strategic. But when it comes to AI, many are understandably hesitant. Not because we're anti-tech—but because we don't always have clarity around what these tools are, and more importantly, what they aren't. Though it's important to understand how AI can help lawyers work more efficiently, it's equally important to understand what AI *cannot* do. The promise of AI is real—but so are its limitations.

Before you hand over parts of your practice to ChatGPT or the latest shiny legal tech platform, pause and ask: *What can this tool actually do?* And what expectations should we be careful not to assign to it?

So here are five things AI is not—and why understanding these limitations is critical to using it wisely in your legal practice.

## 1. AI is not human

AI is not a person. It doesn't think like us. It doesn't feel. It doesn't understand the weight of a parent's fear in a custody dispute or the relief in a client's voice after a hard-fought resolution. It's a machine—and no matter how brilliant it becomes, it will still be a machine.

AI can summarize a 70-page brief in seconds. It can draft a decent legal memo. But it can't show empathy, build trust, or deliver bad news with compassion. It can't sense when your client is about to cry—or when opposing counsel is about to blow.

Those human moments? That's where lawyers are irreplaceable. The law is personal, even when it's business. AI can support legal work, but it can't replace the relationships we build, or the judgment we bring, as professionals.

## 2. AI is not infallible

This you already knew, unless you've missed all the headlines about "hallucinated" case citations making their way into filed briefs—headlines that have been there from the start and still appear today. Why haven't we all learned this lesson yet? In part, I suspect, it's because AI *sounds* smart. It gives confident answers, writes with polish, and rarely pauses to say, "I'm not sure." But just because something is stated clearly doesn't mean it's right.

AI is trained on massive datasets, which means it pulls from a mix of accurate information, outdated sources, and occasionally, flat-out nonsense. It doesn't know whether a case is still good law—or if the statute it just cited was repealed last year.

The rule here is simple: Trust but verify. Use AI to speed up your workflow—but check every citation. Review every clause. Never assume the machine got it right just because it said it with confidence. In our profession, accuracy is everything.

## 3. AI is not intuitive

You know that feeling in your gut when a deal's about to fall apart? Or that moment in court when you sense the judge is losing patience, even though they haven't said a word? That's intuition—and AI doesn't have it.

AI runs on data, not instinct. It can analyze patterns, but it can't read the room. It doesn't know when opposing counsel is bluffing or when to push a settlement offer a little harder. And it certainly can't adjust your tone mid-hearing to match the judge's mood.

Those subtle, real-time decisions are the heartbeat of legal practice. They're built on experience, emotion, and the ability to sense what's going on beneath the surface. That's not something a machine can do. (At least not yet.)

## 4. AI is not creative

Yes, AI can "create." It can draft content, generate arguments, and even design logos. But it's not coming up with ideas the way we do. It's remixing what it already knows—pulling from patterns and predicting what might come next.

Human creativity, on the other hand, is messy and brilliant. It's imagining new legal theories. Finding arguments no one else has thought of. Crafting persuasive narratives that can turn a tough case into a winnable one.

AI can help brainstorm and organize. But it can't truly innovate. It doesn't see a problem from a radically different angle or take a leap when the obvious path isn't working. That's still our lane.

### 5. AI is not magic

Here's the tough-love truth: AI will not solve all your practice problems. It won't eliminate every inefficiency, streamline every process, or make your client work vanish. It can do a *lot*, and it's getting better every day. But it's not magic.

AI won't make ethical calls. It won't interpret nuanced laws or give you strategic advice about how to handle a volatile case. It won't tell you, "Don't trust this witness," or whisper, "This client is holding something back."

It's a tool—not a turnkey solution. And like any tool, its effectiveness depends on the person using it.

### What lawyers need to keep in mind

So, what do we do with all of this? We keep our feet firmly on the ground while embracing the possibilities ahead. Here are five takeaways to guide your AI use:

- **Stay human-centered.** AI can't replace the emotional intelligence, ethical judgment, or empathy you bring to your practice. That's your superpower. Don't give it up.
- **Double-check everything.** Assume AI's output needs editing, fact-checking, and tailoring. Use it as a draft, not a final product.

- **Keep being creative.** Let AI handle the boring parts. You stay focused on the bold ideas and big-picture strategies that move cases forward.
- **Own the ethics:** AI doesn't understand privilege, confidentiality, or conflicts. You do. Keep those professional lines bright and clear.
- **Collaborate—don't abdicate:** Use AI as a teammate, not a replacement. Let it support your thinking, not do it for you.

AI is changing the legal profession. The tools are here, they're evolving fast, and they're not going away. For lawyers who use AI thoughtfully, it offers real potential for us to work faster, serve clients more efficiently, and maybe even find time to breathe.

But amid all the speed, automation, and shiny tech, the heart of legal practice hasn't changed: critical thinking, creativity, and connection. The machines are learning, but they're not lawyering—not in the way that matters.

AI doesn't care about your client. It doesn't understand what's at stake. It's not going to stay up all night wondering whether your closing argument landed. The value lawyers bring—judgment, ethics, and the ability to see what others miss—isn't going out of style. AI may reshape the practice, but it won't replace the people who practice it well.

That's still your job. And honestly, that's the part that makes this profession worth doing. ▲



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