

THE WORDS WE WISH WE COULD TAKE BACK

Tone, judgment, and the responsible use of AI in legal email

BY KRISTI PAULSON



Every lawyer has sent an email they wish they could pull back. Not because the law was wrong or the words inaccurate, but because the tone missed the mark. Too sharp. Too defensive. Too casual. Too confident. Too *something*. The substance may have been sound, yet the message landed poorly, creating friction where none was intended.

Email has become the dominant form of communication in the legal profession. It is fast, informal, permanent, discoverable, and remarkably easy to misinterpret. Judges see it when correspondence is attached to motions. Clients forward it without context. Opposing counsel screenshots and attaches it to filings. Once an email is sent, it takes on a life of its own, often far removed from the moment or mindset in which it was written.

Against that backdrop, artificial intelligence offers a surprisingly effective response to one of the profession's most persistent communication challenges. It does not replace judgment or authorship, nor does it substitute for professional responsibility. But it provides a practical way to slow down. When used as a reflective tool, AI can help lawyers and judges pause long enough to consider how their words will land and refine them before those words ever leave the screen.

This matters precisely because email has become one of the most visible expressions of professional judgment. Long before a case is resolved, written communication shapes how parties experience the process, how opposing counsel assesses professionalism, and how courts evaluate credibility. In an era where emails are routinely attached to motions, shared with clients, and preserved indefinitely, tone and clarity are no longer peripheral concerns. They are central to effective advocacy, ethical practice, and public trust in the legal system.

Artificial intelligence does not change those responsibilities. It simply makes it easier to meet them or undermine them.

The real challenge is not writing. It is reacting.

Most problematic emails are not poorly written. They are written too quickly.

They are drafted in the moments after a frustrating call, a surprise filing, or a perceived slight, when emotions are high, assumptions remain untested, and adrenaline is still in play. The result is often an email that technically says the right thing, but says it in a way that escalates conflict, hardens positions, or quietly undermines credibility.

This is where artificial intelligence becomes useful. Not as a ghostwriter and not as a decisionmaker, but as a pause button. It creates space between reaction and response. It offers a second set of eyes that has no ego, no afternoon doldrums, and no history with the dispute. That distance alone can materially change outcomes.

What AI does well in legal email

Artificial intelligence performs best when it is asked to analyze, revise, or reframe language rather than generate legal substance or take positions. In the context of email communication, that distinction matters. At its best, AI supports judgment rather than replacing it, allowing legal professionals to assess how their words may land before they are sent.

In practical terms, AI can help identify language that sounds accusatory, dismissive, or unnecessarily threatening. It can flag emotionally loaded or strident phrasing, offer neutral rewrites that preserve substance, and adjust tone depending on the audience. It can also summarize long and contentious email threads and help remove unnecessary heat while maintaining authority and clarity.

These are not abstract benefits or efficiency hacks. They are practical communication skills that experienced lawyers develop over time after learning, sometimes the hard way, how tone can derail negotiations, damage credibility, or escalate disputes that did not need to escalate.

What AI cannot do—and should not try to do

Artificial intelligence is not a substitute for professional judgment. It should not be used to formulate legal strategy, take substantive positions, or decide how a lawyer or judge should respond to a disputed issue. AI does not understand the full procedural posture of a case, the history between the parties, or the strategic consequences of a particular concession or escalation.

AI also should not be treated as a neutral arbiter of truth or fairness. It cannot assess credibility, weigh competing narratives, or appreciate the human dynamics that often drive legal conflict. Careless reliance on AI can reinforce an overly aggressive tone, flatten nuance, or create a false sense of confidence in language that misses the mark.

Most importantly, AI cannot assume responsibility. The lawyer or judge remains accountable for every word sent, every position taken, and every impression created. AI can assist in refining language, but it cannot own the communication or the consequences that follow. That responsibility remains exactly where it belongs, with the professional exercising judgment.

Framed this way, AI need not become a shortcut or a crutch. It becomes a tool of self-discipline that supports clarity, restraint, and professionalism without displacing the human judgment the legal system depends upon.

Easy drafting is the wrong goal

Many email platforms now offer AI drafting tools built directly into everyday programs like Gmail and Outlook. With a single click, you can generate a complete email in seconds, often polished, professional, and superficially appropriate. The convenience is undeniable.

But drafting entire emails through automation should not be the goal for lawyers or judges. Legal communication is not simply about producing text. It is about judgment, accountability, and intent. When technology is allowed to speak for us, authorship blurs, and the message can become disconnected from the professional who must ultimately stand behind it.

The more appropriate use of AI is not to replace the lawyer's or judge's voice, but to support it. These tools can assist with reflection and refinement, but they should not assume authorship or responsibility. The distinction matters, because legal email is not merely communication—it is professional judgment in written form.



Practical ways lawyers can use AI for email and tone control

The most effective use of artificial intelligence in legal email is not a matter of automation but of intention. AI works best when it is applied after a lawyer has already drafted the message. In this role, AI serves as a checkpoint that allows the writer to pause, assess tone, and ensure clarity and professionalism before the communication becomes part of the record.

The value of AI in email communication is best understood in practice rather than theory. The examples that follow are not about efficiency or convenience, but about judgment. They illustrate how AI can help refine tone without changing substance, preserve advocacy without escalating conflict, and support professionalism without surrendering authorship.

REWRITE THE EMAIL YOU SHOULD NOT SEND YET

One of the most effective uses of AI is revising a draft. The process is simple. Draft the email exactly as you feel in the moment. Do not self-censor. Do not soften it. Write it honestly. Then, before sending, ask AI to revise it for tone. The lawyer remains the author.

Original draft: I don't understand why you continue to ignore the clear deadlines in this case. Your client's failure to comply has now delayed resolution yet again, and frankly this pattern is becoming unacceptable.

To the sender, this may feel factual and justified. To the recipient, it assigns motive and escalates tension.

AI-assisted revision: I am concerned about the missed deadlines and the impact they are having on the progress of this case. Please let me know when we can expect compliance so we can move toward resolution.

The legal position has not changed. What has changed is how the message is likely to be received.

IDENTIFY BLIND SPOTS IN TONE YOU NO LONGER HEAR

Experienced lawyers often develop blind spots around tone, particularly with familiar adversaries. What feels firm and efficient to the sender may read as condescending or hostile to the recipient.

AI works best when it is applied after a lawyer has already drafted the message. In this role, AI serves as a checkpoint that allows the writer to pause, assess tone, and ensure clarity and professionalism before the communication becomes part of the record.

AI can help surface these blind spots by flagging phrases that unintentionally escalate conflict, including absolute language, rhetorical questions, or wording that implies bad faith.

Original draft: As I already explained, your interpretation of the agreement is incorrect and unsupported by the language.

When asked to analyze tone, AI frequently flags phrases like "as I already explained" as subtle triggers.

AI-assisted revision: Based on my reading of the agreement, I do not see support for that interpretation in the language.

Nothing substantive has changed. The tone becomes less personal and more professional.

ADJUST TONE FOR DIFFERENT AUDIENCES

The same email sounds different depending on who is reading it. An email appropriate for opposing counsel may feel abrupt to a client. A message written for a client may feel informal or imprecise to court staff. AI can help recalibrate tone by tailoring language to the intended audience without changing the substance of the message.

Original draft (client note): Opposing counsel has failed to meet the discovery deadline, which may require motion practice.

Accurate, but potentially alarming.

AI-assisted revision: Opposing counsel has missed a discovery deadline. This is not uncommon, and we have options to address it if needed. I will keep you informed as we determine next steps.

The information remains intact. The emotional impact is reduced.

COOL DOWN HIGH-CONFLICT CORRESPONDENCE

In contentious cases, email often becomes a proxy battlefield. Lawyers exchange increasingly sharp messages that advance no resolution and frequently end up attached to motions. Once that happens, tone becomes part of the record. AI can help remove unnecessary heat while preserving firmness and leaving space for resolution.

Original draft: Your continued refusal to address this issue leaves us no choice but to involve the court.

AI-assisted revision: If we are unable to resolve this issue, court involvement may become necessary. I am hopeful we can address it before that point.

The seriousness remains. The door to resolution stays open.

SUMMARIZE LONG OR HOSTILE EMAIL THREADS

Long email chains are fertile ground for misunderstanding. They contain buried concessions, shifting positions, repeated arguments, and emotional residue. AI can help by summarizing lengthy threads into neutral, issue-focused overviews that identify concrete points of disagreement. The summary does not replace careful review, but it provides a clearer map through cluttered communication.

A FINAL CLARITY FILTER

Tone is not the only reason legal emails miss the mark. Dense language and legal shorthand can create confusion or resistance, particularly for clients and self-represented parties. AI can assist in simplifying language without diluting meaning, helping ensure that communication is understood as intended rather than merely accurate.

Original draft: Pursuant to the terms of the operative agreement, your client is in material breach due to its failure to timely comply with the disclosure obligations set forth therein.

AI-assisted revision: Under the agreement, your client missed the required disclosure deadline, which puts them in breach of its terms.

The meaning remains intact. The message becomes more accessible.

When AI should stay out of the inbox

There are moments when the use of AI, even for tone assistance, warrants real caution. Emails that threaten sanctions, memorialize disputed oral agreements, confirm settlement authority, or respond to allegations of misconduct are not simply communications. They are potential exhibits. They are often written with an eye toward later readers who were not part of the original exchange and who will encounter the message stripped of context, tone, and intent.

In those moments, the risk involves more than tone alone. It includes how the communication may later be scrutinized, parsed, and relied upon by others far removed from the original interaction. A softened sentence can be read as a concession. A qualified phrase can be argued as an admission. Even well-intended refinements may subtly shift meaning in ways that matter when the stakes are high.

AI should not create a false sense of safety. Emails refined with AI remain discoverable. Version histories, copied text, and underlying drafts may still exist. A more polished message does not alter the evidentiary consequences of what is said, how it is said, or how that language may later be used. The tool may improve readability, but it does not insulate the author from responsibility.

Bias, neutrality, and the risk of over-correction

A studiously neutral tone is not always what you want. In some contexts, particularly where power imbalances exist, over-softening language can dilute advocacy or obscure the seriousness of an issue. A carefully worded demand may lose its urgency. A firm boundary may sound optional. A message meant to protect a client's interests can be reshaped into something that sounds polite but powerless.

AI does not know when emphasis matters. Lawyers do. That distinction is critical. Professionalism does not require the absence of firmness, and civility does not require surrender. AI-assisted edits must be reviewed with an eye toward whether the substance and strength of the message remain intact, not merely whether the tone sounds agreeable.

Ethical guardrails matter

Using AI to assist with email tone and clarity does not eliminate ethical obligations. In many respects, it heightens them. Confidentiality remains foundational. Lawyers and judges must understand the tools they use and how data is handled, treating AI platforms as they would any third-party technology vendor.

Judgment cannot be delegated. Editing assistance is not decision-making, and reflection is not abdication. AI should function as a mirror, not a mouthpiece. It can help reveal how language may be received, but it cannot decide what should be said.

Judges can use these tools too

Judges face many of the same tone challenges as lawyers, often under even greater constraints. Written communication from chambers carries institutional weight, shapes public confidence, and is frequently read far beyond its intended audience. In that context, tone is not merely personal. It is institutional.

Used appropriately, AI can assist judges by refining written communication so that it is clear, respectful, and measured, without influencing the substance of rulings or delegating judicial judgment. As with lawyers, the value lies not in automation, but in reflection.

The skill behind the tool

What these situations share is not technology, but restraint. AI works best when it introduces a pause that allows the writer to reconsider tone, clarify meaning, and choose deliberately how a message will land before it becomes part of the record.

In practice, this approach strengthens communication skills lawyers already value rather than replacing them. The lawyer remains the author. The judgment remains human. AI simply creates space to slow down in a profession that often rewards speed, sometimes at the expense of precision.

A professional pause

The most powerful use of AI in legal email is not speed. It is restraint. Used thoughtfully, artificial intelligence does not make lawyers or judges less human. It helps them communicate with greater care, clarity, and judgment.

In a profession where words endure, that pause may be one of the most valuable tools we have. ▲



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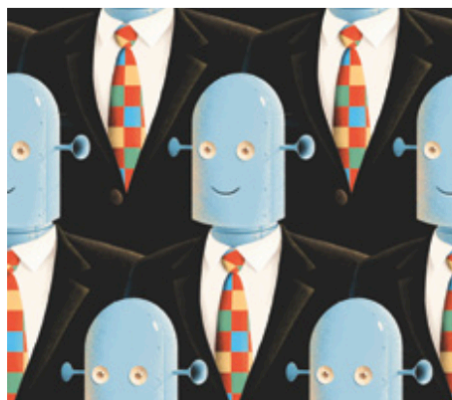
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VOLUME 83, NO. 4

columns

- 4 **President's Page**
Staying well is part of our job
*By Jessica Klander, Tom Pack
and Maya Missaghi*
- 6 **MSBA in Action**
Retired lawyers and emeritus
status: Exciting pro bono news
- 12 **Professional Responsibility**
Our new professional
responsibility websites
By Susan Humiston
- 14 **Colleague Corner**
What's something you've
changed your mind about
professionally?
- 31 **Notes + Trends**
Landmarks in the law
- 46 **Member News**
People + Practice
- 51 **Opportunity Market**
Classified ads



features

- 17 **'This is about our clients, not us'**
Two MSBA-certified specialists
talk about what the designation
has meant for them
*By Ailana McIntosh and
Dane DeKrey*
- 20 **PSLF is trickier now.
But it's still there and still
worth pursuing.**
By Dee Baskin and Heather Vlieger
- 22 **Beyond the chatbot**
Meet the agentic law firm
By Damien Riehl
- 26 **The words we wish we
could take back**
Tone, judgment, and the
responsible use of AI in
legal email
By Kristi Paulson