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Legal Practice in the Age of AI: How Artificial Intelligence is Reshaping Law in Argentina and the United States

Artificial intelligence (AI) has revolutionized numerous industries, and the legal field is undergoing a similar transformation. In 2024, we have seen how AI tools are increasingly shaping legal practice, from automating routine administrative tasks to supporting judicial decision-making. With its capacity to rapidly analyze vast amounts of data and uncover patterns, AI is transforming how legal professionals approach critical tasks such as legal research, document review, and even predicting case outcomes. This technological shift is not only enhancing efficiency but also changing the very landscape of legal work.

As these technologies continue to develop, the legal industry is increasingly exploring how AI can improve efficiency, reduce costs, and enhance decision-making. However, this transformation also brings with it a host of challenges related to ethics, fairness, and transparency in the use of AI in legal settings. In this context, examining how different countries' jurisdictions are adapting to and regulating AI's role in law is essential for understanding the global impact of this technological shift.

(i)   Artificial Intelligence in the Argentine Judiciary: Recent Implementations and Impact

In Argentina, several courts have started using artificial intelligence to assist in judicial decision-making. The use of AI in the judicial system has primarily focused on data analysis tools, which allow judges to review large volumes of information more quickly and efficiently. In some cases, algorithms have been used to predict potential outcomes of litigation, contributing to more informed and expedited decision-making.

Some of the latest implementations in Argentina include:

- **AI-Assisted Jurisprudence Search System of the National Tax Court**

Argentina's National Tax Court (TFS)[1] recently introduced a groundbreaking tool that leverages artificial intelligence to revolutionize access to its jurisprudence. The primary goal of this AI-powered search system is to simplify the process of searching and analyzing case law, offering users faster and more precise results.

This tool enables users to search using comprehensive descriptions, legal statements, or specific questions, eliminating the need to match the exact terminology used in court rulings. This makes it easier to identify relevant precedents for building new arguments or conducting legal analysis, thereby streamlining the research process.

Developed in record time with only the court's own resources, the National Tax Court became the first court in Argentina to implement a self-developed AI tool. The search engine currently contains over 12,000 rulings from 2019 to 2024, with plans to include older case law. The system is also regularly updated to ensure its relevance and accuracy.

- **The case: "Aguilera, Nancy Bibiana and Others v. Aguas Santafesinas S.A. s/ Medida Autosatisfactiva"**

A recent precedent regarding the application of artificial intelligence in the Argentine judiciary is the referenced case, which shows the first experiences of the Argentine justice system integrating emerging technologies like AI in resolving disputes. This ruling demonstrates how technology— in certain cases— can be used to optimize the management of judicial cases, even in complex situations, and sets a precedent for future implementations of technological tools within the country's judicial system.

The case, pending before the Civil and Commercial Court of the 14th Nominación in Rosario (Argentina)[2], accepted the request for an autosatisfactiva measure made by a woman who

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[1] Sistema de Búsqueda de Jurisprudencia Asistida por IA del Tribunal Fiscal de la Nación: https://jurisprudenciatfn.ar/
[2] N°CUIJ 21-02975994-1 - "Aguilera, Nancy Bibiana y Otros c/ Aguas Santafesinas S.A. s/ Medida Autosatisfactiva" - Juzgado de 1ra. Instancia en lo Civil y Comercial de Rosario (Santa Fe)

sued a sanitation company for the interruption of potable water service, ordering its restoration during the ongoing litigation. **The judge in the case used Meta's artificial intelligence tool within WhatsApp to verify the company's non-compliance.**

- **Guidelines for Responsible AI Implementation**

The "Guide for Public and Private Entities on Transparency and Personal Data Protection for Responsible Artificial Intelligence"[3] published by the Agency for Access to Public Information (AAIP), focuses on the implications of technologies based on automated decision-making systems.

The aim of this guide is to support both public and private sector actors by providing guidelines that help incorporate transparency and personal data protection as two substantive and transversal dimensions in the technological development projects that implement AI systems, ensuring the effective exercise of citizens' rights.

This preliminary guide is directed at a broad audience of public and private sector stakeholders from various professions involved in the development and implementation of AI-integrated systems. It is intended for organizations that provide and develop AI solutions, governments and policymakers promoting the use of these technologies, agencies and companies that implement AI in their processes and/or products, academic institutions researching the impact of these systems, as well as social organizations advocating for the protection of citizens' rights in the face of the rapid advancement of AI.

Given the specific operational characteristics, the Guide emphasizes that the unsupervised use of AI can affect fundamental rights, such as freedom of expression—due to a lack of understanding of its functioning—privacy—through the use of sensitive data without consent—and consequently, human dignity. The following issues are highlighted:

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[3] Guide for Public and Private Entities on Transparency and Personal Data Protection for Responsible Artificial Intelligence. (AAIP - September 2024) https://www.argentina.gob.ar/sites/default/files/aaip-argentina-guia_para_usar_la_ia_de_manera_responsable.pdf

- Bias and Discrimination

- Poor Data Quality

- Risk of Privacy Violations

- Security Risks

- Inappropriate Use of Personal Data

- Identity Fraud

- Lack of Transparency

To mitigate these impacts, the importance of conducting impact assessments is emphasized to identify and mitigate potential risks before implementing AI systems. The guide also stresses the importance of having interdisciplinary teams to address the ethical and technical challenges of AI.

(ii)   The Use of AI in the United States Legal System

As in Argentina, the legal industry in the United States recognizes the value and efficiency of generated AI, and is gradually embracing the use of AI tools. However, a primary concern among courts and state bar associations that monitor and regulate attorney conduct is the potential for AI to produce inaccurate or false information. This concern has prompted the issuance of numerous standing court orders at the federal and state level. Additionally, attorneys must be cognizant of their compliance with the American Bar Association (ABA) Model Rules of Professional Conduct and state Rules of Professional Conduct. Courts increasingly are relying on these Rules and Federal Rule of Civil Procedure 11 to impose attorney sanctions, including fines and disciplinary actions when the use of AI in court submissions does not comply with an attorney's professional, ethical obligations. Finally, law firms and other legal employers have adopted their own rules governing their attorneys' use of AI.

- **Court Orders and Rules Regarding the Use of AI**

A number of judges throughout the United States have issued standing orders governing the use of AI by attorneys who appear before them. Examples include the U.S. District Court for the

Northern District of California, Order Nos. 23-0903 (Judge Araceli Martinez-Olguin), which requires certification that lead trial counsel has verified the accuracy of AI-generated content, and-23-0933 (Magistrate Judge Peter H. Kang), which requires disclosure of AI usage in documents, identification of AI-generated evidence, and adherence to confidentiality. Other federal courts to enact similar orders include the District of Hawaii, the Northern District of Illinois, the Eastern District of Missouri, the District of New Jersey, the Southern District of New York, the Southern and Northern Districts of Ohio, the Western District of Oklahoma Bankruptcy Court, and the Eastern District of Pennsylvania. The issuance of similar orders can only be expected to expand within these courts (from other judges or from the court generally) and to other federal courts.

State courts and state bar associations also have stepped in by issuing formal rules guiding attorneys' use of AI in their practice. These states include California, Florida, Illinois, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Texas. As with federal courts, the expansion of state level orders and rules seems inevitable.

- **Implications of the Rules of Professional Conduct**

Attorneys who use AI in their practice must ensure that their use of AI does not run afoul of the ABA Model Rules of Professional Conduct or the Professional Conduct Rules that have been adopted in their state(s) of practice. Some of the rules implicated include: (i) the Duty of Competence (Rule 1.1), which requires that an attorney be competent in their use of AI by keeping abreast of the technology, its uses and limitations; (ii) the Duty to Communicate with Clients (Rule 1.4), which may require an attorney to communicate their intention to use AI to accomplish the client's objective; (iii) the Duty to Maintain Confidentiality (Rule 1.6), which obligates an attorney to make reasonable efforts to protect client information from inadvertent disclosure, including a cyberattack; and (iv) the Duty to Supervise Nonlawyer Assistance[4] (Rule 5.3(b)),

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[4] Some states retain the word "assistants" rather than "assistance," which was adopted by the ABA Model Rules in 2012, in their version of the Rules. In these circumstances, it may be less clear that an AI tool is an "assistant."

which obligates a supervisory attorney to make reasonable efforts to ensure that the nonlawyer's conduct or assistance is compatible with the attorney's own professional obligations (such as competence, confidentiality, etc.). In July 2024, the ABA issued Formal Opinion 512, which outlines and amplifies attorneys' ethical obligations in their use of generative AI, including under the Rules identified above.[5] While ABA opinions are not binding, they provide persuasive authority for state bar association disciplinary decisions, as well as court decisions.

- **Cases Sanctioning Attorney Conduct for the Improper Use of AI**

An often-cited case, *Mata v. Avianca, Inc.*,[6] sends a cautionary tale to attorneys who endeavor to use AI in their practice. In that case, Mata's attorney used ChatGPT to generate legal research to support Mata's arguments in opposition to Avianca, Inc's motion to dismiss. The AI tool generated false and non-existent case law with fake quotes and citations that Mata's attorney cited in the opposition brief. When the court and Avianca's attorneys were unable to locate various cases Mata had cited, the court fined Mata's attorney and his firm $5,000 each for their failure to verify the accuracy and authenticity of the case law cited in Mata's brief. The *Mata* court relied on Federal Rule of Civil Procedure 11(b)(2), which obligates an attorney to certify with their signature that the contents of any pleading or motion submitted to the court is "warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law." The *Mata* court issued a strong rebuke to Mata's attorney, stating: "A fake opinion is not 'existing law' and citation to a fake opinion does not provide a non-frivolous ground for extending, modifying, or reversing existing law, or for establishing new law. An attempt to persuade a court or oppose an adversary by relying on fake opinions is an abuse of the adversary system."[7] This case highlights the importance and professional, ethical responsibility attorneys have to verify the authenticity and accuracy of the information AI generates before incorporating it into submissions to the court and even in communications with opposing counsel.

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[5] American Bar Association Formal Opinion 512
[6] 2023 WL 4114 (S.D.N.Y. June 22, 2023) (internal citations omitted).
[7] 2023 WL 4114, at *12.

Several cases have relied on *Mata* and Federal Rule 11 to sanction attorneys who fail similarly by neglecting to verify the legal research generative AI produced. *See, e.g.*, *Park v. Kim,*[8] "(Park's attorneys' "submission of a brief relying on non-existent authority reveals that she failed to determine that the argument she made was 'legally tenable.' The brief presents a false statement of law to this Court, and it appears that [she] made no inquiry, much less the reasonable inquiry required by Rule 11 and long-standing precedent, into the validity of the arguments she presented."); *Kohls v. Ellison,*[9] (cautioning an attorney's submission of an expert declaration that contained citations to non-existent academic articles, stating: "To be clear, the Court does not fault Professor Hancock for using AI for research purposes. AI, in many ways, has the potential to revolutionize legal practice for the better. … [b]ut when attorneys and experts abdicate their independent judgment and critical thinking skills in favor of ready-made, AI-generated answers, the quality of our legal profession and the Court's decisional process suffer. The Court thus adds its voice to a growing chorus of courts around the country declaring the same message: verify AI-generated content in legal submissions!"). *But see, Al-Hamim v. Star Hearthstone, LLC*[10] (declining to sanction a self-represented, non-attorney tenant litigant for citing non-existent judicial opinions generated by AI in a landlord-tenant dispute).

(iii)   Challenges and Opportunities

Both in Argentina and the United States, the use of AI in legal practice presents both opportunities and challenges. On the one hand, AI-powered tools can enhance efficiency, reduce costs, and help lawyers achieve better outcomes for their clients. On the other hand, concerns arise about an overreliance on technology and the potential dehumanization of the judicial process.

One of the main challenges in both countries lies in the lack of a clear regulatory framework governing the use of AI in the legal field. It is crucial for legislators and judicial

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[8] 91 F.4th 610, 615–16 (2nd Cir. 2024)
[9] 2025 WL 66514, at *4 (D. Minn., January 10, 2025)
[10] 2024 WL 5230126, at *2 (Colo. Ct. App., Dec. 26, 2024)

authorities to work on developing regulations that ensure transparency, fairness, and the protection of fundamental rights, preventing the use of AI from becoming a tool that reinforces existing biases or inequities.

Additionally, the proper training of lawyers and judges to understand the risks associated with AI is essential. As AI becomes more integrated into legal workflows, legal professionals must be equipped not only with the technical knowledge to use AI tools effectively but also with the critical **understanding of the ethical and legal implications these technologies bring**. This includes recognizing how AI can inadvertently perpetuate biases, affect decision-making, or even undermine the transparency of the judicial process. Ongoing education and awareness programs for legal professionals are therefore essential to ensure that AI is used responsibly and in ways that align with the principles of justice.

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