



Staying Human in the Age of AI

In the age of artificial intelligence and changes in how legal services are delivered, communication on a human level still matters for Wisconsin lawyers. That's because effective communication, as required under SCR 1.4, is not just about the law (although that is essential); it's about human connection, empathy, and responsiveness.

BY MATTHEW M. BEIER

"The single biggest problem in communication is the illusion that it has taken place." – George Bernard Shaw

This quote is timeless and one that I have cited many times to identify a persistent challenge in legal practice: the assumption that clients understand what their lawyers are doing for them and communicating to them. In a time when artificial intelligence (AI) and large language models (LLMs) are revolutionizing how legal services are delivered, Wisconsin attorneys must not lose sight of their ethical obligation to communicate meaningfully with their clients.

At Wisconsin Lawyers Mutual Insurance Co. (WILMIC), client communication mistakes are among the most frequently cited by people filing malpractice claims. According to the Office of Lawyer Regulation's (OLR) annual report for fiscal year 2023-24,¹ the most common type of grievance filed with the OLR was lack of diligence (17.2%), followed by lack of communication (14.9%). In fact, lack of communication has been in the top three grievances each of the last five years.

Understanding SCR 20:1.4 – Communication

Wisconsin Supreme Court Rule 1.4 - Communication provides the framework for this duty, and in the midst of technological transformation, it is more vital than ever. The rule lays out clear expectations for lawyer-client communication. Under the rule, a lawyer must:

- 1) Promptly inform the client of any decision or circumstance requiring the client's informed consent,
- 2) Reasonably consult with the client about the means by which the client's objectives are to be accomplished,
- 3) Keep the client reasonably informed about the status of the matter,

4) Promptly comply with reasonable requests for information,

5) Consult with the client about relevant limitations on the lawyer's conduct when the lawyer knows the client expects assistance not permitted by the rules of professional conduct, and

6) Explain matters to the extent reasonably necessary to permit the client to make informed decisions regarding representation.

These responsibilities aren't mere formalities. They form the foundation of a trustworthy attorney-client relationship. Clients depend on their lawyers not only for expertise but also for clarity, honesty, and guidance. Failing to uphold these principles doesn't just risk disciplinary action – it erodes the public's trust in the legal profession.



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The Temptation of AI-Powered Efficiency

AI is everywhere. It's difficult to open your email or search the web without AI creeping into all things digital. Tools like OpenAI's ChatGPT, legal research platforms with AI integrations, and document automation systems promise to save time, reduce costs, and streamline operations. Many Wisconsin attorneys and firms have begun to explore and implement these tools with impressive results.

From answering preliminary client questions at intake to drafting contracts, there is little that AI can't do. Legal tech companies market these systems as ways to increase client satisfaction by speeding up services while reducing or eliminating human error. The benefits are real, no doubt, but there is the risk that lawyers might begin to view communication as just another task to automate.

This is where Shaw's insight comes into focus. An automatic responsive email generated by AI, an automatically triggered case update, or a chatbot that provides general information might create the *illusion* that communication has taken place. But the client might still be confused or feel uninformed. Effective communication, as required under SCR 1.4, is not only about the law (although that is essential); it's about human connection, empathy, and responsiveness.

The Human Element

Clients often seek legal representation during stressful periods of their lives.

Whether it's a contentious divorce, a criminal charge, or an injury after a serious accident, the client looks to the lawyer for more than legal theory, jargon, and statutes-of-limitation deadlines. They are seeking reassurance, understanding, and guidance.

During such stressful times, it is imperative that lawyers remember that AI can't "see" emotional grimaces or detect a distressed tone. AI cannot detect the subtle cues of anxiety in a client's voice, nor can it use human intuition to assess nonverbal communication from the client. AI can't know when it is appropriate or necessary to follow up with a phone call to offer additional explanation or simply to let the client know you're in their corner. There is no substitute for the human ability to read facial expressions and body language.

When lawyers rely too heavily on automation, they may inadvertently neglect the "explain matters" and "reasonably consult" components of SCR 1.4. Lawyers might believe they've fulfilled their duties by providing timely updates via client portals or sending out legal summaries. But if those messages fail to resonate with the client – or worse, cause confusion or concern – communication has failed, regardless of speed or volume.

Using AI to Support – Not Replace – Meaningful Communication

That said, AI should not be viewed as an antagonist of ethical communication. When used wisely, it can be a powerful tool in supporting the goals of SCR 1.4. Here are a few examples:

- **Responsiveness:** AI tools can help lawyers respond to client inquiries more quickly.
- **Information Management:** AI can track case progress and deadlines, triggering timely reminders and updates that help attorneys keep clients informed.
- **Clarification:** AI-based writing assistants can help lawyers explain legal concepts in plainer language, improving client comprehension and supporting informed decision-making.

• **Client Feedback Analysis:** Natural language processing tools can analyze client feedback from surveys, emails, and communications to identify patterns, concerns, or areas about which clients are not satisfied.

In all these situations, AI works best as a tool for augmentation, not substitution. The goal should be to free more of the lawyer's time and mental capacity to focus on high-value, human-centered interactions.

Avoiding the Illusion

As the legal industry continues to migrate to widespread use of AI, the Wisconsin Rules of Professional Conduct serve as a constant compass. SCR 1.4 isn't just about formality – it's about ensuring that legal services are delivered with the client as the center of concern. Human communication builds trust and empowers clients while reducing claims and grievances.

Wisconsin lawyers have an opportunity to blend the best of both worlds: using AI to improve efficiency and accessibility while reaffirming their commitment to sincere and clear communication with clients. Lawyers should avoid the illusion that communication has taken place simply because a message was sent. It is important to remember that communication is an act of service and one of the most significant responsibilities of the legal profession. **WL**

ENDNOTES

¹Office of Lawyer Regulation Annual Report FY 2023/2024, <https://www.wicourts.gov/courts/offices/docs/olr2024fiscal.pdf>. **WL**

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