

# IBA & AI

## Artificial intelligence, the law and the legal profession



the global voice of  
the legal profession®



# IBA & AI: Artificial intelligence, the law and the legal profession



- **Presidential Project encompassing all parts of the Association.**
- **Purpose:**

providing IBA members and, more broadly, the legal profession, with relevant and credible guidance and education on issues related to artificial intelligence (AI) from a legal perspective;

positioning the IBA as a significant player on such legal issues. Improving the IBA's profile;

complying with the IBA Strategic Plan in terms of protecting the core values of the profession, improving the offering to our members and educating on developments affecting the legal practice; and

engagement with our members.

# Project management



## Leadership:

**Almudena Arpón de Mendivil Aldama**

*President, International Bar Association*

**Claudio Visco** *Vice-President, International Bar Association*

## Director of the Project:

**Marc Rotenberg** *Executive Director, Center for AI and Digital Policy (CAIDP)*

In charge of the complete direction and supervision of the project. To work jointly with the President, Vice-President and Task Force members.

## Task Force:

- **Lawrence Teh (LPD)** *Immediate past LPD representative, IBA Management Board*
- **Steven Cohen (LPD)** *Co-Chair, IBA Corporate and M&A Committee*
- **Sönke Lund (SPPI)** *Council Member; Immediate past Co-Chair, IBA Alternative New Law Business Structures Committee; Member, ANLBSC Advisory Board*
- **Myra Garrett (SPPI)** *Chair, IBA Section on Public and Professional Interest*
- **Steven Richman (BIC)** *Co-Chair, IBA Bar Issues Commission*
- **Mark Stephens (HRI)** *Co-Chair, IBA Human Rights Institute*
- **Sara Carnegie (LPRU)** *Director, IBA Legal Policy and Research Unit, International Bar Association*
- **Ian McDougall** *General Counsel, Lexis Nexis*
- **Wajiha Ahmed** *Co-Chair, IBA Human Rights Law Committee*
- **Shirley Pouget** *Co-Chair, IBA Human Rights Law Committee*

Task Force members other than the IBA Human Rights Institute (IBAHRI) and the Legal Policy and Research Unit (LPRU) are in charge of directing, supervising and coordinating the work of their respective working group.

The IBAHRI, together with the Co-Chairs of the IBA Human Rights Law Committee, are in charge of providing input to each of the strands regarding human rights protection. The LPRU is in charge of supporting each strand of work and acting as the secretariat of the Task Force.

Ian McDougall will act as an expert advisor to the Task Force.

# Areas of work: Project strands



Three areas of work allocated to three working groups, in addition to broader awareness raising and education for the profession:

1. IBA recommended principles to govern AI regulations across the world. Working group one (WG1) led by the Legal Practice Division (LPD).

2. Report on AI's effects on the legal profession. Working group two (WG2) led by the Public and Professional Development Division (PPID).

3. Guidelines on Best Practice for Bars. Working group three (WG3) led by the Bar Issues Commission (BIC) Vice-Chair, Steven Richman.

Education: large number of sessions held at IBA annual and specialist conferences

Proposed webinar (date TBC) led by the AI and Tech Subcommittee of the IBA Law Firm Management Committee. This will assist lawyers to navigate and optimise use of large language models (such as ChatGPT) and provide them with a greater understanding of the risks and opportunities.

# WG1: Regulation working group (LPD)



**Working group one will discuss and consider best practices and/or a model law for AI regulation.**

## Chair:

**Lawrence Teh** *Immediate past LPD representative, IBA Management Board*

## Vice Chair:

**Steven Cohen** *(LPD) Co-Chair, IBA Corporate and M&A Committee*

## Working group one members:

**Harvey Cohen** *LPD Council Liaison Officer*

**Thomas Kaiser-Stockmann** *Advisory Board Member, Closely Held Companies Committee and Professional Ethics Committee*

**Patricia Hoet Limbourg** *Advisory Board Member, Intellectual Property and Entertainment Law Committee*

**Andrew Nunes** *Chair, Outsourcing and Managed Services Subcommittee*

**Johan Hübner** *Membership Officer, Technology Law Committee*

**Engagement required with all IBA committees and regional fora chairs via questionnaire.**

# WG1: Regulation working group (LPD)



**Working group one will discuss and consider best practices and/or a model law for AI regulation.**

## *Outline:*

A questionnaire to LPD committees and regional fora with key questions on:

- (a) the relevance of diverse stakeholder consultation by lawmakers (with AI industry, tech experts, academia and others) before enacting AI regulations;
- (b) views on appropriate regulatory approach for the area of law of that particular committee/regional fora and whether light-touch or detailed regulation of AI is preferred;
- (c) specific aspects of AI regulation considered as important by the committee/regional fora;
- (d) specific insights on key features of AI most relevant to the current and future legal work activities inviting suggestions on how governments should regulate; and
- (e) language issues.

## *Timeline:*

Launch survey in April: each committee to appoint a representative. Responses by 8 May to prepare position paper in time for the IBA mid-year meeting in Bucharest.

# WG2: AI effects report working group: AI effects on the legal profession (SPPI)

## Working group two will focus on AI's impact on law firms/private practice.

### Chair:

**Sönke Lund** *Member, SPPI Council; Immediate past Co-Chair, IBA Alternative and New Law Business Structures Committee; Member, ANLBSC Advisory Board*

### Vice Chair:

**Derya Durlu Gürzumar** *Chair, AI Working Group, IBA Alternative and New Law Business Structures Committee*

### Division Liaison Members:

**LPD: Martin Schirnbacher** *Advisory Board Member, IBA Technology Law Committee*

**BIC: Riccardo Cajola** *Officer, IBA Bar Issues Commission*

### Working group two members:

**Myra Garrett** *Chair, IBA Section on Public and Professional Interest*

**Martijn Lesterhuis** *Member, Law Firm Management Committee*

**Itzik Amiel** *Immediate past Chair, Business Development & Marketing Subcommittee, Law Firm Management Committee*

**Soledad Atienza Becerril** *Co-Chair, Future of Legal Services Commission; Advisory Board Member, IBA Academic and Professional Development Committee*

**James Harper** *Committee Liaison Officer, IBA Corporate Council Forum*

**Adriana Castro** *Co-Chair, IBA Young Lawyers Committee*

**Christopher Howard** *Immediate past Co-Chair, IBA Academic and Professional Development Committee*

**Justice David Barniville** *Chair, IBA Judges' Forum*

**Anurag Bana** *Senior Project Lawyer, IBA Legal Policy and Research Unit*

**Sara Carnegie** *Director, IBA Legal Policy and Research Unit*

**Stuart Fuller** *AI Working Group Member, IBA Alternative and New Law Business Structures Committee*

**Sean Mason** *AI Working Group Member, IBA Alternative and New Law Business Structures Committee*

**Nuanporn Wechsuwanarux** *AI Working Group Member, IBA Alternative and New Law Business Structures Committee*

**Anup Kulkarn** *AI Working Group Member, IBA Alternative and New Law Business Structures Committee*

**Fernando Davila Bond** *AI Working Group Member, IBA Alternative and New Law Business Structures Committee*

**Alex Birsan** *Chair, IBA Law Firm Management AI & Technology Subcommittee*



## Working group two will focus on AI's impact on law firms/private practice.

The review will address, amongst other things, the following issues:

- 1. The law firm business model:** from a billable hour model to a value-based model
- 2. The role and functions of the different categories of lawyers:** young associates, associates, senior associates, partners, the managing partner and the senior partner
- 3. Law firms' structure**
- 4. Hiring:** only lawyers? Professionals with a technical background?
- 5. Training and education:** internal and external (for new junior lawyers – how are law schools building on generative AI (GenAI) training?)
- 6. Relationship with clients**
- 7. Billing methods and fee levels**
- 8. Ensuring or improving law firms' profitability with the use of genAI**
- 9. Improving work-life balance with the use of genAI**
- 10. Business development and marketing:** data gathering

# WG2: AI effects report working group: AI impact on law firms (SPPI)



## Working group two will focus on AI's impact on law firms/private practice.

### *Outline:*

- Survey sent out to all IBA members, in addition to a large number of group member firms who were contacted directly – notably ones identified as being leaders in AI, as well as law firms of all sizes across different jurisdictions, including in emerging market economies.
- Focused interviews with up to 15 larger law firm AI leads set up in April and May, seeking information about how their firm is using Generative AI and its impact on the law firm's members, structure, processes and business development.
- Literature review exercise conducted to understand law firm and wider legal challenges, including information published by international stakeholders, academic institutions and legal publications.
- Focus group of law firm officers during mid-year meeting in May.

### *Timeline:*

Questionnaire in April, responses by 8 May to prepare position paper in time for the IBA mid-year meeting in Bucharest.

# WG2: AI effects report working group: AI impact on law firms (SPPI)



**Working group two will focus on AI's impact on law firms/private practice.**

## *Education:*

- Webinar (date TBC) held by the IBA Law Firm Management AI & Technology Subcommittee on best use of large language models.
- Up to 15 sessions on AI planned at the IBA 2024 Annual Conference in Mexico City.

# WG3: Guidelines on best practice for bars working group (BIC)



## Deontological and other aspects of relevance for the regulation of the legal profession

Working group three will consider whether the current rules of professional conduct are sufficient or need fine-tuning and provide a resource for member bars to understand the implications and the available tools. It intends to identify key issues that bar associations need/want to know and provide best practices/guidance for how they should address them.

### Chair:

**Steven Richman** *Chair, IBA BIC Policy Committee, US*

### Members:

**Riccardo Cajola** *Officer, BIC, Italy*

**Claudia Amore** *Officer, BIC Colombia*

**Jonathan Herman** *Officer, BIC, Canada*

**John Guerin** *Chair, BIC Regulation Committee, Northern Ireland*

**Dominique Hogan-Doran** *Vice Chair, BIC Regulation Committee, Australia*

**Carlos Valls** *Giró Martínez, Spain*

**Anurag Bana** *Senior Project Lawyer, IBA Legal Policy & Research Unit, UK*

**Hanim Hamzah** *KPMG, Singapore*

**Richard Naidu** *Munro Leys, Fiji*

**Gregory Vijayendran** *Rajah & Tann, Singapore*

**Banke Olagbegi-Oloba** *Adekunle Ajasin University, Nigeria*

**Ian Jeffery** *Law Society of England and Wales, UK*

**Sherry Wallach** *New York State Bar Association, US*

**Paul Mollerup** *Danske Advokater, Denmark*

**Simone Cuomo** *Council of Bars and Law Societies of Europe, Belgium*

# WG3: Guidelines on best practice for bars working group (BIC)



## Deontological and other aspects of relevance for the regulation of the legal profession

**Working group three will consider whether the current rules of professional conduct are sufficient or need fine-tuning and provide a resource for member bars to understand the implications and the available tools. It intends to identify key issues that bar associations need/want to know and provide best practices/guidance for how they should address them.**

### *Outline:*

- a) survey and aggregate what has been done within the IBA;
- b) consider whether there should be amendments either to the actual principles or commentary of IBA International Principles on Conduct for the Legal Profession; and
- c) develop guidance for bars. As we synthesise what is out there, we may want to recommend adding a principle, and not just commentary, to the IBA rules that are specifically compelled by AI.

### *Timeline:*

Position paper in time for the IBA mid-year meeting in Bucharest.

# Project timeline: October 2023 – September 2024



# Key Global AI Activities



- The **EU** reached agreement on the EU AI Act last December 2023, the upcoming law has now been finalised and was endorsed by all 27 Member States on 2 February 2024.
- The **UN** has formed a high-level advisory body to address issues in the international governance of AI. The advisory body will publish its recommendations for the 2024 UN Summit of the Future and feed into negotiations towards the proposed Global Digital Compact. Link: <https://press.un.org/en/2023/sga2236.doc.htm>
- The **UNESCO** has released a publication titled 'Global Toolkit on AI and the Rule of Law for the Judiciary'. Link: <https://unesdoc.unesco.org/ark:/48223/pf0000387331>

- The **US** issued a new Executive Order on safe, secure and trustworthy AI. The Order directs government departments and agencies to evaluate AI technology and implement processes and procedures regarding the adoption and use of AI. The Order also imposes obligations on the private sector and focuses on coordinating government infrastructure on AI policy. Link: <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/10/30/executive-order-on-the-safe-secure-and-trustworthy-development-and-use-of-artificial-intelligence/>
- The **UK** launched the world's first AI Safety Institute, in November 2023, tasked with testing the safety of emerging types of AI. Link: <https://www.gov.uk/government/news/prime-minister-launches-new-ai-safety-institute>. The Bletchley Declaration by countries attending the AI Safety Summit 1–2 November 2023.

- The **World Economic Forum** held its AI Governance Summit in November 2023, where over 200 AI leaders tackled issues around the impact AI could have on jobs, security and the economy. Link: <https://www.weforum.org/events/ai-governance-summit-2023/>
- The **Organization for Economic Co-operation and Development (OECD)** published a policy paper in September 2023 titled 'Initial Policy Considerations for Generative Artificial Intelligence' briefly referring to legal systems in the context of Intellectual Property. The OECD AI Policy Observatory tracks AI developments through a dedicated online repository: <https://oecd.ai/en/>
- The Committee on Artificial Intelligence of the **Council of Europe** is currently working on developing a draft framework convention on AI, human rights, democracy and the rule of law. Link: <https://www.coe.int/en/web/artificial-intelligence/cai>

# Key Global AI Activities (cont)



- The **American Bar Association (ABA)** launched a year-long task force in August 2023 to study the impact of AI on the legal profession and the ethical implications for lawyers. As a part of this project, the ABA has been organising series of webinars, the latest one being titled 'ABA Presidential Speaker Series: Artificial Intelligence – The New Frontier'. Link: [https://www.americanbar.org/groups/leadership/office\\_of\\_the\\_president/artificial-intelligence/](https://www.americanbar.org/groups/leadership/office_of_the_president/artificial-intelligence/)
- **UK Courts and Tribunals Judiciary** AI Guidance for Judicial Office Holders, 12 December 2023. Link: <https://www.judiciary.uk/wp-content/uploads/2023/12/AI-Judicial-Guidance.pdf>

- **New Zealand Courts** Guidelines for Use of Generative AI in Courts and Tribunals, 7 December 2023. Link: <https://www.courtsofnz.govt.nz/assets/6-Going-to-Court/practice-directions/practice-guidelines/all-benches/20231207-GenAI-Guidelines-Judicial.pdf>
- **Solicitors Regulation Authority** released the 'Risk Outlook report: The use of artificial intelligence in the legal market' on 20 November 2023. Link: <https://www.sra.org.uk/sra/research-publications/artificial-intelligence-legal-market/>

- The **State Bar Association of California** Standing Committee on Professional Responsibility and Conduct Practical Guidance for the Use of Generative Artificial Intelligence in the Practice of Law, 16 November 2023. Link: <https://www.calbar.ca.gov/Portals/0/documents/ethics/Generative-AI-Practical-Guidance.pdf>
- The **Harvard Law School** and the Berkman Klein Center for Internet and Society launched an initiative in July 2023 to explore the challenges and opportunities for the legal industry created by the rise of AI, in context with optimising legal services and examining issues of data privacy, discrimination or misinformation among others.