The Reloaded Lawyer

by Ricardo Chacón López-Velarde

IN BRIEF

The adoption of generative artificial intelligence in the legal sector shifts the value of routine work toward strategic judgment, redefining traditional law firm economics and client relationships. Drawing upon Mexican statutory law and international practice, this article examines professional liability regimes concerning errors generated by digital tools, the emerging implications of autonomous agents, and six essential due diligence controls to safeguard legal practice without compromising an attorney's technical judgment.

For centuries, much of the legal profession's economic value rested on information asymmetry. The lawyer knew the law and, above all, possessed the ability to find it, read it alongside relevant case law, and structure it into a compelling argument for their client. That capacity took hours, and those hours were billed.

The arrival of large language models and generative artificial intelligence tools designed for the legal field has placed this first layer of legal work within nearly everyone's reach. Today, a client can obtain in seconds a reasonable summary of a judgment, a comparison of clauses, or the skeleton of a pleading. It will not always be accurate, but it will be plausible, fast, and inexpensive.

Faced with this shift, the profession often responds in two equally mistaken ways. The first is outright rejection: the machine makes mistakes, does not understand the law, and is therefore irrelevant. The second is uncritical enthusiasm: the machine drafts well, so the work can be entrusted to it. The former ignores where the market is moving; the latter, how professional responsibility operates.

My thesis is that artificial intelligence does not replace the lawyer's judgment; rather, it makes it more visible, more necessary, and more valuable. It separates tasks that can be automated from those that cannot, exposing who truly delivers legal judgment. This article examines three questions: how the value of legal services is shifting, who bears liability today under Mexican law when an AI-assisted filing contains errors, and what minimum controls every firm using these tools should implement.

I. The Draft Ceases to Be the Product

© 2026 ECIJA México · All rights reserved

The initial impact of AI on the legal profession is economic. A law firm's traditional structure resembles a pyramid. At the base, paralegals and junior associates devote hundreds of hours to reviewing case files, conducting due diligence in data rooms, researching precedents, and preparing first drafts. Billed under the billable hours model, these hours sustain much of the firm's profitability. This base is precisely what AI automates with the greatest ease. Summarizing lengthy rulings, identifying discrepancies across indemnity clauses or representations and warranties across multiple contracts, or structuring the facts of a complaint are tasks current tools handle in a fraction of the time previously required. Always with oversight, as we shall see, but with a reduction in hours that is impossible to overlook.

Corporate clients are already aware of this. General Counsels and Legal Operations teams scrutinize budgets with an increasingly pointed question: why pay attorney rates for text processing that a tool executes at marginal cost?

The pressure also stems from legal ethics. In July 2024, the American Bar Association issued Formal Opinion 512 on lawyers' use of generative AI. Among other points, it maintains that attorneys billing by the hour must charge for actual time invested rather than the time a task would have taken without the tool. It also affirms that it is unreasonable to charge clients for the time a lawyer spends learning general-purpose technology. While not applicable law in Mexico, it anticipates the conversation our bar associations and clients will inevitably hold.

Where, then, does value shift? Legal tech literature refers to Judgment-as-a-Service, wherein clients cease paying for inputs (research, initial drafts) and pay for judgment. They pay for the strategic reading of a dispute, the design of a legal structure resolving a specific problem, and the stewardship of difficult negotiations. Above all, they pay because an experienced, credentialed, and reputable professional assumes legal responsibility for what is signed.

Beyond the core skill of drafting well, the defining professional competency now includes auditing what a tool generates, spotting its errors, and translating that raw material into a tangible advantage for the client.

II. Who Is Liable Today?

As firms integrate these tools into day-to-day operations, an inescapable question arises: if the tool invents legal precedent, overlooks a mandatory standard, or cites repealed legislation, who is liable?

Under current law, liability rests with the signing attorney.

There is a tendency, fueled partly by commercial rhetoric, to speak of AI as though it possessed agency: "the AI decided," "the AI made a mistake." Legally, such phrasing lacks foundation. An AI system lacks legal personhood, assets, and will. It is an instrument, akin to a database or a legal search engine, albeit vastly more sophisticated. Nor can its error be classified as an act of God or force majeure, as providers themselves warn that these models produce false content disguised under a plausible appearance.

© 2026 ECIJA México · All rights reserved

A known, warned-of risk is never unforeseeable.

Consequently, whoever adopts a tool's output without review and presents it as their own is not answering for the act of a third party, but for their own negligence. Article 2615 of the Federal Civil Code states it plainly: professional service providers are liable to those they serve for negligence, incompetence, or willful misconduct. A lawyer's obligation is one of means, not results. Yet citing non-existent precedent is not merely losing a defensible case; it equates to failing to exercise minimum required diligence. Furthermore, when an unsupervised associate commits such an error, liability extends to the firm that failed to supervise. Hence, an internal AI governance policy is indispensable to evidence proper oversight. In Mata v. Avianca (2023), a New York federal court sanctioned two lawyers who submitted fabricated citations supplied by a chatbot. Since then, courts in Argentina, Colombia, and Chile have imposed similar penalties. It is only a matter of time before this occurs in Mexico.

International standards point in the exact same direction. The EU Artificial Intelligence Act (Regulation (EU) 2024/1689) requires deployers of these systems to maintain sufficient AI literacy regarding operation and risks (Article 4). While not binding in Mexico, it reinforces what our domestic civil legislation already demands: whoever employs a tool must understand and control it.

III. Who Will Be Liable Tomorrow?

All of the above assumes that AI proposes and the lawyer decides. That assumption will not last indefinitely.

The industry is transitioning from question-answering systems to autonomous agents (agentic AI)—systems assigned an objective that independently execute a chain of actions to achieve it. In the legal sphere, developers are already deploying agents that review and redline contracts in real time, negotiate with counterparties, track procedural deadlines and filings, and draft and finalize agreements. It is easy to envision automated procedural actions, all unfolding without human intervention.

When the speed and volume of decisions outstrip real human capacity for review, the legal fiction that "the lawyer always supervises" will begin to fracture, raising questions statutory law has yet to settle:

- Will liability remain solely with the attorney who deployed the system, or must scrutiny turn toward the developer who engineered and commercialized it?

- When AI systems act generatively, communicate with one another, self-direct, or even exceed their creators' parameters, who will be held responsible?

- Can an autonomous agent be categorized as an ultrahazardous mechanism? Article 1913 of the Federal Civil Code establishes strict liability for anyone operating inherently dangerous mechanisms, instruments, or apparatuses, even when acting lawfully. That underlying rationale will inevitably be tested against systems operating with full autonomy and independence.

© 2026 ECIJA México · All rights reserved

● Is a system error a product defect? Europe has already moved in that direction. The revised Product Liability Directive (Directive (UE) 2024/2853) expressly includes software, including AI systems, within the definition of a product. In contrast, the European Commission withdrew its proposed AI Liability Directive. Rather than establishing a novel regime, European legislators chose to adapt existing frameworks.

Definitive legal answers to these questions do not yet exist, and likely will not arrive quickly. Consequently, the debate will first unfold through judicial interpretation, with attorneys and judges applying century-old civil codes to twenty-first-century dilemmas. We must begin constructing those arguments today to inform the broader legal discourse.

IV. Six Minimum Controls for Diligent AI Use

If liability rests squarely on the attorney, the practical inquiry is how to discharge the duty of diligence effectively.

First, we must dispel the myth that the future lawyer will merely be a "prompt engineer." User interfaces are improving rapidly and demand ever less technical skill to formulate instructions. The vital skill is auditing the machine's output with rigorous scrutiny.

I propose six minimum controls that any law firm should require before AI-generated content is released to a client, court, or administrative authority.

1. Verify That Citations Exist

Large language models do not query databases; they calculate what text is statistically probable next. Consequently, they can generate precedents complete with case names, docket numbers, and issuing tribunals that appear entirely authentic yet are completely fabricated. Every statutory provision, ruling, precedent, or scholarly reference must be independently validated to confirm its existence, accuracy, and verbatim alignment.

2. Confirm Currency in Official Sources

AI tools operate with fixed knowledge cut-offs, whereas law evolves constantly. One need only consider the binding precedents that will emerge from Mexico's newly constituted Supreme Court. Cross-referencing against the Official Gazette of the Federation, local state gazettes, and the Federal Judicial Weekly is mandatory, particularly to verify whether a precedent has been overturned, superseded, or modified.

3. Safeguard Client Confidentiality and Data

This represents the greatest regulatory and reputational risk. Entering party names, litigation strategies, financial information, or trade secrets into public-facing tools can compromise:

● The fundamental duty of client confidentiality.

© 2026 ECIJA México · All rights reserved

● Data protection regulations, with particular sensitivity around personal and sensitive data.

● Criminal provisions concerning breach of secrets: Articles 210 and 211 of the Federal Criminal Code impose aggravated penalties when professional service providers disclose trade or professional secrets.

Accordingly, firms must:

● Anonymize all data before inputting it into any tool.

● Deploy enterprise-tier solutions featuring contractual zero-data-retention guarantees and explicit prohibitions against using firm data to train models.

● Establish written internal AI governance policies clearly delineating what classes of information may never be uploaded to any platform.}

4. Identify What the Tool Left Unsaid

Given how they are trained, models gravitate toward the most frequent answer: mainstream interpretations, majority holdings, standard clauses. In high-stakes practice, however, matters are often won on exceptions—an isolated ruling, a procedural nuance, or an unasserted constitutional reading. An attorney who passively accepts automated summaries inherits a statistical bias toward the ordinary; their job is to discern what was left out.

5. Conduct a Comprehensive Review Prior to Execution

The ease of generating an eighty-page agreement invites superficial reading. Yet poorly coordinated clauses, inconsistent definitions, or arguments contradicting earlier assertions are errors tools produce naturally and opposing counsel will exploit. To sign is to adopt a document as one's own, demanding rigorous structural analysis of the whole.

6. Maintain Client Transparency

Clients are entitled to understand how their legal matters are handled, particularly if their data will be processed through AI systems. Transparency regarding tool usage, security protocols, and billing adjustments mitigates risk and reinforces institutional trust. A firm capable of articulating a clear AI policy projects governance and control; one that conceals it communicates the reverse.

These six controls represent the modern application of the diligence the legal profession has always demanded.

Judgment as a Competitive Advantage

The legal services market will realign, doing so faster than many expect. Firms resisting these tools will struggle to justify cost structures before sophisticated clients mindful of technological efficiencies.

© 2026 ECIJA México · All rights reserved

Those adopting them recklessly, lured purely by time savings, face severe malpractice exposure, client claims, and reputational injury that no efficiency gain can offset.

Between these extremes stands the reloaded lawyer: a practitioner who views AI as a tireless, rapid assistant with expansive information retrieval capabilities, yet prone to confident hallucinations, requiring constant oversight and critical interrogation. This professional delegates processing while steadfastly retaining legal judgment.

AI will test legal judgment and make plain who genuinely possesses it. For practitioners exercising it with discipline, AI stands as the most promising development the legal profession has seen in recent times.

CONTACTS



Ricardo Chacón
Managing Partner
rchacon@ecija.com

info@ecija.com · T +52 55 5662 6840

The information contained in this article is of a general and purely informative nature. It does not constitute legal advice on specific matters and should not be used as a substitute for consultation with a qualified legal advisor. For specific inquiries, we invite you to contact our professionals.

© 2026 ECIJA México · All rights reserved