

Partner, AI, Associate: The New Hierarchy in Legal Practice

Tess Hardesty

The legal field has drastically changed with the introduction of artificial intelligence, including *within* the associate role. For decades, traditional associate tasks like document review and deposition summaries formed the associate's early career training. Today, these tasks are at times being passed on to AI, and associates are being asked to use this ever-evolving technology, often with varying degrees of guidance. This shift creates a new dynamic where technology sits between partner and associate. Associates must now balance gaining necessary legal skills and developing client trust, while maintaining their ethical duty to keep abreast of the use of AI in their legal practice.

Legal Skills: Reimagining Mentorship

Traditional associates could expect countless deposition summaries, legal research projects, document review and legal drafting to hone their early career skills. However, these and other tasks that once defined an associate's early career are increasingly being at least partially automated by AI.

Partners at some firms commonly give young associates the task of summarizing depositions for the purpose of developing

an associate's skills, often allowing them to learn from a variety of attorneys on how to approach depositions (or how not to) and being able to integrate a deponent's deposition testimony into the larger picture, whether it strengthens or weakens the case or how the deponent will present to a jury. However, with the increasing use of AI, many court reporter companies are sending AI summaries of the depositions with deposition transcripts. These AI deposition summaries often effectively summarize the narrative but lack the capacity to evaluate the witness and see how the testimony will impact the nuance of a case.

As a first-year insurance defense associate at my prior firm, one of my first tasks was drafting a deposition summary in a medical malpractice case for an attorney who had practiced medical malpractice for more than 16 years. While the task seemed mundane at first, this deposition showed me how the partner structured deposition questions, developed rapport with the deponent and handled objections. Following my attempt at a summary, the partner sat down with me to discuss the tiny details and nuances of the testimony and how those impacted the case.

That conversation gave me a picture of more than 16 years of experience and knowledge passed down through one conversation opened by a deposition summary.

This loss of unintentional learning creates a gap in traditional legal mentorship. If AI handles routine legal tasks, associates risk missing out on the foundational exposure that built previous generations of lawyers. To bridge this gap, law firms must replace passive learning with intentional mentorship. Partners can no longer rely on administrative delegation as a proxy for teaching; instead, they should engage associates directly by redlining AI drafts, evaluating prompt outputs and integrating these into trial strategy. Firm leadership cannot depend solely on traditional associate tasks to develop associates; partners must take deliberate action in developing those core skill sets while guiding associates on how to effectively leverage AI as a tool.

Developing Client Trust: Privilege, Misinformation and Intake

One of the most dreaded things a modern lawyer can hear during a client meeting is "AI said..." While this frustration seems

like a minor transgression or annoyance on its face, a client consulting AI may have a lingering impact on their case. Attorneys now face an additional hurdle when building client trust: convincing clients to seek professional legal counsel before turning to AI.

In February 2026, two significant opinions were released regarding a party's use of AI. In *United States v. Heppner*, Judge Jed S. Rakoff (S.D.N.Y.) held that when a represented criminal defendant communicates with a publicly available AI platform regarding a pending investigation, those communications are not protected by attorney-client privilege or the work product doctrine. In contrast, in *Warner v. Gilbarco*, Magistrate Judge Anthony P. Patti (E.D. Mich.) held that defendants could not seek production of all documents and information concerning a pro se plaintiff's use of a third-party AI tool.

A key distinction between these two cases is the involvement of a licensed attorney. In *Heppner*, the defendant communicated with an AI about his case without the direction of his counsel, resulting in the communication not being privileged. In *Warner*, the pro se

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litigant used AI specifically as a functional part of their drafting process and the resulting work product was protected from discovery. Additionally, the “role” of the AI itself was a major factor. In *Warner*, AI-assisted drafting was viewed as protected work product because the court determined that AI is a tool, which included the plaintiff’s internal analysis and mental impression. However, in *Heppner*, Judge Rakoff held that using AI was equivalent to disclosure to a third party and thus destroyed privilege, due to the platform’s privacy policy and third-party terms of service.

These cases demonstrate the possibilities of how a client’s AI usage might waive privilege. As a result, there may be major shifts in discovery as “AI usage” and chat histories become standard discovery requests. This leaves attorneys with the battle of attempting to develop trust with their clients, so the client does not accidentally waive privilege by consulting AI. Attorneys will also have to be prepared to explain to prospective clients why AI may not be correct on various legal topics, such as hallucinated case law or AI applying law from another jurisdiction which is not binding on the present case.

To mitigate these risks proactively, law firms should integrate practical AI safeguards directly into client intake:

- **Updated Intake Forms:** Question prospective clients early: “Have you inputted any facts, documents or questions regarding this legal matter into an AI chatbot?”
- **Privilege Counseling:** Have clear intake discussions explaining that entering confidential facts into public AI tools may destroy attorney-client privilege.
- **Constructive Consultation:** Instead of dismissing client-provided AI research outright, use those moments to explain specifically why the AI’s legal analysis fails under Kentucky law, reinforcing the lawyer’s strategic value.

Maintaining Ethical Duty: Professional Duty Meets Generative Tech

Many individuals who are part of Gen Z are against the use of generative AI due to its negative impacts. While older generations

tend to see the only cost of AI as energy, Gen Z has homed in on the impacts generative AI has had on the environment from massive data centers to water usage. Additional voiced concerns with the use of AI include erosion of critical thinking, data privacy, elimination of jobs and impact on marginalized communities.

This creates a unique tension for associates entering the profession: while many young lawyers harbor personal, environmental or ethical hesitations about AI, their ethical obligations leave little room for total avoidance. Balancing personal convictions with professional duties is becoming a defining feature of early career practice as bar associations begin treating AI literacy not as a novel skill, but as an ethical requirement.

The Kentucky Bar Association has specifically released an ethics opinion stating that attorneys have an ethical duty to keep abreast of the use of AI in the practice of law. The Kentucky Bar Association identifies several suggested benefits of AI for lawyers, including streamlining research, reviewing large volumes of documents, predicting case outcomes and reducing legal expenses to the client due to accelerated research and document preparation. KBA E-457.

Most notably, the Kentucky Bar Association states:

There are many AI resources now available to the lawyer, and there is much discussion about what AI resources are on the horizon, therefore as AI tools become more refined, and their use in the legal profession becomes more widespread, lawyers need to be aware that not using an available AI tool may constitute a failure to meet the lawyer’s duty of attaining and maintaining competence under Rule 1.1.

KBA E-457

This ethical duty connects directly to several fundamental Rules of the Kentucky Supreme Court:

- Supreme Court Rule 3.130(1.1) (Competence): Maintaining legal competence now requires attorneys to understand the benefits and risks associated with relevant legal technologies.
- Supreme Court Rule 3.130(1.6) (Confidentiality): Attorneys must ensure client data is protected from unauthorized

disclosure, ensuring client facts are not fed into public AI models that store or reuse data.

- Supreme Court Rule 3.130(5.3) (Responsibilities Regarding Nonlawyer Assistance): AI tools must be supervised much like non-lawyer personnel, meaning attorneys bear ultimate ethical responsibility for verifying all case citations and legal claims before filing.

Practical Takeaways for Kentucky Partners and Associates

As the legal profession continues to develop due to AI, both firm leadership and associates must take an active role in keeping pace with these developments.

For associates: View AI as a tool, not as a surrogate for legal work. While AI can assemble facts into narrative or draft summaries, an associate’s value lies in their ability to critically analyze the case, recognize the subtle nuance that changes a case, and offer the human empathy that clients seek. Associates should master prompt structure, rigorously verify every primary source and embrace their role as critical editor and strategist.

For partners: Evaluate delegation and mentorship within your firm. With the rise of AI’s ability to handle traditional associate tasks, partners face the hard balancing act between current business benefits and associate development. Partners must consider how to increase efficiencies by streamlining services when possible, but they also have a

duty to ensure the future of their firm and the legal field, by helping to develop an associate’s skills. Partners may need to work with associates to learn how to best take an active role in learning how to use AI as a tool, instead of utter reliance. Partners should implement firm-wide AI policies, rethink billable evaluation metrics and actively include associates in strategic case reviews.

Conclusion

AI will never truly replace the associate, but it has begun to redefine the role and will continue to do so. While it may seem like a fight between AI and associates, AI is a tool that can be used for the advancement of an associate’s career, if both associates and partners take the time to understand the influence AI is having on the modern associate. The modern associate must step into the role of editor, strategist and trusted attorney earlier in their career. By balancing technological competence under KBA E-457 and Supreme Court Rules with the irreplaceable human judgment of legal practice, associates can ensure that AI remains a tool rather than a substitute.

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RED MASS

CATHEDRAL OF THE ASSUMPTION
433 South Fifth Street, Louisville
Wednesday, September 30, 2026 | 12:15 p.m.

Archbishop Shelton J. Fabre of Louisville will preside over the Mass.

Father Thomas J. Reitmeyer of Austin, who serves as the diocesan vicar general and a judge in the Diocese of Austin Tribunal will preach the homily.

The Red Mass is a Catholic liturgy, but a warm invitation is extended to all of those working in the legal profession

