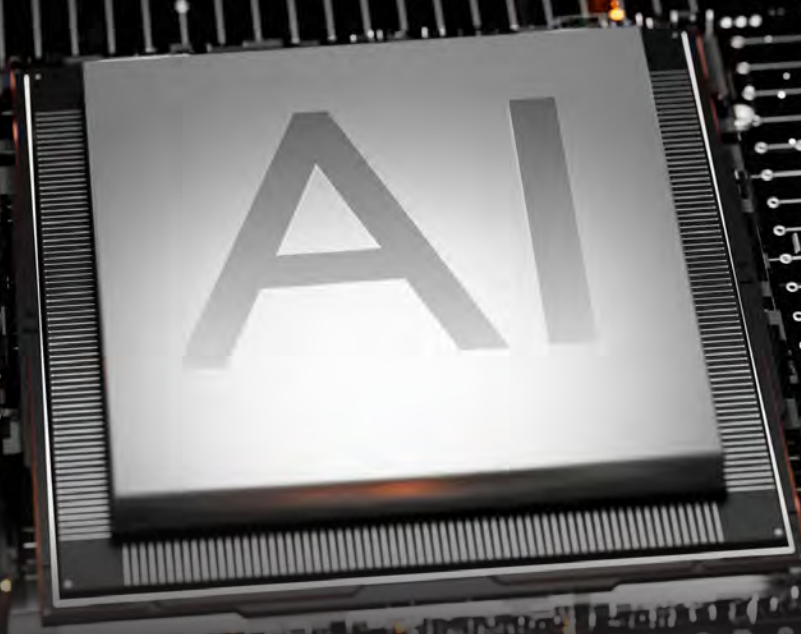




WHAT'S NEW IS OLD AGAIN

AI Is No Different Than Anything Else



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Most agree that the next five to ten years will drastically change the way professionals do business. With the rise of artificial intelligence (AI), they will be searching for the proper means and methods to incorporate these tools into the everyday work they perform for clients. Questions continue to emerge about how, where, and

to what extent such new technology should be integrated, as well as how ethical and legal standards might need to adapt. While there is no doubt that new questions will arise and nuance will be needed to incorporate AI into professional work, it is equally true that most "old" professional standards and ethical guidelines will remain relevant.

In other words, existing standards will still provide valuable direction as professionals begin using AI in their work.

AI LIMITATIONS: FLAWS AND CONCERNS

Across professions, it's clear that as regulators begin to address AI, they are largely

applying existing regulations to this new technology.

For example, the Illinois Supreme Court recently applied existing rules and ethical obligations when analyzing the use of AI for Illinois lawyers. It created no “new” framework for the technology. Instead, lawyers are asked to offer training and develop internal policies on proper AI use and supervise staff and younger professionals when they use AI. Legal professionals are obligated to manage and supervise the output to ensure accuracy and compliance of work product regardless of whether they do the actual work themselves.

AI users—including professionals—are constantly reminded that data outputs may be flawed. Professionals are ultimately responsible for confirming the accuracy of the information produced by AI and coming to conclusions and making decisions on their own. Considerations for professionals to take into account include understanding the source and circumstances surrounding the data. For example, bias and discrimination are known drawbacks of using AI. In addition, output from AI can be expensive. Most importantly, however, is that AI results may be inaccurate or incorrect. Professionals should therefore use their best judgment to determine whether output is reliable, complies with professional obligations, and properly meets the client’s needs. Professionals can most effectively use information or data obtained through AI by understanding this limitation.

Another consideration for AI use as a professional is the client’s perspective. Some clients may be apprehensive about the prospect and flat out refuse its application, no matter how positive the potential outcome might be. So, best practices dictate that clients should be regularly apprised of the use of AI in their matters, which allows for transparency and ethical use. Again, across professions, the guidelines remain the same: Keep the client regularly informed of the work and processes used. AI should be treated no differently.

Another concern with AI use is the potential input of the client’s and/or professional’s data or information into the AI system. This can and does raise privacy, security, and intellectual property concerns. However, disclosing this type of information to AI should be viewed and treated like any other disclosure: with proper communication and consent of the client and as many safeguards in place as possible. Similarly, cybersecurity risks and considerations resulting from AI should be treated with the same processes and diligence as any other technology-related issue.

Lastly, there are concerns that nonpro-

fessionals may rely on AI to address issues that have traditionally been within the purview of a licensed professional. While this is a valid issue, it is no different than other forms of unauthorized practice of a regulated profession, such as the unauthorized practice of law. Professionals must continue to monitor their unlicensed colleagues to ensure no ethical issues arise, just as they did prior to the introduction of AI in the workplace.

Like any type of technology, if a professional utilizes AI in their work, a clear, detailed policy should be in place that outlines the scope of its use. This is beneficial for clients as well as employees, minimizes risk, and creates expectations that everyone understands.

SPECIFIC PROFESSIONS ARE NO DIFFERENT

The above outlined some broad considerations regarding professionals using AI. Its impact on specific professions further supports the idea that AI can, in many cases, be treated like any other new emerging issue in any given field.

For example, design professionals deal with protected information, such as copyrighted designs. These rights must be carefully considered and protected, just as they were before the introduction of AI. Yet AI creates new concerns and raises new questions, such as whether protected designs should be used in conjunction with AI. Clear-cut answers do not exist, but the professional should make an informed decision on how to balance intellectual property rights with the use of emerging technologies. Design professionals can also be aided by having AI perform calculations. Just like any other assistive device, however, professionals should use caution and remain responsible for verifying the accuracy of the final work product.

Accountants and other financial professionals can likewise benefit from AI to perform their roles more efficiently. For instance, AI can analyze information for regulatory compliance as well as professional or government standards. As discussed above, care and caution should be used when inputting such source information into AI, and the output should be reviewed and verified. Once again, we see old standards applying to new technology.

Real estate professionals are another group for whom AI use carries specific implications. Realtors and those involved in property management, for example, might benefit greatly from using AI in targeted marketing efforts. In doing so, however, they risk confidential information and AI bias in the output they receive.

Nevertheless, these outputs are at their core no different than any other avenue used for marketing and lead generation. The real estate professional must ensure accuracy, legal compliance, and ethical compliance.

Property managers can leverage AI to help manage tenant communications, risk assessments, and even energy efficiency. As with other non-AI methods of handling these tasks and analyses, the same safeguards, risks, and responsibilities apply. AI can be an effective tool to streamline tenant interactions and resolve issues, but it cannot operate without oversight. Communications must be checked and verified to ensure there are no issues, such as discrimination, unintended bias, or problematic actions. In this context, AI can be viewed as a junior employee at the company: They can do a bulk of the work, but the final product must still be carefully reviewed by senior management before it goes out the door.

AI can even play a role for professionals before they have entered their respective fields. Research has shown that it can assist in preparing for a licensing exam by anticipating questions, helping with study guides, and collating information. These tools can simplify the preparation process. However, while it may be a helpful study tool, the student still needs to study and digest the information to succeed.

KEY TAKEAWAY: TRUST BUT VERIFY

Although technology might change the way professionals do business, their core responsibilities and obligations—professional, legal, and ethical—remain largely the same. AI introduces new risks, particularly when it comes to protecting confidential client information, but it does not alter the underlying duty to safeguard sensitive information. In an era of increasing AI use, the principle of “trust but verify” remains as important as ever.



Ken Perry is a partner at [Amundsen Davis](#) and chair of the firm’s Professional Liability Service Group. He defends professionals against malpractice claims across industries—including legal, architecture, engineering, insurance, accounting, real estate, and construction—and corporate clients against allegations of fraud, conspiracy, breach of fiduciary duty, and misrepresentation.