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CREATING YOUR AI STRATEGIC PLAN

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In my last column, "AI Adoption Should Start With a Strategic Plan," I supported the title with point after point. Let me remind you of a few of the most important:

- Having a strategic plan creates the guardrails for compliant use, training, and oversight. It changes a firm's position from one of reactive damage control to one of strategic damage prevention.

- AI can change how work is assigned, reviewed, billed and supervised. Strategic planning allows firms to redesign processes intentionally, rather than disrupt them accidentally.

- Strategic planning should include thoughtful discussions enabling the firm to align any client-facing AI use with client expectations regarding efficiency, disclosure, communication and billing practices.

- AI implementation does not change a lawyer's ethical duties. It requires firms to be more intentional about how those duties are met.

- Firms that treat AI as a strategic operational decision are better positioned to harness its benefits while lowering risk of inconsistent use, ethical missteps, unmanaged costs and exposure to malpractice or disciplinary issues.

I promised that article would follow up with a checklist your firm can use to create your own AI strategic decision-making plan. So, let's get started! Let me start with a disclosure that a long interactive chat with ChatGPT was utilized to help me create this strategic plan.

The following are questions designed to be discussed internally by firm leadership, management committees, and/or practice group leaders *before* selecting or deploying AI tools. Keep in mind that these discussions should also frequently solicit feedback from those who will actually *use* the tools. And in some cases, client feedback should be obtained as well.

1. Determine your purpose and alignment with firm goals

- What specific problem(s) are we trying to solve?
- Which of these factors heavily influence our interest:
  Efficiency?
  Quality control / consistency?
  Client service?
  Profitability?
  Staff reduction?
  Risk reduction?
  Other?
- Does the tool support the firm's or department's strategic goals, or is it solely for individual convenience?
- If we do nothing, what problem(s) remain unsolved?

2. Define scope of use

- Who will use this tool:
  Partners?
  Associates?
  Staff?
  All?
- Will this tool be used for:
  Internal research or drafting?
  Client-facing work product?
  Administrative, operational or other back-office functions?
- Are there possible uses of the tool that should be prohibited or restricted?

3. Vendor and tool due diligence

- What data will be input into the tool?
- Does the vendor use our prompts or our data to train its model?
- Where is the data stored and who has access to it?
- What are the vendor's methods to secure and backup our data?

- What safeguards and redundancies does the vendor have to remain functionally operational in the event of an unexpected exploit, disaster event or hardware failure?
- What happens to our data if we no longer use the tool or if the vendor ceases to operate?
- Is the vendor adequately capitalized? Do we feel comfortable they will be in business long enough for us to achieve a return on investment?
- Can we confidently explain this tool's data handling if questioned by a client, court or regulator?
- Has someone at the firm who is qualified (or an outside attorney who is qualified), read and evaluated the Terms of Use, Privacy and any other agreements?
- What training will be required before use?
- How will the firm ensure that users are sufficiently trained to understand what the tool does well, what the tool cannot do, when human judgment must be applied or when to override AI output?
- How will future competence be maintained as the tool is upgraded?
- Have a sufficient number of potential users seen a detailed demonstration of the tool's capabilities and been able to ask and receive answers?
- Has the firm checked with other law firm users (references) of the tool to confirm they are actually using the tool and it is performing as expected?
- What is the cost, including licenses, training and support?
- Has the firm examined competing products to assess which might provide the best price/performance/risk-reduction solution?

4. Professional responsibility and risk assessment

- How does use of the tool implicate our duties under Rules 1.1, 1.3, 1.6, 5.1 and 5.3?
- What safeguards must we put in place to prevent:
  Hallucinated or inaccurate legal authority?
  Overreliance without independent lawyer review?
- Who will write any necessary AI policies or guidelines?
- Who is responsible for oversight and accountability? How will the AI-assisted work be reviewed and supervised?

- Should clients be informed about AI use in their matters? If so, how will this be accomplished?
- How will AI use affect how we bill for work or describe our services? Have we researched any industry standards we need to consider?
- Who will approve any expanded use of the tool?
- How will we address unauthorized or improper use?

5. How will we define and identify success?

- Have will we identify what success looks like?
- How will we measure value in terms of time saved, error reduction, increased client satisfaction, improved profit or risk mitigation?
- Have we explored how this tool will change existing workflows? Have we accounted for how it may shift work from one role to another?
- Have we reviewed changing expectations for turnaround time or staffing levels and ensured that it is effectively communicated internally?
- How often will we examine whether use of the tool remains successful?
- What is the least amount of time we will work with the tool before we reconsider or discontinue use?

Consider the above a strong starting point. I have no doubt that readers will suggest changes and additions after this article is published. And as our legal industry continues to incorporate AI tools into daily law firm life, so too, will the above strategic planning tool evolve.

Remember, no plan at a firm is forever. Whether it's a marketing plan, a disaster recovery plan or a technology plan, none can be created and then put on a shelf to collect dust. These are living, breathing documents. We must remain cognizant of new laws, ethical opinions, client expectations, newsworthy mistakes and marketplace shifts and regularly re-examine our plans for necessary course corrections.

A version of this article originally appeared in the March 16, 2026 issue of Pennsylvania Bar News.