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Governing legal chatbots: Ethics, professional responsibility and liability in comparative perspective

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Client intake, information retrieval, document assembly, and litigation assistance, among other legal functions, have seen deployment of Artificial Intelligence legal chatbots in legal care delivery. With substantial legal efficiency and access to justice improvements, these tools also pose major legal, ethical, and liability risks. Unlike other legal technologies, legal chatbots lie at the crossroads of the practice of law, consumer protection and automation; oversight of which can have negative legal consequences. This work looks at the legal, ethical and liability issues of legal chatbots in the EU, the USA and the UK. It contends that the existing governance approaches are sub-optimal to the unique challenges posed in these chatbots. It demonstrates the EU is gravitating to a compliance-and-liability regime through the Artificial Intelligence Act and revised Product Liability Directive, whereas the US and UK have a predominantly self-regulating professional quartet, with tort, and consumer protection law. This paper advocates for ‘accountability by design’ which contemplates design, deployment, and practice of law responsibility principles through the lifecycle of a chatbot.

KEYWORDS: AI Regulation, Artificial Intelligence, Comparative Law, Legal Chatbots, Legal Ethics, Product Liability, Professional Liability

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Introduction

There is perhaps no area of service which has seen as much change as that in which artificial intelligence (AI) has been implemented as in the legal profession, where the most striking examples of transformation are legal chatbots. These are multifunctional, responding to different legal queries, from providing basic legal information to generating legal documents, determining legal eligibility, and advising petitioners on the particulars of their concerns. These chatbots are now used in almost all venues because of their economic value, their possibility for scalability, and their ability to meet the adequacy and affordability legal needs of clients in circumstances where legal services are expensive and out of reach (Rajendran et al., 2024; Misquitta et al., 2024).

There is an increasing deployment of legal chatbots. The development of “ChatKanoon”, for example, a multilingual AI chatbot tailored for the Indian legal system, exemplifies the transformative role of AI in democratizing legal information and enhancing the efficiency of legal procedures in developing countries (Shaikh et al., 2024). Furthermore, the “Law Chatbot”, is another AI-powered conversational agent, provides instant legal advice and resources across various legal topics, demonstrating the potential of AI to revolutionize access to legal expertise (Misquitta et al., 2024).

However, there are challenges around the utilization of legal chatbots that are not present with traditional legal technologies. (Singh, 2024) (Nasir, 2024). For a long time, the provision of legal advice was regarded as tightly regulated for such reasons as the need for licenses, fiduciary duties, confidentiality, and ethics (Hamer, 2023) (Sitorus, 2018). Legal chatbots function in a quasi-legal advice capacity, yet are not theoretically covered by any established professional regulations (Curran, 2017). Apart from the serious risks of providing faulty legal reasoning, legal chatbots create and exacerbate the challenges of practicing law without a license, the risks of managing sensitive personal information, and the legal and financial liabilities created by unreasonable outputs. (Misquitta et al., 2024), (Nasir, 2024).

The AI legal chatbot sector poses new risks for law and ethics. However, AI-driven legal conversational agents have remained largely unregulated and unaccounted for. Although there have been new attempts at regulation, they remain non-implementable. These attempts at regulation and coverage are still largely theoretical and prescriptive, since they are not capable of AI. They apply AI consumer protection law and apply elements of tort law whose paradigms do not fit AI systems. As AI systems provide legal advice, users are influenced in their decision, and procedural fairness and access to legal remedies are at risk.

Lastly, the final issue to be discussed in the article is the alienable absence of legal frameworks that would fuse technological advancement in legal services to ethics and accountability in the distribution of liability. The research on AI and legal services has mostly focused on efficiency and automation, particularly on how technology can help close the justice gap. AI's ability to lower costs, streamline legal service delivery, and transform legal service provision are foundational and important contributions to this field (Susskind, 2019). This scholarship has examined the impact of AI on the legal profession, but mostly from a structural perspective. This future-oriented or functional approach tends to ignore the most important legal risks of AI systems purporting to offer legal advice or advisory services. Such legal risks include those arising from the conversational nature of legal chatbots and the personalization of legal outputs they generate, which remain under-theorized. The ethical risks of AI systems, including a lack of transparency, bias, and accountability, have been studied more (Floridi et al., 2018). In the context of law, such studies identify ethical framework principles rather than how they apply to specific AI use cases. This is largely why AI ethics frameworks in law are weak. They do not identify the legal standards which must be met, or the professional and ethical legal duties that must be satisfied in specific contexts. This is why legal ethics largely ignore how such legal systems can and should be made liable when legal chatbots cause harm.

Liability-oriented research remains underdeveloped specifically on conversational AI systems that function externally to the conventional professional-client nexus. There is a tendency to focus on autonomous systems in the context of product liability, self-driving vehicles, and algorithmic decision-making administration, and to neglect AI-related tools in legal service provision. This raises issues on fault, standard of care, and the distribution of responsibilities, as legal chatbots create erroneous outputs and legal professionals deploy and develop them.

Comparative legal scholarship illustrates the degree of fragmentation in the regulatory landscape of the different jurisdictions. In the European Union (EU), there is an emphasis on ex ante regulation and

systemic risk mitigation as a core governance approach on the construction of comprehensive frameworks on AI, as advocated by a precautionary approach that aims to safeguard fundamental rights (Veale & Borgesius, 2021). In the United States (US), however, there is an emphasis on ex post regulation, specifically on the tort law and consumer protection and professional discipline frameworks that address the harms of AI (Citron & Pasquale, 2014). In the United Kingdom (UK), there is a principles-based regulatory approach which focuses on professional responsibility and oversight, rather than AI regulation (Solicitors Regulation Authority, 2023).

The study's objectives are threefold:

First is a critique of the regulatory approach of the various jurisdictions concerning the treatment of legal chatbots, focusing on the AI-specific legislation, the rules of professional conduct, and the consumer protection provisions.

Second is to assess the ways in which legal chatbots are affecting the ethical obligations owed by lawyers in their professional roles, which obligations include the duty of competence, duty of confidentiality, duty of supervision, and duty of verification.

Finally, the article aims to propose a balanced model of liability for the allocation of the respective roles of the developers and deployers of technology, together with the legal practitioner, that suffices the calls of equity, deterrence, and certainty in law.

2. Conceptualizing Legal Chatbots

Prior to analysing the potential regulation, ethics, and liability considerations, one must understand what is meant by the term "legal chatbot" and what its functions and legal parameters are. The term is used often in both the academic and policy realm to apply to a broad category of AI systems; however, these applications may differ greatly in their objectives, technological sophistication, and legal consequences. It is, thus, important to properly differentiate legal chatbots from other kinds of legal technology, and to examine their potential regulation, ethical implications, and liability concerns.

2.1 Definition and Scope

As understood, a legal chatbot is an AI-enhanced conversational agent that communicates with users by capturing and processing factual queries and providing responses related to the users' legal rules, rights, duties, legal procedures, and/or available legal actions. Legal chatbot comes in many types, as one can see many types such as: Closing the Legal Knowledge Access Gap: Legal chatbots take center stage in efforts to close the knowledge access gap for people in marginalized groups: they provide culturally competent legal assistance and referrals to legal aid sponsors (Sudha et al, 2024), (Queudot et al, 2020), thus contributing to social justice and social equity.

Assistance in the Preparation of Legal Documents: Legal chatbots clarify legal jargon and provide templated legal documents to users and make legal document preparation easier. This decreases the legal dependency and decreases the accuracy related issues (Atharva-Avinash-Mahajan et al, 2025).

Support for Particular Areas of Law: Legal chatbots can be custom designed to serve in particular areas of law such as immigration, or law related to banking, thus serving a specialized purpose to users in those areas (Queudot et al, 2020).

Enhancing Legal Literacy: By rendering legal information readily accessible, chatbots advance legal literacy among the broader population, empowering individuals to adeptly navigate legal systems (Misquitta et al., 2024) (Samiksha, 2024).

This definition restricts the concept to systems that may affect users' legal awareness, alleviation of legal problems, or legal compliance, and thus excludes other applications of administrative or operational process automation, such as appointment scheduling or document management systems.

Advances in chatbots used in the legal profession are a result of the advancements in artificial intelligence and natural language processing within the legal industry. The first iterations of legal chatbots date back to the rules-based expert systems of the late 1990s and early 2000s (Madhi & Mustafa, 2024)(Aishwarya et al., 2025). These systems attempted to assist in petty legal exercises such as tax compliance and social benefit eligibility and were programmed to employ a decision tree within a set of legal rules. A legal bot of this level of quality lacked the interactivity and flexibility to adjust to more complex legal problems. The development of legal chatbots

and conversational interface systems intended for the legal aid and commercial sector consumer interfaces was to assist users navigating through standardized legal documents and provide other basic instructions (Queudot et al., 2020). These systems were typically termed chatbots, which were overly restrictive characterizing them more as information systems and systems lacking in legal advice and direction. Its worth mentioning that Legal chatbots, have emerged as innovative tools designed to enhance access to legal information and services, providing users with instant advice across various legal domains (Misquitta et al., 2024). This development is rooted in the historical context of chatbots, which began with early systems like ELIZA in the 1960s, evolving through advancements in natural language processing and artificial intelligence (Madhi & Mustafa, 2024) (Zemčík, 2019).

There were important changes in the field of legal technology with the development of legal technology based on machine learning, natural language processing, and more recently, with the development of large language models. (Misquitta et al., 2024; Qiqieh et al., 2025; Chauhan et al., 2024; Abou Adel, 2022). Legal chatbots began responding to user queries without being limited to programmed questions. Modern legal chatbots can provide tailored legal information, draft legal documents like contracts and pleadings, and assist with tasks related to legal representation (Atharva-Avinash-Mahajan et al., 2025). The advancement in the development of legal chatbots has made such systems more useful and has also created more legal liability, as the systems can now create outputs which may impact the user's legal rights, legal duty, and legal strategies across various domains, including but not limited to civil, criminal, and contract law (Misquitta et al., 2024) (Chauhan et al., 2024).

Defining legal chatbots in terms of functionality is legally multidisciplinary, as various jurisdictions are not aligned definitionally. In the EU, regulatory conversations within the Artificial Intelligence Act (Regulation (EU) 2024/1689, 2024) take an approach based on function and risk and asks not what an AI system is but whether an AI system is a risk to fundamental rights or access to justice (Schwemer et al., 2021). In the US, legal chatbots are not examined, but control doctrines such as the unauthorized practice of law and professional responsibility rules are. These focus on whether the system in question offers personalized legal advice and whether reasonable dependence is created (Necz, 2024). In the UK, as in much of the EU and the US, there is no regulatory focus on defining legal chatbots, but rather on their functionality within legal services, especially in terms of the interfacing of regulatory consumer protection and professional conduct (Chaudhary & Hadi, 2025).

Based on the above, this research study proposes a practical definition of an array of deployed legal chatbots, irrespective of their supervised or unsupervised technical design, while focusing on the end effects of an artificial legal assistants' technology. Rather than the technology itself, the defining aspect of any chatbots' technology is the degree to which elementary tasks predominantly the domain of legal practice or skill are carried out. The technique advances a sufficient analytical method to examine the principles of regulatory compliance, the ethics of different regions, and the scope of potential damages, while avoiding limiting, and possibly outdated, technology definitions.

2.3 Classifying Risk Functionally and Allocating Liability Differently

The functional risk classification of legal chatbots is an essential analytical bridge between technological design and legal accountability. The classification of systems by the personalization, dependence, and replacement of professional judgment is what allows this model to provide a rational allocation of cross-border control and civil liability. Although the EU, US, and UK pursue disparate regulatory strategies, their liability principles, in response to increasing functional risk, are structurally the same.

For services offered at the lowest tier of risk, which provide basic legal information and advice on procedure, liability exposure in all three jurisdictions is minimal. In the EU, such systems will probably not activate enhanced obligations under the AI Act, and will also generally not fall under strict liability regimes, unless the systems provide flawed information which is damaging. Where liability arises, in these cases, there is a greater chance of consumer protection fault liability being triggered as there is a reasonable case for predicting the defects, and not taking reasonable steps to remedy them. (Meszaros & Ho, 2021).

In the US, low risk chatbots are not involved in professional negligence or unauthorized practice of law, Moreover, the outputs of chatbots are for information purposes and not for advice. In this context, liability

would probably fall under consumer protection regulations, where there are requirements not to mislead or omit essential information. The liability of chatbots in consumer protection is governed by a combination of federal and state laws. The Federal Trade Commission (FTC) has established guidelines that emphasize transparency, accuracy, and fairness in chatbot interactions, ensuring that consumers are not misled. Specifically, Section 5 of the FTC Act prohibits unfair or deceptive practices, making companies accountable for their chatbots' actions. Additionally, various states have their own consumer protection laws that may impose different liabilities and provide further protections for consumers. Transparency and disclosure are critical, as regulations require chatbots to inform users when they are interacting with a non-human entity, fostering trust and compliance with consumer protection standards (Federal Trade Commission, n.d.). Furthermore, companies must navigate the complexities of liability for transactions initiated by chatbots, ensuring they have robust policies to address unauthorized or fraudulent activities (Weinstein, S. 2025).

In the UK as well, this level of exposure is largely in the case of misrepresentation or consumer protection law, and professional bodies would also only become concerned if the system was likely to give the impression of being legally authoritative. Compliance with the General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (Data Protection Act 2018), and The Online Safety Act 2023 (Department for Science, 2023) is essential to avoid liabilities related to data breaches, as improper handling of user data can lead to significant fines and reputational damage (UK Government, n.d.). Additionally, UK consumers have specific rights when interacting with chatbots, including the right to accurate information and the ability to cancel contracts, which developers must respect to mitigate potential liabilities. The regulatory framework governing chatbots is continually evolving, necessitating that developers stay informed about relevant laws to ensure compliance and avoid legal repercussions (Ofcom, 2024).

Legal chatbots carrying a medium level of risk possess a more intricate liability profile as a result of their specialization in user data and the influence that these chatbots possess in making legal determinations. In the EU, these systems risk being subsumed within the AI Act's risk-sensitive obligations as they relate to the right to access justice and other fundamental rights, especially when these systems are used by public authorities or providers of legal services. From a legal liability standpoint, erroneous assessments of eligibility or biased recommendations may give rise to the possibility of fault liability, while insufficient system design or oversight may give rise to claims of defect in a digital product in the context of the product liability laws that are still developing.

In the US, medium risk chatbots raise even more serious concerns around negligence and professional responsibility, particularly in instances where legal professionals are purportedly using systems without adequate validation or control. As legal professionals increasingly rely on AI systems without adequate validation, courts are likely to assess liability based on standards of reasonable care and foreseeability of injury (Kowert, 2017). In the UK, the same systems may face investigation under rules of professional conduct if used by legal service providers that are subject to regulation. Civil liability may arise if there is loss to the user as a result of a negligent and uncritical reliance on the erroneous recommendations (Marshall, 2024) (Szpyt, 2025).

Finally, legal chatbots that provide legal counsel and exercise professional judgment draw the deepest risks legally and geographically as they come closest to offering legal services. In the EU, such systems will likely trigger increased mandates for compliance and will place the authors and users of the systems in the path of strict liability where the systems produce legally actionable harm. Errors of the sort described above such as misinterpretation of the law and procedural missteps will likely become foreseeable, thus satisfying the legal thresholds of causation and damage in the context of product liability and fault. In the US, such chatbots directly trigger the concepts of Unauthorized Practice of Law (UPL), professional negligence, and professional malpractice (American Bar Association [ABA], 2020). The legal community will likely place harm that results from the reliance of legal professionals on AI-generated documents, to the legal community's failure of professional duty, rather than what the legal community believes to be the technical failure of the document. The United Kingdom takes a similar position, stating that the authors of such legal advice must exercise their professional judgment (Solicitors Regulation Authority [SRA], 2019).

In light of the foregoing, there is a clear relationship between exposure to liabilities and the degree of functional risk. This remains consistent across varying legal and regulatory frameworks. The analysis of risk also shows that those liabilities do not rest solely with the technological artefact itself. Rather, there are several

risk-bearing agents within a unit which are connected and impacted by the various roles they play in the life cycle of a given chatbot.

Accountability is thus designed into the entire life cycle of the chatbot, from its creation to its operationalization. Developers are accountable for the system design, training on the system, and putting in the necessary technical controls in balanced risk scenarios especially at the mid and high risk levels of the system where there is abuse potential that would cause harm (Uludağ, 2024). Deployers, which in this context include all legal services providers, legal aid, and public legal services, are accountable for assessing the context of the risk, choosing the appropriate use-case, and putting in human oversight.

There is legal accountability for the chatbot's output, especially in advisory and litigation roles, given that there is an inalienable right of audience and a corresponding professional obligation to ensure that outcomes are controlled and managed under EU, US and UK law. The accountability-by-design model's thoughtful combination of risk classification by function and comparative liability doctrines provides a tech-sensitive and legally-sound approach for the regulation of legal chatbots. This model allows for balanced regulation, provides legal certainty in the allocation and distribution of risks and responsibilities, and offers legal users, developers, and professionals a legal framework for planning and innovating legal services for a greater access to justice.

3. Comparative Frameworks of Regulation and Liability for Legal Chatbots

The regulation of legal chatbots and AI systems varies significantly across jurisdictions reflecting different legal, cultural, and technological priorities and how they perceive the governance of AI, professional responsibility and civil liability. Although the EU, the US and the UK have similar geopolitical concerns in the regulation of misinformation, consumer protection and professional integrity, they are fundamentally different in regulation and their approaches to liability. This leads to different ways to design, use and control legal chatbots across the jurisdictions.

Although legal chatbots are not in the category of systems with a high risk, they are subject to regulation of transparency and are explainable to fall within other higher-risk categories when used within scopes relating to access to justice, public service, or vulnerable individuals (Necz, 2024). The informing of users regarding their communication with an AI system and the prohibition of misleading practices is a response to the risk that legal chatbots could create a false impression of professional authority or legal expertise (Eliot, n.d).

Within the EU, the combination of *ex ante* risk regulation and expansion of civil liability mechanisms leads to the adoption of policies with more predictive approaches (Ukoh & Adetunji, 2025) (Madiega, n.d.). From a governance standpoint, the EU AI Act prioritizes *ex ante* compliance, system documentation, and pre-deployment risk mitigation, thereby shifting regulatory emphasis away from **ex post enforcement** toward prospective control (Madiega, n.d.). Current developments in EU product liability law reinforce this architecture. The modernisation of EU product liability reflects a doctrinal shift toward recognising defective design in digital and AI-enabled products, including legal chatbots. Where such systems generate erroneous legal outputs, fail to incorporate updates in applicable law, or lack adequate safeguards against foreseeable misuse, liability may arise on the basis of defectiveness in design or functioning. This approach aligns with the EU's revised product liability regime, which explicitly extends strict liability principles to software-based and data-driven products (*Directive 85/374/EEC, 1985*)(*Regulation (EU) 2024/2853, 2024*).

The EU model strengthens user protection by minimizing evidentiary requirements and eliminating fault/traditional negligence-based proof requirements, which simultaneously streamlines the responsiveness to these risks. However, for legal developers, the model results in higher compliance costs and legal uncertainty, as there are multiple Member States. The model also raises the legal uncertainty as the information is not distinct and legally advisable.

In comparison, there has been no cohesive response to the legal chatbot regulatory need in the US either. Instead, there is a patchwork response from state professional regulation, defense and consumer protection laws. At the centre of the US response is the doctrine of UPL. This is a gatekeeping mechanism to maintain the professional monopoly surrounding legal counsel. Legal chatbots that provide personalized legal advice or replicate the components of an attorney-client relationship run the risk of UPL violation and potential regulatory punishment for their legal emboldeners and deployers (Bonardi & Branting, 2025). This risk is greater in UPL jurisdictions that narrowly define legal advice, resulting in a regulatory chill in the development

of higher risk chatbots (Wolfs, 2024).

The scope of US legal ethics impacts the governance of new technologies, in particular, the requirements of professional responsibility that include understanding new technologies. In particular, attorneys must understand the functions and limitations of the AI tools. Before using an AI tool in litigation or providing advice, attorneys must ensure that they have reviewed the tool's output. Thus, in the US, liability is primarily limited to the legal theories of negligence and malpractice, with courts determining whether an AI tool's output was reasonable to rely on in the exercise of professional judgment and care. If a chatbot is found to be marketed in a misleading manner, the consumer protection statute adds to the negligence liability of the attorneys. In contrast to the EU, however, the primary legal theory of liability for software is not strict liability, leading to additional evidentiary requirements for the software liability plaintiffs and a greater reliance on negligence.

The UK finds itself occupying an intermedia for the EU's prescriptive regulatory model and the US's reliance on ex post enforcement. As a the post of sectoral regulatory frameworks for AI governance in UK, the approach is based on self-regulation and prescriptive legislation. Legal chatbots, for example, are subjected to the rules of professional conduct enforced by the SRA that, in the case of non-automation supervision, assert non-delegable duties of competence, supervision, and accountability. When legal chatbots are used by regulated legal service providers, irrespective of the extent of automation, professional responsibilities for mistakes are fully bound. The UK Consumer Protection Regulation (CPR) also plays a fundamental role in by providing safeguards in the context of legal chatbots especially when the interfaces or the marketing practices associated with the chatbots create an illusion of legal authority or legal reliability that is misleading (Shears, n.d.). The ample of the ability to adapt regulation to the technology is also the ample of professional self-regulation voluntary enforcement. In the case of non- traditional legal service providers and in the case of cross-border digital platforms, the absence of professional self-regulation voluntary enforcement brings more of the concerns with the system, in particular to the system users. This has resulted in more concerns to the users of the system especially to the system users more of the concerns with the system especially to the system users legal service providers more of the concerns have been raised over the system the absence of professional self regulatory mechanism regulation in particular the system users to non- traditional legal service providers has raised more concerns on the system especially.

In combination, these models indicate different, yet parallel, approaches responding to the threats of chatbots used unlawfully. The EU adopts a more preventive stance with a focus on effective regulation with more systemic formal legal obligations and strict liability. The US approach on the other hand, focus on more of a regulatory protectionism with professional gatekeeping and fault liability through a tort system and disciplinary measures. The UK approach employs a more of a principles-based system with professional legal supervision, consumer protection laws and regulatory protectionism. Despite these differences, all three jurisdictions are beginning to appreciate that legal chatbots are no longer neutral technologies and must be treated and managed as socio-technical systems with legal consequences.

4. Ethical Duties Governing Legal Chatbots

The introduction of legal chatbots into the legal sector disrupts the convention of professional ethics on automation in legal systems due to the involvement of automation in areas that have traditionally relied on human discretion, fiduciary duties, and personal accountability. Regardless of differences in the regulatory framework, a similar set of ethical obligations has arisen due to the proliferation of AI legal tools (Nggilu et al., 2025). These obligations of competence, confidentiality, and transparency in addition to the duty to supervise and the duty to verify the operation of legal AI systems constitute the fundamental ethical limits on the extent of legal chatbot implementation and the distribution of responsibility for harms caused. Most importantly, these obligations are no longer realizable; they are increasingly actionable, giving rise to liability for professional misconduct and civil liability.

Competence requirements have broadened with the emergence of legal chatbots. Competence used to be about knowledge and skill in the law. Now, it includes knowledge of technology and the boundaries of AI systems (Khater et al., 2025). While such legal chatbots may be used effectively, lawyers have a duty to understand how such systems work, the materials on which they base their outputs, and the types of breakdowns they may experience, such as hallucinations, erroneous or stale legal reasoning, and misapplication of the law to a given

jurisdiction. Across different jurisdictions, professional regulators have stated that a failure to understand the technology at hand diminishes the capacity to act in a legally competent manner, especially in instances where AI programs shape the legal advice provided or the strategy for dispute resolution. Recognizing the risk of a legal chatbots erroneous outputs is a professional duty. Neglecting this duty may lead to professional sanction and claims of negligence.

Another facet of the competence obligation is the duty of confidentiality, which, given the data-driven nature of legal chatbots, takes on an especially important role. Legal chatbots handle very sensitive personal and legal data, not infrequently data that is housed on third-party and/or cloud servers. Legal ethical obligations require that lawyers with an attorney-client relationship take steps to ensure that the data collected, stored, and processed is managed in a way that is consistent with confidentiality and principles of data protection. This involves applying the principle of data minimization, and preventing the unauthorized secondary use of clients' data for system training or analytics. Failures to maintain confidentiality arising from the use of chatbots can result in not only the loss of your professional license but also civil accountability due to the breaches of data protection and privacy laws, especially due to the absence of legal safeguards or contracts (Fischel, 1998).

In the framework of obligations to promote informed decision-making and protect against misleading users, transparency becomes another fundamental ethical principle. Some legal chatbots may, because of their design and legal tone, lead users to believe that they are communicating with a real lawyer or receiving legal advice. To adhere to ethical standards, one must disclose the chatbot's artificial characteristics, the limitations of its functionality, and the non-expertise of its output in relevant situations. There is a growing recognition that misleading claims of all forms are violations of standards of ethics and of consumer protection. In this regard, transparency has both a protective function and a preventative function by safeguarding against unwarranted reliance and by reducing the likelihood of subsequent litigation (McGuire et al., 2023).

The responsibility to supervise is an important ethical limitation that governs how legal chatbots can be used in practice. Legal chatbots must not be viewed as independent agents that can bear professional responsibilities. Rather, they are instruments that function under human control. For as long as legal practitioners will be using legal chatbots, lawyers will remain ethically accountable for the outputs that are generated and the actions that are taken based on those outputs. Such responsibility includes a requirement to implement appropriate supervision that specifies use case boundaries, outlines routes on how to manage complicated and/or high stakes issues, and includes continual reviews of the system (Necz, 2024). Self-regulatory jurisdictions, like the US and the UK, have an especially strong focus on supervision as an irrefutable requirement, thus reiterating the fact that legal responsibility is not to be transferred to a technological solution.

By now, to verify errors, as one of the obligations to the legal profession, of the duties of legal chatbots is enforcement. When the output of a legal chatbot affects legal rights, compliance with procedure, or filing a court document, the lawyer is ethically bound to verify the output as to both accuracy and legal sufficiency before reliance is made. This duty is particularly salient in both the litigation and advisory roles where there is a risk of critical deadlines being missed, negative outcomes, or the lawyer being sanctioned. As a consequence, the lack of verification or over-reliance on AI-generated content is deemed as a failure of one's ethical and professional obligations (Gunder, n.d.). Courts and other regulatory authorities expect a greater degree of reliance on AI-generated content to shift the locus of written legal content to the professional's legal discretion, and thus, expect a greater degree of reliance on human discretion.

Remaining with these five legal obligations, integrating disciplines to determine the extent of the legal profession's permissibility to use legal chatbots employ them. They serve and operate as professional integrative ethical and liability instruments, shaped as per the standards of care, foreseeability of harm, and the extent of responsibility for the loss in the regulatory triad of legal professionals, users, and technology developers, thus acting as a functional bridge of liability. As legal chatbots develop, the evolving duty of these obligations illustrates a changing paradigm. As legal practice is augmented by AI, the ethical underpinnings will remain.

5. Accountability by Design Model

Legal chatbots have the potential to cause legal harms that may appear familiar, yet differ in terms of cause and origin. Users might lose legal claims because a chatbot incorrectly states a limitation period. A user may incur cost penalties in a lawsuit after crafting a malfunctioning automated pleading tool. Irretrievable confidential

information may be lost through weak prompt design, third-party training of models, lax access control, and automated draft submissions. A lawyer may incur sanctions for negligence by submitting a pleading with fictitious legal authority. From the perspective of liability law, the problem lies in how these harms rarely flow from any single actor's "mistake." They result instead from socio-technical interaction of system design and regulatory failure. This makes "who should pay" inseparable from "who could have fixed it." This explains the appropriateness of a life cycle approach—accountability by design—for legal chatbots, rather than ex-post fault liability.

The governance of legal chatbots highlights the structural limitations of purely ex post liability models (El-Erian et al., 2026). Traditional liability frameworks allocate responsibility after harm materializes. However, with legal chatbots, harm (e.g., misleading legal advice, procedural default, unfair discrimination, confidentiality breaches) is foreseeable and can be mitigated during system design and deployment. Furthermore, the socio-technical complexity of legal chatbots makes post hoc fault attribution difficult, as such harmful outcomes stem not from a single negligent act, but rather the confluence of multiple decisions (Fraser & Suzor, 2025). This article proposes overcoming these challenges with an accountability-by-design model that integrates responsibility across the entire life cycle of legal chatbots, effectively transforming accountability from a static, reactive sanction into an ongoing governance responsibility.

Accountability by design starts with a control-based view of responsibility. Responsibility should correlate not with mere role descriptors or contractual nomenclature. It should correlate with those players who control the steps of risk creation and risk mitigation in the life cycle of the chatbot. This is in line with the emerging focus in AI governance and product liability in the more advanced jurisdictions focusing on regulation by preventive control and risk/compliance management. The model does not displace traditional liability doctrines. The model complements traditional doctrines by delineating ex ante duties in a manner that reduces ambiguity, thereby enhancing legal certainty for all stakeholders.

During the initial stage of architectural design, the primary responsibility of the developers involves their design choices that determine the chatbot's ability to inflict damages of a legally actionable nature (Zornoza Somolinos, 2022). Definitional choices determine whether a chatbot can understand, distinguish, or recognize different jurisdictions; whether it appropriately signals uncertainty; whether it employs mechanisms to update responsive to the changes of the legal frameworks; and whether it avoids interface designs that give a misleading impression of possessing professional authority. From a liability perspective, these choices are, and ought to be, determinants of technical features that are not neutral; rather, they are determinants of foreseeability. When a system is purposely created to produce legal outputs that are personalized and, therefore, without appropriate jurisdictional gating, transparency, or accuracy controls, it can be argued legally that harm is not incidental, but rather, a consequence of design obstruction. Design-based accountability requires, in this instance, that developers design and implement appropriate risk safeguards, recognizing that systems capable of generating reliance must be designed with protections of a fully competent adviser (Walek & Masar, 2013; Chami et al., 2025).

In the deployment phase of the accountability process, deployers such as law firms, legal aid organizations, courts, and digital platforms take on the majority of the responsibility. These deployers have contextual control wherein they have the authority to determine how the chatbot will be showcased, who will be given access to it, and the purposes for which it can be used (Abdelhalim et al., 2024). At this point, accountability involves a tiered assessment of risks and the application of corresponding controls. Deployments on the lower tier may involve the automated provision of general legal information, but for the medium and high-risk deployments, a human review, restricted use of the chatbot, and escalation procedures for more complex and sensitive issues must be present. If these measures are not taken, this reliance on technology will lead to institutional negligence, as these deployers may be the only ones able to identify the margin of user reliance and to mitigate the expected abuse of the technology. This is the stage in which fault-based liability systems are most likely to apply (Fluet & Mungan, 2017), as courts and regulatory bodies attempt to determine the reasonableness of these deployers in the selection and supervision of their AI systems.

A practical view of accountability at this level becomes temporal rather than static. Legal chatbots do not operate within a fixed legal environment. Laws change, judicial interpretations change, and behaviors in the system may change as a result of retraining or updates. Hence, accountability by design calls for continuous

monitoring, auditing, and maintenance to ensure that legal standards do not change and the outputs from the chatbots do. There should be systems in place to understand output drift, errors, user feedback, and legal updates in a timely manner. From a liability perspective, the ongoing absence of monitoring shifts passive risk to active risk. Once reasonable oversight identifies errors, failure to act (on the errors) strengthens the causal chain and weakens complexity-related defenses.

The final, and perhaps most important, part of accountability by design is incident response. When damage is done, and accountability is triggered, responsibility must account for and incorporate clear paths for damage remediation, which require, at a minimum, internal reporting, timely user communication, communication with regulators and/or professional organizations, and changes that seek to prevent similar harms and their consequences. Critically, incident response is not only evidential and not only remediation: it informs the process of liability determination on the basis of response (or lack thereof) to damage mitigation once a threshold of risk is crossed, and it sets the liability bar to the unreachably high level of prompt and reasonable mitigation). In a system of dispersed responsibility, the absence of a framework for incident response almost always indicates, to a reasonable observer, a failure of governance, not merely an isolated mistake.

Integrating the above, the accountability by design framework extends liability for legal chatbots to a lifecycle framework, not merely a post-incident framework. It pairs accountability and control, incorporates prevention into the system and institutional design, and restructures sanctions from the blunt post-hoc measures that often fail to address the socio-technical causation at the core of the problem. It aligns with social protection, legal certainty, and public ethics, and balances regulatory innovation in the legal domain with the governance framework. It adapts to differing regulatory traditions, and responds to reliance and professional responsibility with clear governance frameworks.

Lifecycle stage	Key actor(s)	Accountability focus	EU approach	US approach	UK approach
Design	Developers	Safe architecture; transparency; jurisdictional limits; update mechanisms	Ex ante compliance under AI Act; strict liability for defective digital products	Limited product liability; misrepresentation theories	Product safety and misrepresentation principles
Deployment	Deployers (law firms, platforms, courts)	Risk classification; use-case limitation; human oversight	Governance duties reinforce fault and strict liability	Negligence; consumer protection	Professional regulation; negligence
Operation	Deployers & lawyers	Monitoring; legal updates; auditability	Foreseeability strengthens liability	Standard of care; malpractice	Professional duties; negligence
Reliance & verification	Legal professionals	Independent verification; supervision	Shared liability where reliance is foreseeable	Malpractice; court sanctions	Professional misconduct; court sanctions
Incident response	All actors	Mitigation; remediation; reporting	Reduces sanctions and damages	Mitigation affects damages	Mitigation affects damages and discipline

Table 1. Accountability by Design for Legal Chatbots(EU–US–UK)

6. Conclusion and Recommendations

The present paper has compared how the European Union, the United States, and the United Kingdom govern ethical issues, regulations, and assignment of liability, and this provides background for the next section of this paper. The purpose of this section was to demonstrate how legal chatbots function at the complicated nexus of law, consumer digital services, and automated decision making, and how the legal chatbots create a unique regulatory paradox. They are able to engage individuals and legally influence their behavior in a direct manner in a way that was never before possible with legal technologies. It is their influence and ability to manipulate

behavior that makes legal chatbots unique and deeply concerning for regulators.

There is little doubt that this is a problem across all three jurisdictions, as evidenced by the liability and regulatory approaches being taken in each area. The European Union has adopted and is continuing to develop a risk averse preemptive compliance regulatory strategy that holistically integrated AI regulation with a product liability deployment shift to legal developers and other primary contractors. In contrast, both the United States and the United Kingdom are still adopting a pre-emptive compliance strategy based largely on fault liability and professional regulation, consumer protections, and non-delegable professional responsibility in an ad hoc manner. Each paradigm is steeped in the particular legal history of the jurisdiction, and while balanced, alone, none provide a wholly adequate account legal positivism and the empirical socio-technical complex harms posed by legal chatbots.

This article introduces an accountability framework that incorporates responsibility throughout the lifecycle of legal chatbots. The framework focuses on the intersection of responsibility and risk. By design, the framework translates ethical responsibilities into operational requirements: risk management throughout design, deployment, operation, and incident management. The framework also specifies the scope of responsibility that each of the developers, deployers, and legal practitioners ought to have for predicting and preventing harm. As such, the framework offers the first consolidation of the principles that can operate within both fault and strict liability regimes.

Based on the above, there are also important conclusions at the policy and regulatory level as follow: First, from a regulatory perspective, there must be a contextual rather than a label-based approach when it comes to assessing legal chatbots. Relabelling a legal chatbot as “assistive” or “informational” should be of secondary importance to the relevance of the outputs and the legal rights or obligations they may affect or rely upon. This approach would decrease the tendency for regulatory misalignment and the regulatory incentives for intentional misclassification.

Second, professional regulators should expand the scope of AI governance to the existing frameworks of competence and supervision. Expectations should be specific, not broad, to the established principles of “technological awareness” to include verification, human oversight, acceptable reliance on the chatbot outputs, and the integration of humans to the systems as they pertain to case management and legal advice.

Third, there is a need to address the civil liability framework’s ability to address the unique harms of distributed socio-technical systems. In fault-based liability systems, the evidentiary rules and standards of care should adapt to the AI-obscured decision-making scenarios in which causation and foreseeability are more collective than individual.

Fourth, there ought to be some kind of regulation or professional standards that require developers and deployers of legal chatbots to incorporate some form of lifecycle governance in congruence with the accountability-by-design framework. This includes jurisdictional and accountability-by-design frameworks, which require transparency and legal updates, as well as structured incident response. These obligations create legal certainty and trust in AI-enabled legal services, and go a long way to reducing harms.

Lastly, we recommend that future scholarship invest more in empirical research that examines the actual usage of legal chatbots, and in particular the degrees of reliance and institutional deployment. This would facilitate a richer doctrinal analysis, which would ground the development of liability and regulatory frameworks in empirical evidence.

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Authorship and Level of Contribution

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