

The legal status and professional responsibility of lawyers in the age of generative artificial intelligence: comparative experience and implications for legal reform in Vietnam

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DOI: <https://doi.org/10.66856/ijl.2026.12.3.12307>

Abstract

This article examines the legal status and professional responsibility of lawyers in the use of generative artificial intelligence (GenAI) in legal advisory and litigation practice. Situated within Vietnam's judicial reform, digital transformation and ongoing reform of the legal framework governing lawyers, the article argues that GenAI does not create a new legal profession. Rather, it requires a renewed interpretation of the core obligations that define lawyers' legal status in contemporary justice systems: independence, honesty, confidentiality, diligence, professional competence, loyalty to the client and candour before courts. Using doctrinal legal analysis, comparative legal research and policy-oriented synthesis, the article identifies major risks associated with GenAI, including inaccurate or fabricated legal authorities, algorithmic bias, disclosure of client data, erosion of independent professional judgment and diffusion of accountability between lawyers and technology providers. Drawing on experience from Singapore, the United States, the European Union, Canada and the United Kingdom, the article proposes that Vietnam should develop a risk-based professional responsibility framework for lawyers using GenAI through the Law on Lawyers, the Code of Ethics and Professional Conduct of Vietnamese Lawyers and guidance issued by the Vietnam Bar Federation. The proposed framework should focus on reasonable technological competence, data confidentiality, independent verification, conditional transparency, internal governance of law practices, and integrity in fees, advertising and information submitted to clients or courts. The article concludes that GenAI may improve access to and efficiency of legal services only where it remains subject to human professional judgment, institutional accountability and the ethical foundations of the legal profession.

Keywords: Lawyers, legal status, professional responsibility, generative artificial intelligence, client confidentiality, judicial reform

Introduction

In a rule-of-law state, lawyers are not merely private service providers acting under retainer agreements with clients. They are institutional participants in the administration of justice. Through legal advice, representation, defence, negotiation and litigation, lawyers help secure the right to counsel, the right to legal representation, access to justice and the fairness of judicial procedure. Vietnam's Law on Lawyers recognises that the professional activities of lawyers contribute to the protection of justice, citizens' freedoms and democratic rights, the lawful rights and interests of individuals, agencies and organisations, socio-economic development and the building of the rule-of-law state (Office of the National Assembly of Vietnam, 2012) ^[14]. Professional responsibility should therefore not be reduced to a technical question of service quality. It is a normative condition for public confidence in lawyers, courts and the justice system as a whole.

The rapid development of generative artificial intelligence, commonly referred to as GenAI, is changing the professional environment in which lawyers act. Unlike word-processing software, legal databases or traditional case-management tools, GenAI can produce text, summarise documents, draft arguments, translate legal materials, suggest contractual structures and simulate legal answers on the basis of probabilistic models. In matters involving large documentary records, such tools may substantially reduce the time required for legal research, drafting and knowledge organisation. From an access-to-justice perspective, GenAI may also assist individuals and enterprises in obtaining

preliminary orientation before approaching a lawyer. Recent scholarship on legal technology suggests that AI can alter the division of labour in legal services, methods of legal research and the automation of standardised legal tasks; at the same time, that scholarship remains cautious about the limits of language models in normative reasoning and contextual legal assessment (Choi *et al.*, 2023; Perlman, 2024; Susskind, 2023) ^[4, 15, 21].

The gain in speed, however, does not by itself guarantee legal quality. In the judicial sphere, discussions of AI are inseparable from human oversight, explainability, accountability and the legitimacy of adjudication (Reiling, 2020) ^[18]. GenAI output may be fluent but unsupported. It may cite legislation that has expired, fabricate cases or statutory provisions, or present a biased conclusion in language that is difficult to detect as biased. The cases of *Mata v. Avianca, Inc.* in the United States, *Zhang v. Chen* in Canada and *Ayinde and Al-Haroun* in England show that the core problem is not simply that a tool may generate false information. The professional failure occurs when a legal practitioner transfers that information into a legal document without adequate verification. The central question is therefore not whether AI may appear in legal practice, but how lawyers must remain professionally responsible when they use it.

For Vietnam, the issue is especially significant because it coincides with several major policy developments. First, Resolution No. 27-NQ/TW requires the building of a professional, modern, fair, strict and integrity-based judiciary capable of protecting justice and human rights

(Central Committee of the Communist Party of Vietnam, 2022) ^[3]. Second, Resolution No. 57-NQ/TW treats science, technology, innovation and digital transformation as drivers of national development while emphasising data security and safety (Politburo of the Communist Party of Vietnam, 2024) ^[16]. Third, the policy dossier for the amended Law on Lawyers is directed toward improving the quality of the legal profession, strengthening professional discipline, developing a transparent legal services market and renewing the relationship between state management and professional self-governance (Ministry of Justice of Vietnam, 2026) ^[10]. In addition, the broader reform of law-making and law implementation under Resolution No. 66-NQ/TW reinforces the need for regulatory models capable of responding to new technologies without undermining legal certainty (Politburo of the Communist Party of Vietnam, 2025) ^[12]. These orientations provide a basis for treating GenAI as a question of professional responsibility, not merely as an issue of technological adoption.

This article addresses three research questions. First, how does GenAI change the conditions under which lawyers perform their professional responsibilities? Second, what emerging standards can be identified from comparative experience concerning lawyers' use of GenAI? Third, how should Vietnamese law be reformed to encourage innovation in the provision of legal services while protecting client confidentiality, judicial integrity and lawyers' accountability? The central argument is that lawyers may use GenAI, but they may not transfer professional judgment, the duty of honesty or ultimate responsibility to an automated system. The legal status of lawyers in a contemporary justice system is therefore strengthened, rather than diminished, when technology is placed under professional control.

At the level of legal status, lawyers' use of GenAI should be analysed as more than a managerial choice inside a law office. Legal status is not exhausted by a practising certificate or by procedural rights of audience before courts. It also includes the public justification for granting lawyers access to confidential information, authority to speak on behalf of others, participation in proceedings and a measure of professional self-governance. In the age of GenAI, these privileges must remain connected with responsibilities. The right to use efficient technological tools is accompanied by the duty to maintain human judgment, preserve confidentiality and remain accountable for the legal product that reaches clients or courts.

The issue is also significant in comparative Asian perspective. Several Asian jurisdictions are attempting to modernise courts, legal services and public administration while preserving professional ethics and procedural fairness. Vietnam faces a similar tension. A strict prohibition on GenAI would be unrealistic and may reduce competitiveness, yet unregulated use would expose clients and courts to unacceptable risks. The regulatory challenge is therefore to translate traditional duties into practical standards for a new technological environment, so that innovation is not separated from the constitutional values of justice, equality and legal certainty.

Theoretical Framework: Lawyers' Professional Responsibility in a GenAI Environment

Professional responsibility of lawyers may be understood as the set of legal, ethical and organisational norms governing

lawyers' conduct in their relationships with clients, courts, prosecutorial and investigative bodies, colleagues, professional organisations and society. Unlike ordinary civil or administrative liability, lawyers' professional responsibility has a dual character. On the one hand, it protects the client's interests in the legal services relationship. On the other hand, it protects the integrity of judicial activity and the honour of the legal profession. A lawyer is therefore not assessed solely by the result or efficiency of the service provided, but also by the manner in which the service is performed: independently, honestly, confidentially, diligently and with respect for objective truth.

Vietnamese law already recognises these principles. Article 5 of the Law on Lawyers requires lawyers to comply with the Constitution and the law, observe the Code of Ethics and Professional Conduct of Vietnamese Lawyers, act independently and honestly, respect objective truth, use lawful measures to best protect clients' lawful rights and interests, and bear responsibility before the law for their professional activities (Office of the National Assembly of Vietnam, 2012). The 2019 ^[13, 14] Code of Ethics and Professional Conduct of Vietnamese Lawyers further specifies duties of independence, honesty, confidentiality, avoidance of conflicts of interest and proper conduct in litigation (National Lawyers Council, 2019) ^[13]. These norms are not technologically obsolete. Their meaning, however, must be reinterpreted in the conditions created by GenAI.

GenAI does not replace the normative foundation of the legal profession, but it changes the circumstances in which that foundation is applied. When a lawyer uses GenAI to prepare a draft legal opinion, honesty is not limited to refraining from intentional falsehood. It also includes the duty not to transmit a document that appears correct but has not been verified. When a lawyer enters case documents into an AI tool, confidentiality is no longer confined to the traditional duty not to reveal information to third parties. It includes understanding whether data are stored, reused, transferred across borders or used to train a model. When a lawyer relies on GenAI to choose a litigation strategy, independence includes the capacity not to be led by the linguistic confidence of an algorithmic output.

From the perspective of responsibility theory, this may be described as the principle of professional approval of digital output. Lawyers' responsibility does not arise merely because they open or test an AI tool. It arises when they select, control, revise, approve or incorporate AI-assisted output into a legal product sent to a client, filed with a court or used in negotiation and legal advice. Technology may be an instrument, but professional approval is the act of the human legal practitioner. This principle helps distinguish the responsibility of technology providers from the professional responsibility of lawyers. It also prevents the outsourcing of accountability to systems that cannot themselves owe duties of loyalty, confidentiality, candour or diligence.

Four characteristics of GenAI explain why professional responsibility must be interpreted more rigorously. First, GenAI output is probabilistic. The tool predicts a sequence of language likely to correspond to the user's prompt; it does not necessarily understand law as a hierarchical system of norms with conditions of validity, authority and application. Second, the processing pathway is often opaque to the user,

especially with respect to training data, retention policies, model updates and source generation. Third, the tool may produce bias or reinforce the questioner's assumptions by delivering answers that fit the expected narrative. Fourth, the use of AI within a law practice may diffuse responsibility among the responsible lawyer, associates, trainees, administrative staff, the client and the technology provider unless there is a clear governance procedure.

Accordingly, professional standards should move beyond the simple binary question of whether GenAI may be used. The more relevant questions are: for what task was the tool used, what type of data was processed, was the output verified against authoritative sources, was the client informed where necessary, and can the lawyer explain the final product? This is also the approach emerging in international guidance. The use of GenAI is permitted, but it is placed under duties of competence, confidentiality, verification and human supervision (American Bar Association, 2024^[1]; Council of Bars and Law Societies of Europe, 2025; Singapore Courts, 2024)^[5, 19]. The professional responsibility inquiry is therefore task-specific, risk-sensitive and human-centred.

The relationship between rights of practice and professional responsibility is especially visible in the GenAI context. Lawyers enjoy rights of access to case files, rights to communicate with clients, rights to collect and present evidence within legal limits, and rights to argue before competent authorities. These rights are justified because lawyers are expected to act as independent professionals subject to ethical and disciplinary control. If a lawyer uses GenAI to process case materials or prepare arguments, the exercise of those rights becomes mediated by a technology provider that may not owe equivalent professional duties. The law must therefore ensure that lawyers' rights of practice do not become channels for uncontrolled data disclosure or unverified legal assertions.

This theoretical approach also avoids two extremes. The first extreme is technological determinism, which assumes that efficiency gains should displace traditional professional safeguards. The second is technological exceptionalism, which treats AI as so different that ordinary professional principles cannot apply. A more convincing approach is normative continuity with functional adaptation. The core duties remain the same, but their content becomes more specific when lawyers use tools capable of generating persuasive language, processing confidential data and influencing professional judgment.

Research Methodology

This article uses doctrinal legal analysis to identify the content of the Law on Lawyers, the Code of Ethics and Professional Conduct of Vietnamese Lawyers, personal data protection law and relevant policy orientations on judicial reform, digital transformation and reform of the legal framework governing lawyers. Doctrinal analysis is appropriate because the research problem requires clarification of existing legal norms that may indirectly govern lawyers' use of GenAI and identification of the points at which those norms are insufficiently specific.

The article also uses functional comparative law. The materials selected are not intended to describe the entire legal system of each jurisdiction. They are used to identify normative solutions to the same functional problem: what duties should apply when lawyers use GenAI in professional

practice? The comparative materials include the Singapore Courts' Guide on the Use of Generative Artificial Intelligence Tools by Court Users, the Ministry of Law Singapore's Guide for Using Generative AI in the Legal Sector, ABA Formal Opinion 512, the CCBE Guide on the Use of Generative AI by Lawyers, selected guidance from American state bars and judicial decisions involving AI-generated legal citations.

Finally, the article uses policy-oriented legal analysis to translate comparative experience into proposals compatible with Vietnam's legal structure. The research is limited to lawyers' professional responsibility. It does not evaluate the technical performance of particular models, rank AI products or treat GenAI as an independent source of law. Comparative observations are used as reference points, subject to Vietnam's conditions concerning professional self-governance, the legal services market, personal data protection and the ongoing reform of the Law on Lawyers.

The selected jurisdictions are functionally relevant for different reasons. Singapore illustrates an Asian common-law jurisdiction that seeks to combine technological innovation with clear court-facing duties. The United States provides a mature body of professional responsibility discourse and early disciplinary experience with fabricated AI citations. European materials connect AI use with fundamental rights, risk governance and professional independence. Canada and the United Kingdom supply judicial examples concerning the consequences of putting unverified AI-generated material before courts. These sources make it possible to extract standards without mechanically transplanting foreign rules into Vietnam.

The article also treats sources hierarchically. Primary legal texts and official professional guidance are given greater weight than general commentary. Judicial decisions are used to illustrate concrete professional risk rather than to claim that foreign sanctions should be copied. Academic literature is used to frame the broader transformation of legal services and the limits of language models. This hierarchy of sources is important for academic integrity because the article's proposals are grounded in verifiable legal materials, not in speculative claims about technology.

Results and Discussion

1. Existing Vietnamese Law and Regulatory Gaps Concerning Lawyers' Use of GenAI

Existing Vietnamese law provides a sufficient normative basis for the proposition that lawyers remain responsible for their professional products even where those products are supported by technology. The Law on Lawyers defines legal services to include participation in litigation, legal advice, non-litigation representation and other legal services. It also establishes principles of independence, honesty, respect for objective truth and responsibility before the law (Office of the National Assembly of Vietnam, 2012)^[14]. Article 9 prohibits lawyers from disclosing information about cases and clients that they know in the course of practice, except where the client consents in writing or the law provides otherwise. This rule can apply to the act of entering client data into a public AI tool where that act creates a risk of disclosing professional secrets.

The 2019 Code of Ethics and Professional Conduct of Vietnamese Lawyers also has foundational significance. Rule 2 on independence, honesty and respect for objective truth; Rule 5 on best protection of clients' lawful rights and

interests; Rule 7 on confidentiality; Rule 10 on accepting matters consistent with professional capacity; Rule 15 on conflicts of interest; and Rules 26 and 27 on conduct in litigation can all be interpreted to govern the use of GenAI (National Lawyers Council, 2019) ^[13]. For example, filing a legal argument that contains a non-existent case may be examined not only as a failure of care, but also as a breach of honesty and respect for objective truth.

Nevertheless, existing provisions remain principles rather than operational standards. They do not clearly answer the practical questions that GenAI raises: whether lawyers may enter case data into public AI tools; what degree of anonymisation is sufficient; when the client's informed consent is required; whether AI use must be recorded in the legal services contract; how verification of output must be performed and documented; whether a law practice must adopt an internal AI policy; and, in litigation, whether the use of AI must be disclosed or only explained when the court requests clarification. The gap between general principle and concrete situation is precisely where professional risk arises.

The first gap is the absence of technological competence as an expressly recognised component of lawyers' professional competence. The Law on Lawyers refers to continuing professional training, but it does not clearly address competence in identifying technological risks, data security, digital confidentiality or verification of output produced by automated systems. In a GenAI environment, ignorance of the tool's limitations can have consequences similar to ignorance of the applicable law: incorrect advice, defective court filings or disclosure of client secrets.

The second gap concerns data confidentiality in the relationship between lawyers and technology providers. The traditional duty of confidentiality assumes that lawyers and law practices directly control case materials. When GenAI is used, data may be transmitted to a third-party server, stored in a cloud environment, processed overseas or used to improve the service. Vietnam's Law on Personal Data Protection No. 91/2025 ^[12]/QH15, effective from 1 January 2026, creates a new layer of obligations for personal data processing (National Assembly of Vietnam, 2025) ^[12]. Client information in the possession of lawyers, however, is not only personal data. In many cases, it is professional secrecy connected with the right to defence, the right to legal advice and the client's legal strategy. The protective standard in legal practice must therefore be more stringent than the ordinary data protection baseline.

The third gap is the absence of a specific duty of independent verification. A lawyer may not intentionally create false information, yet may still breach professional responsibility if AI output is used without checking the source of law, the validity of a legal text, the content of a case, the authority of the issuing body or the facts of the matter. The characteristic risk of GenAI is that an erroneous text may be presented in a coherent and confident form. Without a verification rule, practitioners may conflate linguistic persuasiveness with legal correctness.

The fourth gap concerns conditional transparency toward clients. Not every use of AI requires notification. Spell-checking, formatting and calendar management do not alter the nature of the legal service. By contrast, where GenAI is used materially to analyse risks, draft a legal opinion, estimate the likely outcome of a dispute, process sensitive data or affect fees, the client has a legitimate interest in

being informed. Vietnamese law has not yet provided criteria for distinguishing administrative or technical AI use from AI use that directly affects the substance of legal services.

The fifth gap is the absence of internal governance obligations for law practices. Article 40 of the Law on Lawyers requires a law practice to manage and ensure that its lawyers comply with the law, the Charter of the Vietnam Bar Federation and professional ethical rules (Office of the National Assembly of Vietnam, 2012) ^[14]. It does not yet require law practices to adopt AI policies, classify data, choose approved tools, conduct internal training, keep verification records or control the use of public AI tools by staff and trainees. In practice, risk may arise from a very small supporting act, such as placing a client file into a free tool for preliminary summarisation or translation.

These gaps do not necessarily require a separate statute on lawyers and AI. What is more necessary is the addition of technology-neutral professional standards that can apply both to current GenAI tools and to future automated systems. The objective is not to prohibit technology, but to ensure that technology remains under the control of responsible legal practitioners. Such standards should be sufficiently concrete to guide daily practice and sufficiently flexible to accommodate technological change.

The problem is therefore not the absence of any legal basis for responsibility. The problem is insufficient foreseeability. A lawyer may know that confidentiality and honesty are required, but may still be uncertain whether a particular prompt, upload, summary or draft crosses the line from permissible technological assistance to professional misconduct. Regulatory uncertainty may produce two undesirable effects: excessive caution that prevents beneficial innovation, or casual use of tools without adequate safeguards. A professional framework should reduce both risks by defining threshold duties in terms that are understandable to law practices of different sizes.

A further issue concerns equality in the legal services market. Large firms may have access to paid enterprise tools, information-security teams and internal compliance procedures, while small offices and individual practitioners may depend on public tools. If regulation is vague, professional risk may fall disproportionately on smaller practices that have fewer resources to evaluate providers. Guidance from the Vietnam Bar Federation should therefore be written in practical terms, including minimum safeguards that can be implemented without expensive infrastructure.

2. Comparative Experience on Lawyers' Professional Responsibility When Using GenAI

Comparative experience is developing in a broadly consistent direction: lawyers may use GenAI, but they may not treat GenAI as a ground for reducing their professional obligations. Guidance from Singapore, the United States and Europe gives particular attention to technological competence, protection of client information, verification of outputs, appropriate transparency and human supervision. This approach corresponds to the nature of legal practice. Professional tasks may be supported by tools, but judgment and responsibility remain with lawyers.

Singapore is especially relevant to the Asian context because it combines promotion of legal innovation with risk control in litigation. The Singapore Courts' Guide on the Use of Generative Artificial Intelligence Tools by Court

Users, applicable from 1 October 2024^[6], does not prohibit the use of GenAI in preparing court documents. It emphasises, however, that the person submitting a document must ensure that its content is accurate, truthful, relevant and independently verified; the use of GenAI does not transfer or diminish that responsibility (Singapore Courts, 2024)^[19]. The key point is that the court does not treat GenAI as a prohibited phenomenon, but places the verification duty on the person responsible for the document.

The Ministry of Law Singapore's 2026^[8] Guide for Using Generative AI in the Legal Sector further emphasises three normative axes: professional obligations, confidentiality and transparency. It requires legal professionals to apply necessary and proportionate human oversight, to ensure that GenAI output is reviewed before use in legal work and to exercise greater caution when the tool is used outside the practitioner's own area of expertise (Ministry of Law Singapore, 2026)^[8]. The guide is notable because it does not require legal professionals to master the full technical architecture of a model. It requires them to understand risk and the limits of the tool in the specific task for which it is used.

The Law Society of Singapore has issued a separate advisory on publicly available AI tools. It notes that tools designed for the general public may not take into account lawyers' professional obligations. Lawyers must therefore be cautious with privileged information, confidential data, personal data and documents that have not been authorised for disclosure (Law Society of Singapore, 2026)^[8]. This experience is highly relevant for Vietnam, where small law offices, sole practitioners and trainees may use general-purpose tools without carefully reviewing data terms, retention policies or the possibility that prompts may be stored or reused.

In the United States, ABA Formal Opinion 512 is a significant normative source. It does not create an entirely new professional ethics regime for AI. Rather, it applies existing duties to the GenAI context: competence, confidentiality of client information, communication with clients, supervision of employees and assistants, advancing only meritorious claims, candour toward the tribunal and reasonable fees (American Bar Association, 2024)^[1]. The ABA emphasises that lawyers need not become GenAI experts, but must have a reasonable understanding of the capabilities and limitations of the tools they use. This standard is more realistic than a demand for technical mastery and is consistent with the nature of legal practice. State-level guidance in the United States confirms the same trajectory. Florida Bar Ethics Opinion 24-1 permits lawyers to use GenAI, but requires protection of client confidences, competent service, reasonable fees and avoidance of misleading advertising (The Florida Bar, 2024)^[1]. The State Bar of California similarly requires lawyers to understand, at a reasonable level, how the technology functions, the terms of use and the data policies of the provider; it also treats GenAI output as a starting point for review, not as a final legal conclusion (State Bar of California, 2023)^[20]. These opinions are useful because they translate general ethical duties into operational questions that a law office can ask before adopting a tool.

United States case law demonstrates that verification is not merely an ethical recommendation. In *Mata v. Avianca, Inc.*, lawyers filed a submission that cited non-existent cases

generated by ChatGPT and were sanctioned by the court (*Mata v. Avianca, Inc.*, 2023)^[9]. The case is frequently cited not because it is an isolated mistake, but because it illustrates the danger of trusting linguistic form. If lawyers do not verify sources, a persuasive-looking document may distort judicial proceedings. The professional issue is not that an AI system erred, but that counsel adopted and filed the erroneous output.

In Europe, the approach is closely tied to human rights, the rule of law and risk governance. Regulation (EU) 2024^[7]/1689, commonly known as the AI Act, establishes a general legal framework for AI systems in the European Union, with the objective of promoting human-centred and trustworthy AI while protecting fundamental rights (European Parliament & Council, 2024)^[6]. The Council of Europe's Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law likewise shows that AI governance in justice cannot be separated from the guarantees of democratic legality (Council of Europe, 2024)^[6]. Although neither instrument is a specific code for lawyers, their risk-based orientation affects how professional bodies interpret lawyers' duties in AI environments.

The 2025 CCBE Guide on the Use of Generative AI by Lawyers highlights risks relating to data protection, hallucinations, bias, lack of transparency, intellectual property, cybersecurity and fraud. It also requires lawyers to maintain professional competence, confidentiality, independence, human supervision and attention to bar guidance (Council of Bars and Law Societies of Europe, 2025)^[5]. A particularly important element of the CCBE approach is its broader understanding of independence. Lawyers must remain independent not only from clients, the state or third parties, but also from the recommendations of automated systems. A lawyer's task is to assess and approve, not merely to legitimise the machine's language.

Canada and England provide lessons concerning responsibility for documents filed with courts. In *Zhang v. Chen*, a lawyer in British Columbia used ChatGPT to find case law and inserted two non-existent cases into court materials; the court regarded the matter as serious because it generated costs and interfered with case management (*Zhang v. Chen*, 2024)^[23]. In *Ayinde and Al-Haroun*, the English High Court warned that placing false or fake material before a court may produce consequences concerning costs, professional discipline and, in appropriate cases, more serious sanctions (*Ayinde v. London Borough of Haringey and Al-Haroun v. Qatar National Bank QPSC and QNB Capital LLC*, 2025)^[2]. These cases demonstrate that professional responsibility is attached to the document submitted, irrespective of whether its language was first produced by a person or a tool.

Six general standards can be drawn from these comparative materials. First, the use of GenAI is not automatically prohibited, but depends on the purpose, data and risk level of the task. Second, lawyers must possess reasonable technological competence. Third, client confidentiality and personal data must be protected rigorously. Fourth, GenAI output must be verified against authoritative sources before it is used in advice or litigation. Fifth, clients should be informed when AI use materially affects the substance of the service, fees or data processing. Sixth, law practices must supervise lawyers, staff and trainees in their use of AI tools. These standards are not foreign to Vietnamese legal

culture; they are specifications of independence, honesty, confidentiality and diligence under new technological conditions.

The American experience is instructive on supervision. GenAI use is rarely confined to partners or senior litigators. Associates, paralegals, trainees, interns and administrative staff may be the first to use public tools for translation, summarisation or drafting. Professional responsibility rules therefore cannot focus only on the individual lawyer who signs the document. They must also impose duties on the lawyer in charge and on the law practice to train, supervise and audit those who assist in the work. This dimension is relevant for Vietnam because many professional risks will arise from informal workplace practices rather than from an official decision to adopt an AI system.

A further comparative lesson concerns proportionality. None of the leading instruments suggests that every AI-assisted act should trigger the same level of review. The required safeguard depends on the sensitivity of data, the legal effect of the output and the forum in which the output will be used. A draft internal outline based only on public law materials does not raise the same risk as a pleading filed with a court or a legal opinion on a client's liberty, property or corporate control. This proportionality principle is important for Vietnam because it allows regulation to protect high-stakes matters without overburdening routine or low-risk uses.

The comparative materials also show that transparency must be differentiated from verification. Disclosure that AI was used does not cure an inaccurate document. Conversely, a fully verified AI-assisted draft may not always require disclosure if the use of the tool was merely administrative or preliminary. The policy issue is therefore to identify when transparency protects client autonomy, court integrity or data rights, and when it becomes an unnecessary formality. This distinction is useful for Vietnam because it supports a risk-based rather than symbolic approach to AI governance in legal practice.

3. Toward a Professional Responsibility Framework for Vietnamese Lawyers Using GenAI

On the basis of Vietnamese law and comparative experience, a professional responsibility framework for lawyers using GenAI may be organised around six groups of duties. The purpose of this framework is not to add unnecessary formality, but to clarify how traditional professional principles should operate in a technological environment where content can be generated quickly but with uneven reliability.

The first duty is technological competence. A lawyer using GenAI should reasonably understand whether the tool is general-purpose or designed for legal work; whether it is connected to verified legal sources; whether it stores inputs; whether it uses user data to retrain the model; whether it produces verifiable citations; and for which kinds of tasks it is prone to error. This duty does not turn a lawyer into a data engineer. It prevents the lawyer from using a tool beyond the lawyer's capacity for professional control. In Vietnam, technological competence should become part of continuing professional development, alongside substantive law, procedural skills and professional ethics.

The second duty is protection of data and professional secrecy. Lawyers should not enter client identifiers, evidence, litigation strategy, trade secrets, health or

financial information, sensitive personal data or materials protected by the lawyer-client relationship into public AI tools unless there is a clear legal basis, adequate security measures and the client's informed consent where required by law or by the nature of the service relationship. Anonymisation must be substantive, not merely cosmetic. Removing the client's name is insufficient if remaining factual details are enough to identify the person or organisation concerned.

The third duty is independent verification. Any GenAI output that affects legal advice, contract drafting, court documents, legal grounds or client strategy must be checked against authoritative sources. Verification should include checking statutory provisions, legal validity, issuing authority, cited cases or judgments, case facts and the suitability of legal terminology. For documents filed with courts, the duty must be stricter because error may harm the client, generate procedural costs and damage public trust in adjudication. Verification should be treated as a professional act, not as a mechanical proofreading step.

The fourth duty is conditional transparency. Lawyers should not be required to disclose every use of AI because such a rule would be difficult to enforce and could stigmatise technology. However, lawyers should notify or agree with clients when GenAI is used materially to produce a legal work product, when client data are processed by a third party, when the use of AI may affect fees or when a client has imposed a condition that AI not be used. In litigation, lawyers need not disclose every AI-assisted step, but they should be prepared to explain the use of AI when the court so requires or when the document reveals signs that verification is needed.

The fifth duty is supervision and internal governance. A law practice should adopt an AI-use policy containing at least the following matters: approved types of tools; categories of data that must not be entered into public tools; procedures for anonymising documents; procedures for verifying sources; the responsibility of the lawyer in charge; the responsibility of staff and trainees; record-keeping for high-risk matters; and internal sanctions for breach. For small offices, such a policy may be concise, but it must be clear enough to prevent uncontrolled individual habits from becoming institutional practice.

The sixth duty is integrity in fees, advertising and information. Lawyers must not advertise that GenAI guarantees success, predicts outcomes with certainty or replaces the lawyer's work entirely. If GenAI substantially saves time, lawyers must ensure that fees and expenses charged to the client are reasonable and consistent with the agreement. Where fees are calculated by the hour, the lawyer cannot charge the client for time that was not in fact spent, unless the parties have transparently agreed on value-based, product-based or fixed-fee pricing. The use of technology should not become a device for opaque billing. These six groups of duties are grounded in one general principle: the lawyer is ultimately responsible for the legal product that the lawyer approves and uses. AI may suggest, organise, summarise or assist drafting, but it cannot be the subject of duties of honesty, confidentiality, independence and diligence. If the final product is sent by a law practice, signed by a lawyer or filed before a competent authority, it must be treated as the lawyer's professional product. This approach allows innovation while preserving the distinctive public function of the legal profession.

For practical implementation, the framework should be accompanied by a simple due-diligence checklist. Before using GenAI, the lawyer should identify the task, classify the data, review the provider's terms, determine whether the client must be informed, decide the required level of verification and record final professional approval. After using the tool, the lawyer should document the authoritative sources checked and any substantial correction made to the AI output. In high-risk matters, a second-lawyer review should be considered. Such documentation need not be bureaucratic; a short note in the file may be sufficient. Its value lies in proving that the lawyer exercised professional judgment rather than passively adopting machine-generated language.

The framework should also distinguish between external accountability and internal learning. Disciplinary sanctions are necessary for serious breaches, especially where client secrets are disclosed or false materials are filed with a court. Yet professional development also requires non-punitive channels through which lawyers can report incidents, share lessons and update office procedures. A culture of responsible technology use will be stronger if lawyers understand that risk management is part of professional excellence, not merely a threat of punishment.

4. Implications for Legal Reform in Vietnam

First, the amended Law on Lawyers should add a principle on the use of technology in legal practice. The provision could be placed in Article 5 on principles of practice or Article 21 on lawyers' rights and duties. It could state that when using technology, automated systems or artificial intelligence in legal practice, lawyers must ensure professional independence, protect client information, verify results, comply with law and bear responsibility for legal products that they provide or submit to competent authorities. This wording is technology-neutral. It does not depend on the present terminology of GenAI and can apply to future tools.

Second, technological competence should be recognised as an element of mandatory continuing professional training. Training should not stop at software skills. It should include digital professional ethics, data security, cloud confidentiality, hallucination risk, verification of legal sources, management of electronic evidence, provider selection and responsibility when AI tools are used. This is particularly important for reducing the gap between large law practices with proprietary technology and individual lawyers or small offices that depend on general-purpose tools.

Third, the Code of Ethics and Professional Conduct of Vietnamese Lawyers should be supplemented or officially interpreted in relation to technology use. Rule 7 on confidentiality should be read to include the prohibition on entering confidential data into public AI tools without adequate protection. Rules 5 and 10 on diligence and competence should include the duty to understand the limits of the tool. Rules 2 and 27 on honesty should include the duty not to use AI-generated materials without verification. Rule 15 on conflicts of interest should be extended to risks arising where a tool processes or reuses data from multiple clients.

Fourth, the Vietnam Bar Federation should issue specialised guidance on GenAI in legal practice. The guidance may draw from Singapore, the ABA and the CCBE, but it must

be adapted to Vietnamese conditions. Its structure should include a definition of GenAI; classification of tasks by risk level; principles for data confidentiality and anonymisation; requirements for output verification; criteria for selecting tools; recommendations on agreements with clients; duties of explanation in litigation; internal governance of law practices; model clauses on technology use in legal services contracts; and recommendations on maintaining verification records in high-risk matters.

Fifth, a task-based risk-classification mechanism should be designed. Low-risk tasks may include correcting spelling, formatting documents, scheduling work, summarising public materials or generating research outlines that contain no client data. Medium-risk tasks may include assistance in drafting contracts, legal memoranda or advice letters on the basis of anonymised data. High-risk tasks include drafting documents for court filing, analysing litigation strategy, processing evidence, processing sensitive personal data or giving advice that directly affects the client's liberty, property, health or important legal status. Each risk category should correspond to different levels of verification, approval and notification.

Sixth, the law on lawyers should be linked with the 2025^[5] Law on Personal Data Protection. When a law practice uses AI tools to process client data, it should identify its role in the data-processing activity, establish a lawful basis, manage data transfers, select secure providers and retain processing records where necessary (National Assembly of Vietnam, 2025)^[12]. For information covered by professional secrecy, the standard of protection must be higher than the ordinary personal data standard because the harm may directly affect the right to defence, the right to legal advice and the client's legal strategy.

Seventh, disciplinary responsibility for inappropriate AI use should be clarified. Professional guidance should identify typical conduct that may trigger disciplinary review: entering confidential data into a public tool; filing documents containing non-existent cases, judgments, legislation or citations; making misleading claims about AI's capability; allowing staff or trainees to use AI contrary to internal policy; charging fees opaquely when AI is used; or failing to correct an AI-generated error promptly after discovery. Such identification is not intended to criminalise professional mistakes. Its purpose is to enhance predictability in professional self-governance and discipline. Eighth, Vietnam should not adopt an absolute duty to disclose every use of AI. A comprehensive disclosure rule would be procedurally burdensome and could impede innovation. A more appropriate approach is risk-threshold transparency: transparency toward clients when AI materially affects the service, fees or data; transparency toward courts when procedural law, court rules or a specific judicial request requires it. In every case, non-disclosure does not mean exemption from responsibility. Lawyers must still ensure that the final product is accurate, relevant and supported by law.

Ninth, Vietnam should encourage the development of domestic legal AI tools and trustworthy legal databases. Part of the risk of GenAI arises because general-purpose tools are not designed for the Vietnamese legal system. They may mistranslate legal terms, merge sources from different jurisdictions, cite expired legislation or generate legal grounds that do not exist. Open, updated legal data with standardised citation, validity information and source

traceability would make AI use safer for lawyers. This task is connected to judicial digital transformation and to the construction of a national digital legal infrastructure.

These proposals must balance innovation and caution. If regulation is excessively restrictive, Vietnamese lawyers may fall behind in technological adoption and lose competitiveness in the legal services market. If regulation is too loose, risks concerning data, erroneous legal reasoning and public trust in lawyers will increase. The appropriate direction is a flexible, risk-based professional responsibility framework that focuses on confidentiality, independent verification and professional self-governance. Such a framework is compatible with Vietnam's policy objectives of judicial reform, digital transformation and improvement of the quality of legal services.

Implementation should be phased. In the short term, the Vietnam Bar Federation can issue soft-law guidance and model clauses for legal services contracts. In the medium term, continuing legal education programmes should introduce technology competence, data protection and AI verification as mandatory professional subjects. In the longer term, the amended Law on Lawyers and the Code of Ethics should incorporate technology-neutral duties that allow disciplinary bodies to respond to serious misuse. This sequence would avoid abrupt overregulation while creating a clear trajectory for professional adaptation. It would also respect the tradition of professional self-governance by allowing the bar to develop detailed practice standards within the legislative framework.

The reform should finally be coordinated with court administration. If courts begin to encounter AI-generated errors more frequently, they may develop filing directions, certification duties or clarification requests. Such measures should be designed carefully so that they do not create unnecessary barriers to representation. The better approach is cooperation between courts, the Ministry of Justice, the Vietnam Bar Federation and training institutions. Coordinated guidance would reduce fragmentation and help lawyers understand that duties to clients and duties to courts are mutually reinforcing in the digital environment.

Conclusion

GenAI is opening the possibility of reorganising part of the way legal services are provided. It can assist research, summarisation, drafting, case management and access to legal information. Yet the same capacity to generate coherent and persuasive text creates serious professional risks if lawyers receive AI output uncritically. The central issue is therefore not technology as such, but the professional conditions under which lawyers approve and use technology in the service of clients and justice.

Vietnamese law already contains important foundations for regulating lawyers' professional responsibility through the Law on Lawyers and the Code of Ethics and Professional Conduct of Vietnamese Lawyers. However, existing standards are not sufficiently specific with respect to technological competence, data confidentiality when third-party tools are used, verification of output, transparency toward clients, and explanation before courts and internal governance of law practices. These gaps should be addressed in the process of amending the Law on Lawyers and updating professional ethical rules.

Comparative experience from Singapore, the United States, Europe, Canada and the United Kingdom suggests that the

appropriate approach is not to prohibit GenAI, but to affirm lawyers' ultimate responsibility for its use. Technology can assist, but it cannot replace professional judgment, the duty of confidentiality, candour toward courts and accountability to clients. The lawyer remains the professional actor who must decide whether an AI-assisted output is legally sound, ethically permissible and procedurally appropriate.

For Vietnam, this article proposes a professional responsibility framework consisting of six groups of duties: technological competence, protection of data and professional secrecy, independent verification, conditional transparency, internal supervision and integrity in fees, advertising and information. This framework can be institutionalised through the amended Law on Lawyers, the Code of Ethics and Professional Conduct of Vietnamese Lawyers, guidance from the Vietnam Bar Federation and mandatory continuing professional training for lawyers.

GenAI does not diminish the role of lawyers. On the contrary, it makes clearer the irreplaceable value of lawyers as actors with legal knowledge, independent judgment, ethical awareness and responsibility before clients, courts and society. In the present period of judicial reform, improving lawyers' professional responsibility in relation to GenAI is a condition for ensuring that technology serves justice rather than weakening the foundations of justice.

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