Modern Lawyer

Ideas for Legal Leaders

Editor: Alex Davies
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Featured in this issue

Managing cyber security risk as a law firm

Can we prompt privacy? Navigating vendor AI without breaching client duties

Protection of client data in the era of AI

Cyber risks – beware the hidden dangers

It's an uncomfortable truth that cybercrime is becoming more of a "when" than an "if" scenario – especially with AI getting in on the act and working furiously around the clock to exploit systems. What's perhaps even more concerning are the hidden dangers that are happening, essentially legally.

This issue of *Modern Lawyer* looks at data protection in the legal profession from a range of different angles, reaching a common conclusion – that law firms can no longer treat cyber security and AI governance as optional, and that the greatest threats are perhaps less obvious than we imagine.

On p11, Dr Ilia Kolochenko argues that the greatest emerging threat comes from the growing ecosystem of AI tools that lawyers use every day. He warns that confidential client information may be inadvertently shared with AI vendors through default settings, cloud-based services, mobile devices and connected technologies. He makes the argument that firms must actively manage data flows, minimize unnecessary data storage, review privacy settings and adopt robust governance measures if they are to protect client confidentiality in the AI era.

On p57, Jelena Schidzig takes a more conceptual and provocative approach, arguing that the legal profession is focusing on the wrong risk. While AI vendors often reassure users that they do not train models on uploaded documents, she contends that the real value lies in the metadata surrounding legal work – patterns of activity, workflows and the development of legal reasoning. Existing confidentiality rules, contracts and compliance frameworks are primarily designed to protect documents and their contents, not the behavioral and structural information that AI systems can learn from. Jelena argues that protecting client interests in the future will require a new approach centered on governance of legal data infrastructure rather than simply controlling access to documents.

Finally, on p35, Matt Reed focuses on the practical realities of cyber security risk management for law firms, particularly small and medium-sized practices with limited budgets and expertise. He argues that because law firms hold highly sensitive personal and commercial information, leadership teams must take responsibility for understanding and managing cyber risk. Firms need to identify their biggest vulnerabilities, test their resilience to incidents such as ransomware attacks, scrutinize suppliers, adopt recognized security standards and develop a culture of ongoing risk reduction. His message is that proactive investment in cyber security is now a fundamental business requirement and far less costly than responding to a major breach.

Cyber security clearly remains a major concern – and perhaps not always in the way we might expect.

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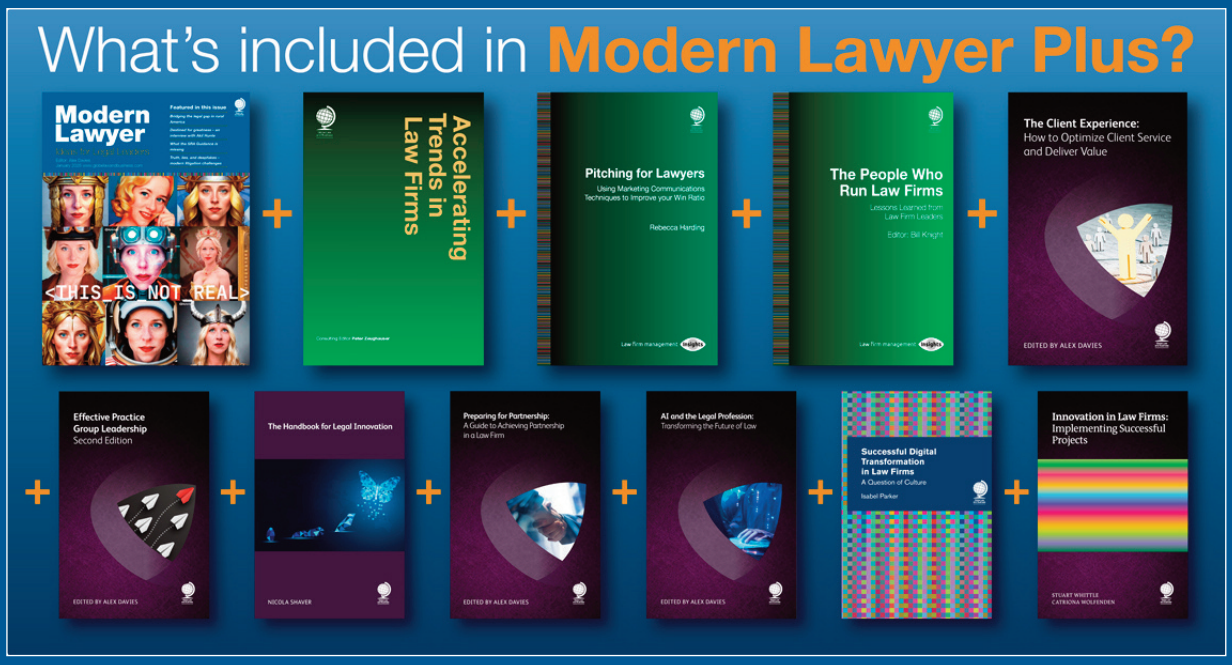

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