

AVOCAT-ES ET FACULTES DE DROIT A LERE DE L'IA

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Digital
Law
Center



UNIVERSITÉ
DE GENÈVE
FACULTÉ DE DROIT

I. DEUX REFLEXIONS D'OUVERTURE

II. CULTURE NUMERIQUE

III. CULTURE JURIDIQUE

IV. QUELQUES REFLEXIONS SUR LE FUTUR DES METIERS DU DROIT

I. DEUX REFLEXIONS D'OUVERTURE

1. Le confusionnisme numérique

- Les discours publics brouillent les pistes, mélangent les idées, ce qui empêche un consensus scientifique et politique.
- *“Parler de l’extinction de l’humanité, d’un véritable événement apocalyptique, est tellement **plus captivant** que de parler des travailleuses et des travailleurs kényans payés 1,32 \$ de l’heure pour modérer des contenus utilisés par l’IA, ou le travail d’artistes exploités pour alimenter ces systèmes.” (Torres, 2023).*



Sam Altman and Dario Amodei are both walking back their AI jobs apocalypse prophecies as they eye blockbuster IPOs



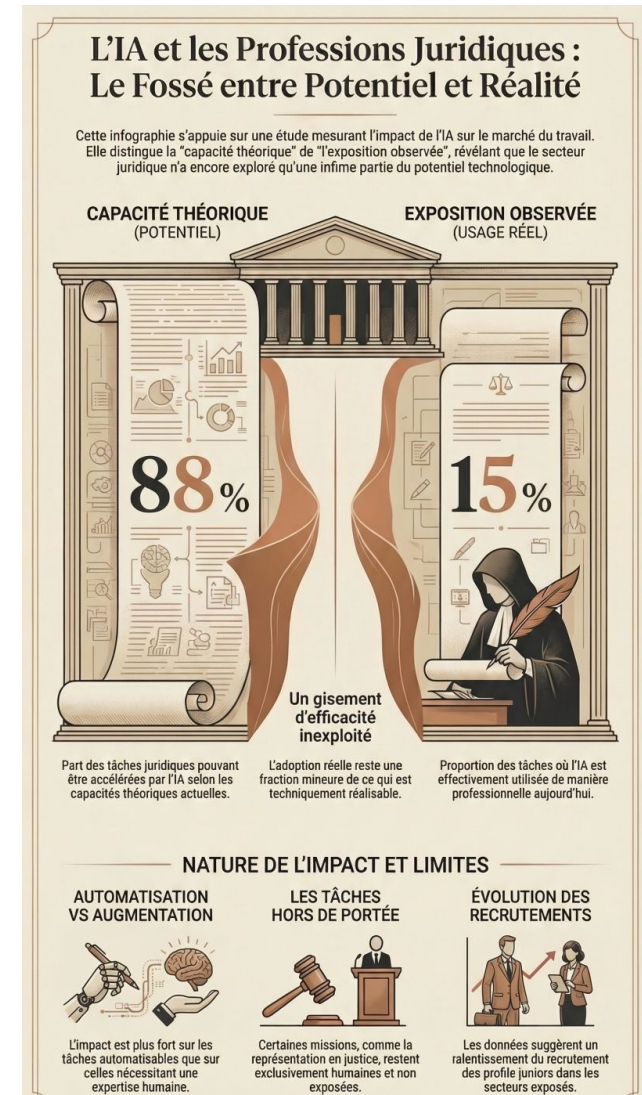
By Sasha Rogelberg
Reporter

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May 26, 2026, 4:34 PM ET

2. Le défi de l'employabilité

- Le fantasme des gains de productivité
 - le discours public est que l'IA ne remplace pas les juristes, mais **transforme en profondeur** l'organisation des cabinets et directions juridiques (adoption passée de 19% à 79% entre 2023 et 2024, Legal Trends Report);
 - en **automatisant** une part importante des **tâches juridiques standardisées** (jusqu'à 44% des tâches, soit 240h/an/pers.) (Goldman Sachs)
- La réalité est que les gains de productivité se font encore attendre et que de nombreuses tâches ne sont pas (du moins, pas encore) automatisables (fossé potentiel - réalité)



2. Le défi de l'employabilité

- Des juristes “augmenté-es” (“*Students with AI skills are becoming the more attractive candidates*”, Tiffany J. Tucker)
- Mais des cabinets sans *juniors* (fracture)
 - “If more work that trains junior associates is being automated, then there's **no real material anymore for them to train on.**” (Nik Guggenberger)
 - “Le défi pour les organisations est de trouver des solutions pour **préserver un haut niveau de compétences** et de technicité, alors leur automatisation les dévalorise” (Durand, Benhamou, Kuonen)



2. Le défi de l'employabilité

- L'injonction d'utiliser malgré les défis



AI will **replace** lawyers
who **fail** to **adapt** with it.

Law Professors Prefer AI Over Peer Answers

Alejandro Salinas¹, Carly Frieders¹, Neel Guha¹, Sibom Ma¹,

Ralph Anzivino², Ian Ayres³, Oren Bar-Gill⁴, Omri Ben-Shahar⁵, Stephen Friedman⁶,
George Geis⁷, Sue Guan⁸, Christoph Henkel⁹, Stephanie Hoffer¹⁰, Gregory Klass¹¹, Larasz
Moody-Villarose¹², Sarath Sanga³, Keith Sharfman¹⁴, Justin Simard¹⁵, Rebecca Stone¹⁶,
David Wishnick¹¹,

Julian Nyarko¹

¹Stanford University, ²Marquette University, ³Yale University, ⁴New York University, ⁵University
of Chicago, ⁶Widener University, ⁷University of Virginia, ⁸Santa Clara University, ⁹Drake
University, ¹⁰Indiana University, ¹¹Georgetown University, ¹²Purdue Global, ¹³St. John's
University, ¹⁴Michigan State University, ¹⁵University of California, Los Angeles

May 27, 2026

UC Berkeley Law School Adopts New, Strict Ban On AI Use By Students

By [Michael T. Nietzel](#), Senior Contributor. © Michael Nietzel, former college pr... [Follow Author](#)

Published May 22, 2026, 08:26am EDT, Updated May 22, 2026, 10:55am EDT

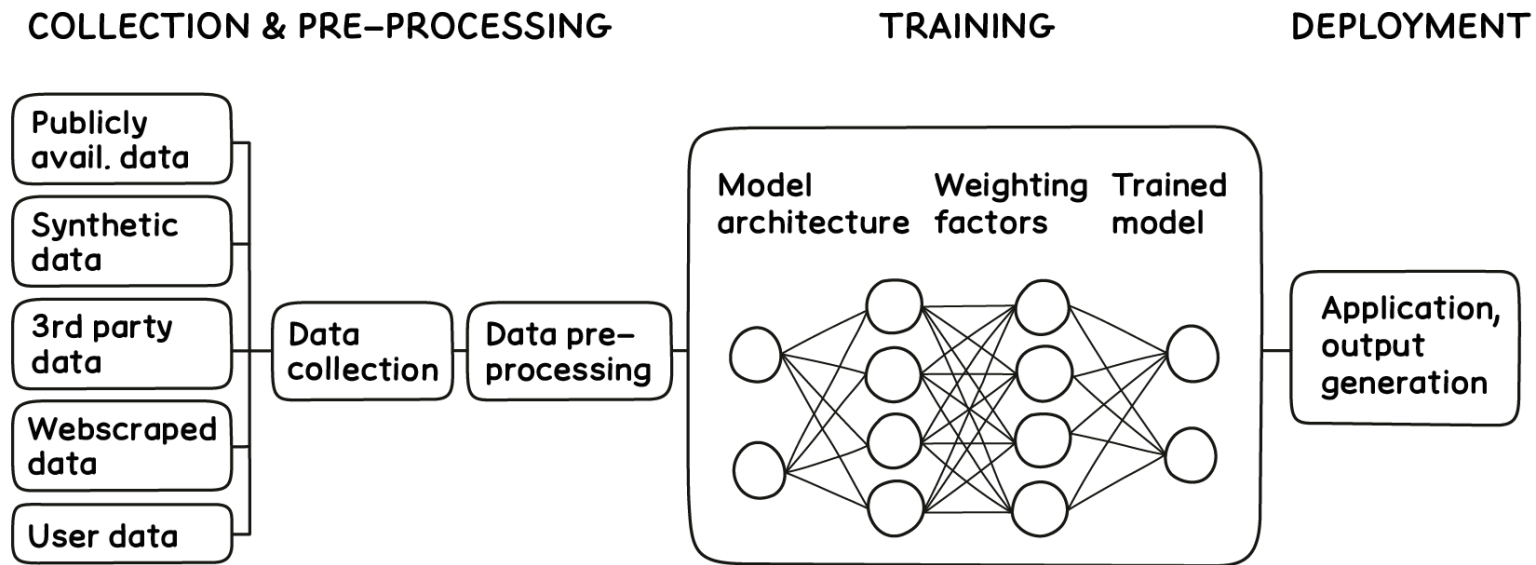


II. CULTURE NUMERIQUE (*AI LITTERACY*)

Caractéristiques propres à l'IA (sélection)

- Dépendance aux données
- Complexité (not. *black box*)
- Autonomie
- Risque de préjudice ou d'abus (*the costs of AI*)

AI PHASES



III. CULTURE JURIDIQUE

1. L'avocat-e "augmenté-e" par IA (1/2)

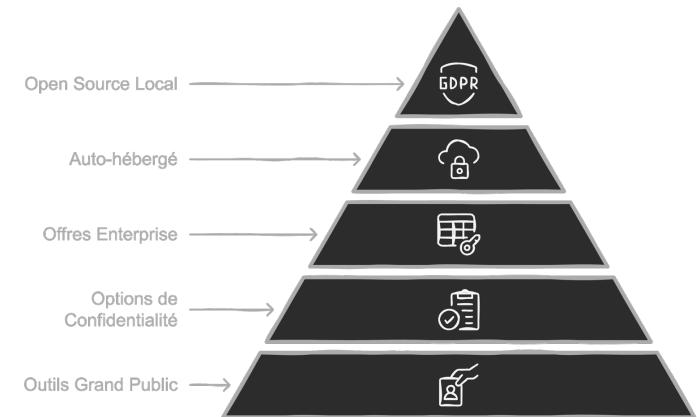
L'avocat-e qui souhaite déployer un modèle d'IA (*déployeur*) doit s'assurer du **respect du cadre légal**. En cas de transfert des données à l'outil:

- La sous-traitance est encadrée (instructions, contrôles, "TOMs"), et renforcée si le prestataire est étranger ou partie à un groupe étranger (art. 9 et 16 LPD); et
- en cas d'informations confidentielles (CP 321; LLCA 13 al. 2), *"avec le consentement éclairé du client, une déclaration de renonciation concernant le secret professionnel et la LPD"* (FSA IA).

➤ Le doit donc choisir un type de modèle et d'usage adapté (*cf. règle d'or*)

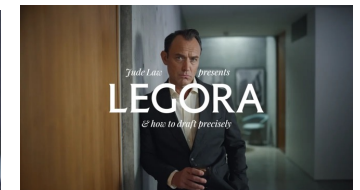
- Recherche juridique (risque faible)
- Analyse documentaire (risque moyen à élevé)
- Rédaction et conseil (risque élevé)

Hérarchie de la Confidentialité des Données IA



Kirkland & Ellis to spend \$500mn building its own AI technology

World's highest-grossing law firm plans to put the 'collective intelligence' of its lawyers into a tech platform



1. L'avocat-e "augmenté-e" par IA (2/2)

L'avocat-e doit procéder à un examen critique des résultats obtenus par IA en raison des risques et impressions des résultats (FSA IA)

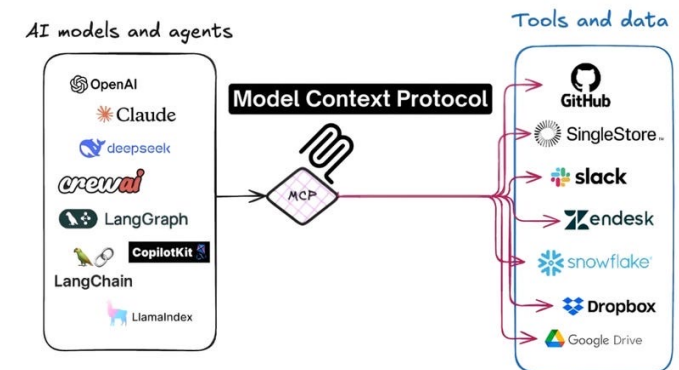
- Hallucinations (58% à 88% pour les questions légales spécifiques) (cf. Holmen c. OpenAI, Norvège, 2025)
- Flagornerie (*Sycophancy*) (*Yes, you are absolutely right*)
- Données erronées ou incomplètes (*knowledge cutoff*)

➤ L'avocat-e doit faire preuve de discernement et examiner de manière critique les réponses obtenues, en les corrigeant ou en les complétant si nécessaire (FSA IA)

Who is Arve Hjalmar Holmen?

Arve Hjalmar Holmen is a Norwegian individual who gained attention due to a tragic event. He was the father of two young boys, aged 7 and 10, who were tragically found dead in a pond near their home in Trondheim, Norway, in December 2020. Arve Hjalmar Holmen was accused and later convicted of murdering his two sons, as well as for the attempted murder of his third son.

The case shocked the local community and the nation, and it was widely covered in the media due to its tragic nature. Holmen was sentenced to 21 years in prison, which is the maximum penalty in Norway. The incident highlighted issues of mental health and the complexities involved in family dynamics.



2. L'avocat-e conseil en droit des technologies

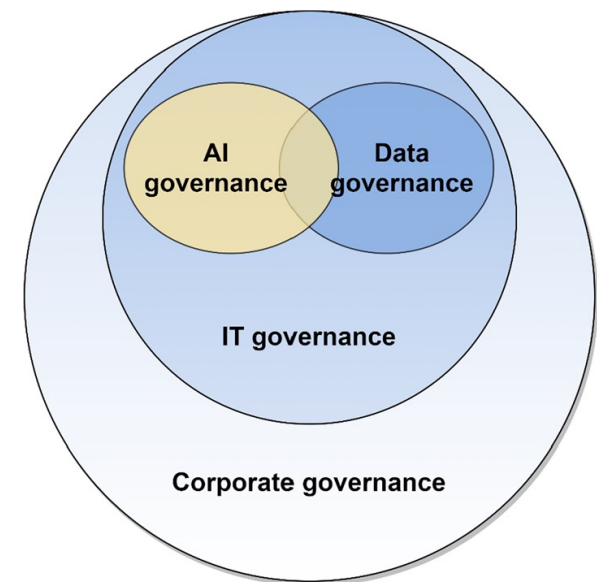
- Le rôle de l'avocat-e est de conseiller le client, not. quant aux **enjeux réglementaires** et la conformité de son client, par exemple:

a) A l'interne (*AI governance*)

- Dans un environnement complexe où l'IA devient de plus en plus autonome;
- Multiples acteurs (autorités, fabricant, importateur, opérateur, utilisateur, personnes concernées);
- Multiples régulations

Cf. Art. 5(2) RGPD

«Le responsable du traitement **est responsable** du respect du paragraphe 1, **et est en mesure de démontrer que celui-ci est respecté** (responsabilité).»



Matti Mäntymäki et al.,
Defining organizational AI governance, Fig. 1

CULTURE JURIDIQUE

Table 1: Overview of EU Legislations in the Digital Sector

Applicable law	Published in the Official Journal of the European Union.
In negotiation	Proposal by the European Commission entered the legislative process.
Planned initiative	Mentioned by the European Commission as potential legislative initiative.

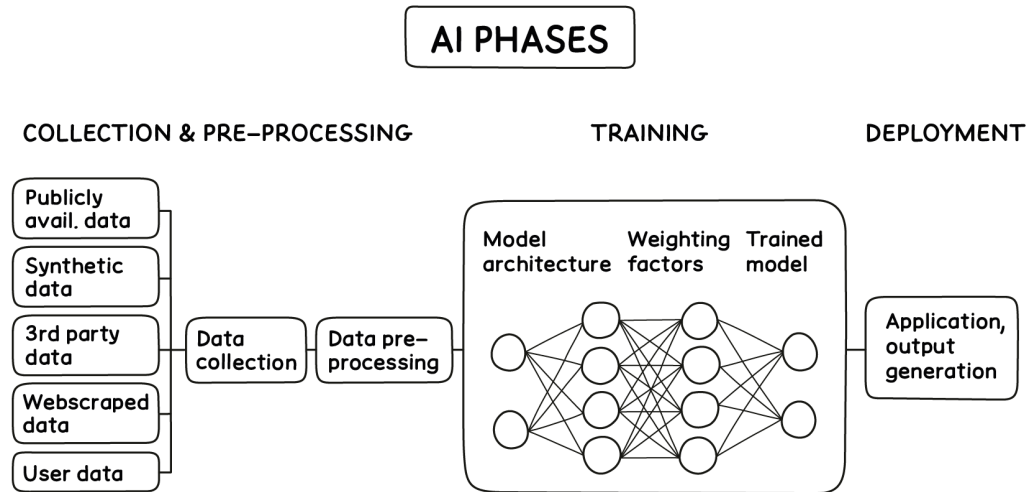
Research & Innovation	Industrial Policy	Connectivity	Data & Privacy	IPR	Cybersecurity	Law Enforcement	Trust & Safety	E-commerce & Consumer Protection	Competition	Media	Finance
Digital Europe Programme Regulation, (EU) 2021/694	Recovery and Resilience Facility Regulation, (EU) 2021/241	Frequency Bands Directive, (EEC) 1987/372	ePrivacy Directive, (EC) 2002/58, 2017/0003(COD)	Database Directive, (EC) 1996/9	Regulation for a Cybersecurity Act, (EU) 2019/881, 2023/0108(COD)	Law Enforcement Directive, (EU) 2016/680	Product Liability Directive (PLD), (EEC) 1985/374, 2022/0302(COD)	Unfair Contract Terms Directive (UCTD), (EEC) 1993/13	EC Merger regulation, (EC) 2004/139	Satellite and Cable Directive, (EEC) 1993/83	Common VAT system, (EC) 2006/112, 2022/0407(CNS)
Horizon Europe Regulation, (EU) 2021/695, (EU) 2021/764	InvestEU Programme Regulation, (EU) 2021/523	Radio Spectrum Decision, (EC) 2002/676	European Statistics, (EC) 2009/223, 2023/0237(COD)	Community Design Directive, (EC) 2002/6, 2022/0391(COD)	Regulation to establish a European Cybersecurity Competence Centre, (EU) 2021/887	Directive on combating fraud and counterfeiting of non-cash means of payment, (EU) 2019/713	Toys Regulation, (EC) 2009/48, 2023/0290(COD)	Price Indication Directive, (EC) 1998/6	Technology Transfer Block Exemption, (EU) 2014/516	Information Society Directive, (EC) 2001/29	Administrative cooperation in the field of taxation, (EU) 2011/16
Regulation on a pilot regime for distributed ledger technology, (EU) 2022/858	Connecting Europe Facility Regulation, (EU) 2021/1153	Open Internet Access Regulation, (EU) 2015/2120	General Data Protection Regulation (GDPR), (EU) 2016/679	Enforcement Directive (IPR), (EC) 2004/48	NIS 2 Directive, (EU) 2022/2555	Regulation on interoperability between EU information systems in the field of borders and visa, (EU) 2019/817	European Standardization Regulation, (EU) 2012/1025	E-commerce Directive, (EC) 2000/31	Company Law Directive, (EU) 2017/1132, 2023/0089(COD)	Audio-visual Media Services Directive (AVMSD), (EU) 2010/13	Payment Service Directive 2 (PSD2), (EU) 2015/2366, 2023/0209(COD)
	Regulation on High Performance Computing Joint Undertaking, (EU) 2021/1173, 2024/0016(CNS)	European Electronic Communications Code Directive (EECC), (EU) 2018/1972	Regulation to protect personal data processed by EU institutions, bodies, offices and agencies, (EU) 2018/1725	Directive on the protection of trade secrets, (EU) 2016/943	Cybersecurity Regulation, (EU) 2023/2841	Regulation on terrorist content online, (EU) 2021/784	Radio Equipment Directive (RED), (EU) 2014/53	Unfair Commercial Practices Directive (UCPD), (EC) 2005/29	Market Surveillance Regulation, (EU) 2019/1020	Portability Regulation, (EU) 2017/1128	Digital Operational Resilience Act (DORA Regulation), (EU) 2022/2554
	Regulation on Joint Undertakings under Horizon Europe, (EU) 2021/2085, 2022/0033(NLE)	.eu top-level domain Regulation, (EU) 2019/517	Regulation on the free flow of non-personal data, (EU) 2018/1807	Design Directive, 2022/0392(COD)	Information Security Regulation, 2022/0084(COD)	Temporary CSAM Regulation, (EU) 2021/1232, 2022/0155(COD)	eIDAS Regulation (European Digital Identity Framework), (EU) 2014/910	Directive on Consumer Rights (CRD), (EU) 2011/83	P2B Regulation, (EU) 2019/1150	Satellite and Cable II Directive, (EU) 2019/789	Crypto-assets Regulation (MiCA), (EU) 2023/1114
	Decision on a path to the Digital Decade, (EU) 2022/2481	Roaming Regulation, (EU) 2022/612	Open Data Directive (PSI), (EU) 2019/1024	Compulsory licensing of patents, 2023/0129(COD)	Cyber Resilience Act, 2022/0272(COD)	E-evidence Regulation, (EU) 2023/1543	Regulation for a Single Digital Gateway, (EU) 2018/1724	e-invoicing Directive, (EU) 2014/55	Single Market Programme, (EU) 2021/690	Copyright Directive, (EU) 2019/790	Financial Data Access Regulation, 2023/0205 (COD)
	European Chips Act (Regulation), (EU) 2023/1781	Union Secure Connectivity Programme, (EU) 2023/588	Data Governance Act (DGA Regulation), (EU) 2022/868	Standard essential patents, 2023/0133(COD)	Cyber Solidarity Act (Regulation), 2023/0109(COD)	Digitalisation of cross-border judicial cooperation, (EU) 2023/2844	General Product Safety Regulation, (EU) 2023/988	Regulation on cooperation for the enforcement of consumer protection laws, (EU) 2017/2394	Vertical Block Exemption Regulation (VBER), (EU) 2022/720	European Media Freedom Act, (EU) 2024/1083	Payment Services Regulation, 2023/0210(COD)
	Establishing the Strategic Technologies for Europe Platform (STEP), (EU) 2024/795	Gigabit Infrastructure Act, (EU) 2024/1309	European Data Act (Regulation), (EU) 2023/2854			Directive on combating violence against women, 2022/0066(COD)	Machinery Regulation, (EU) 2023/1230	Geo-Blocking Regulation, (EU) 2018/302	Digital Market Act (DMA Regulation), (EU) 2022/1925	Remuneration of musicians from third countries for recorded music played in the EU	Digital euro, 2023/0212 (COD)
	European critical raw materials act (Regulation), (EU) 2024/1252	New radio spectrum policy programme (RSPP 2.0)	Interoperable Europe Act, (EU) 2024/903			Directive for combating sexual abuse and child sexual abuse material, 2024/0035(COD)	AI Act (Regulation), 2021/0106(COD)	Digital content Directive, (EU) 2019/770	Regulation on distortive foreign subsidies, (EU) 2022/2560	Regulation on combating late payment, 2023/0323(COD)	
	Net Zero Industry Act, 2023/0081(COD)	Digital Networks Act	Regulation on data collection for short-term rental, (EU) 2024/1028			Digitalization of travel documents	Eco-design Regulation, 2022/0095(COD)	Directive on certain aspects concerning contracts for the sale of goods, (EU) 2019/771	Horizontal Block Exemption Regulations (HBER), (EU) 2023/1066 (EU) 2023/1067		
	EU Space Law		European Health Data Space (Regulation), 2022/0140(COD)				AI Liability Directive, 2022/0303(COD)	Digital Services Act (DSA Regulation), (EU) 2022/2065	Platform Work Directive, 2021/0414(COD)		
			Harmonisation of GDPR enforcement procedures, 2023/0202(COD)					Political Advertising Regulation, (EU) 2024/900	Single Market Emergency Instrument (SMEI), 2022/0278(COD)		
			Access to vehicle data, functions and resources				Right to repair Directive, 2023/0083(COD)				
		GreenData4all				Consumer protection, strengthened enforcement, cooperation					

CULTURE JURIDIQUE

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Research & Innovation	Industrial Policy	Connectivity	Data & Privacy	IPR	Cybersecurity	Law Enforcement	Trust & Safety	E-commerce & Consumer Protection	Competition	Media	Finance	Données et vie privée (ex. RGPD)	
Digital Europe Programme Regulation, (EU) 2021/694	Recovery and Resilience Facility Regulation, (EU) 2021/241	Frequency Bands Directive, (EEC) 1987/372	ePrivacy Directive, (EC) 2002/58, 2017/0003(COD)	Database Directive, (EC) 1996/9	Regulation for a Cybersecurity Act, (EU) 2019/881, 2023/0108(COD)	Law Enforcement Directive, (EU) 2016/680	Product Liability Directive (PLD), (EEC) 1985/374, 2022/0302(COD)	Unfair Contract Terms Directive (UCTD), (EEC) 1993/13	EC Merger regulation, (EC) 2004/139	Satellite and Cable Directive, (EEC) 1993/83	Common VAT system, (EC) 2006/112, 2022/0467(CNS)		
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Regulation on a pilot regime for distributed ledger technology, (EU) 2022/859	Connecting Europe Facility Regulation, (EU) 2021/1153	Open Internet Access Regulation, (EU) 2015/2120	General Data Protection Regulation (GDPR), (EU) 2016/679	Enforcement Directive (IPR), (EC) 2004/48	NIS 2 Directive, (EU) 2022/2555	Regulation on interoperability between EU information systems in the field of border and visa, (EU) 2019/817	European Standardization Regulation, (EU) 2012/1025	E-commerce Directive, (EC) 2002/20	Company Law Directive, (EU) 2017/1132, 2023/0083(COD)	Audio-visual Media Services Directive (AVMSD), (EU) 2010/13	Payment Service Directive 2 (PSD2), (EC) 2005/29, 2023/0209(COD)	DPI	
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	Decision on a path to the Digital Decade, (EU) 2022/2481	Roaming Regulation, (EU) 2022/612	Open Data Directive (PSI), (EU) 2019/1024	Compulsory licensing of patents, 2023/0129(COD)	Cyber Resilience Act, 2022/0272(COD)	E-evidence Regulation, (EU) 2023/1543	Regulation for a Single Digital Gateway, (EU) 2019/1724	Unfair Practices Directive (UPD), (EU) 2014/55	Single Market Programme, (EU) 2021/690	Copyright Directive, (EU) 2019/790	Financial Data Access Regulation, 2023/0205 (COD)		
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			GreenData4all					Consumer protection, strengthened enforcement, cooperation					

b) Dans ses relations externes (ex. contrats avec le fournisseur IA)



Benhamou Yaniv, Creative Value Chains: Copyright and Beyond for a Better Value Distribution
Bristol University Press 2026

VENDOR LANGUAGE (DELETE):

Customer acknowledges and agrees that Vendor may use Customer Data, including inputs, outputs, and usage data, in aggregated or de-identified form, to improve, develop, and enhance the Service and Vendor's other products, features, and machine learning models. Vendor may also use Customer Data to generate anonymous and aggregate statistics regarding use of the Service.

REVISED LANGUAGE (INSERT):

Vendor shall not use any Customer Data (including inputs, outputs, prompts, or derivatives) for model training, retraining, fine-tuning (adapting the model to specific data), or product improvement without Customer's prior written consent. Vendor may use only aggregated, anonymized usage statistics that cannot be reverse-engineered to identify Customer or any individual.

Colin S. Levy, Contracting with AI Vendors, The clauses that matter the most
Training Data Restrictions, 2026

VENDOR LANGUAGE (DELETE):

As between the parties, Customer retains ownership of Customer Data as submitted to the Service. Vendor retains all rights, title, and interest in and to the Service, including all improvements, modifications, derivative works, and any models, algorithms, or other technology developed or enhanced through operation of the Service, whether or not informed by Customer Data.

REVISED LANGUAGE (INSERT):

Customer owns all output generated by the Service using Customer Data. Vendor retains no rights in output and shall not use output for any purpose (including training) without Customer's written consent. Vendor retains ownership of the underlying Service, models, and algorithms, excluding any Customer Data or output.

Colin S. Levy, Contracting with AI Vendors, The clauses that matter the most
Output Ownership and IP Rights, 2026

IV. QUELQUES REFLEXIONS SUR LE FUTUR DES METIERS DU DROIT

1. Un modèle d'affaires à réinventer?

- Certaines tâches juridiques sont facilement automatisables, et donc internalisées par les clients
 - recherche juridique (1^{er} *assessment*)
 - analyse de documents (ex. volumineux)
 - rédaction de documents (1^{ers} projets)
 - *Knowledge management* (gestion des connaissances.)
- Certaines activités restent en revanche difficilement automatisables
 - conseil (ex. stratégie contentieuse, appréciation du risque juridique, anticipation réglementaire)
 - raisonnement juridique complexe, analyse juridique pluridisciplinaire et/ou transnationale

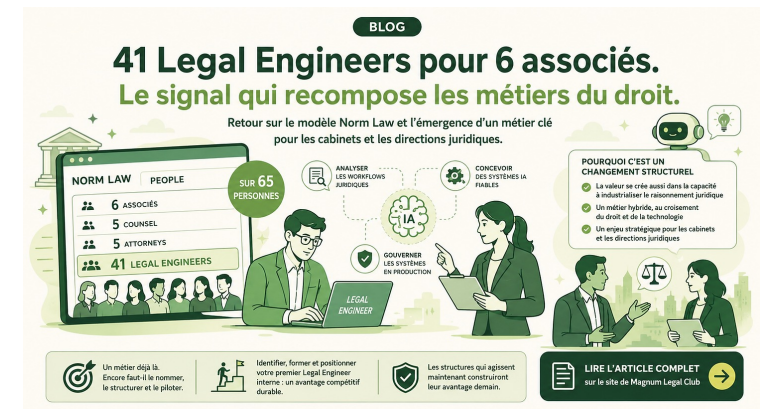
➤ Une opportunité pour l'avocat-e?

Typologie des tâches automatisables via l'IA



2. Nouveaux services pour l'avocat

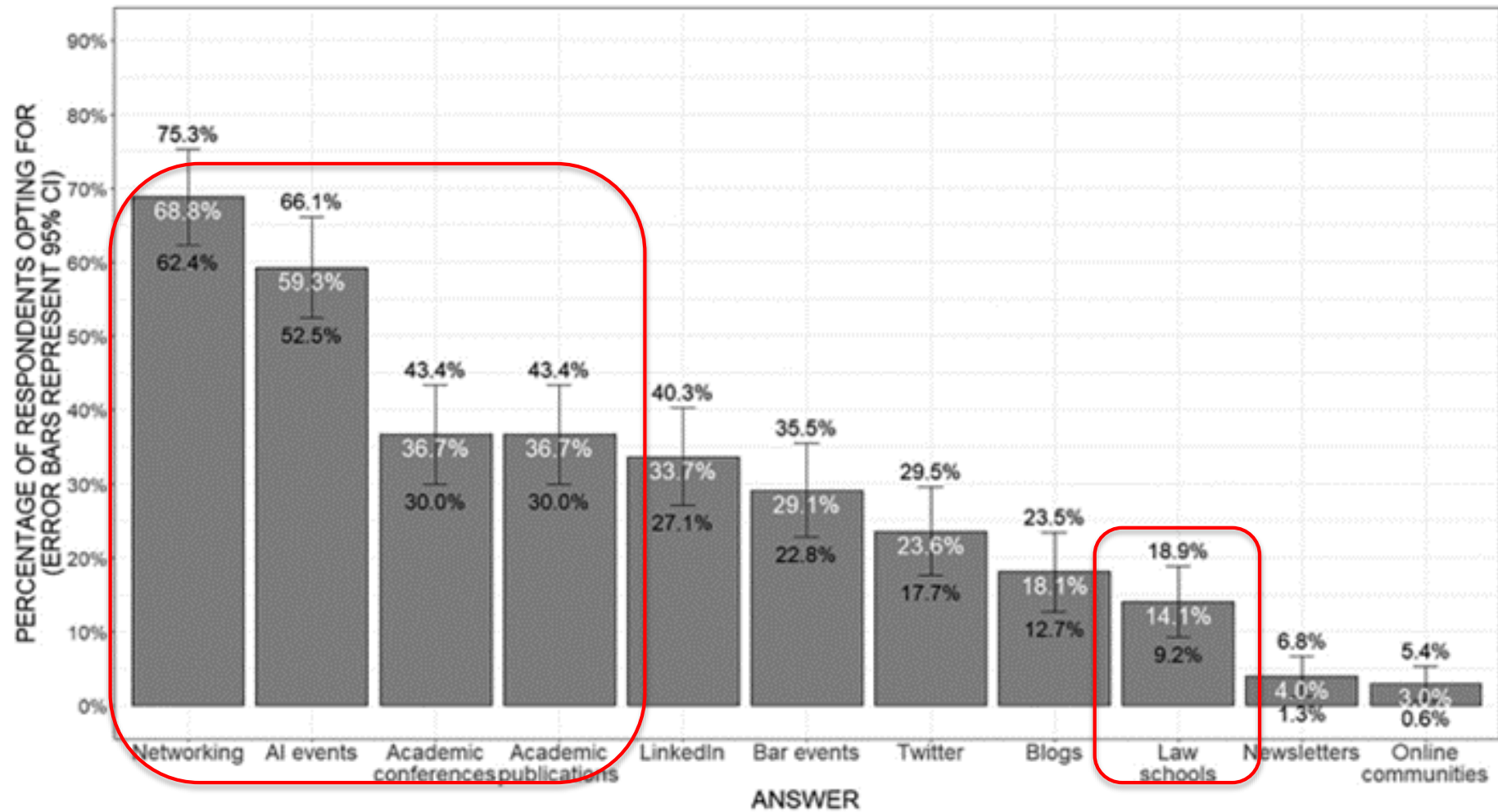
- Face à cette évolution, dans un futur proche où l'IA serait fiable, le rôle de l'avocat est appelé à se transformer
 - **Conseils de nature stratégique;**
 - **Legal engineer:** conseiller de choix dans l'utilisation des outils IA par les départements juridiques;
 - **Service de validation:** intervenir en aval, en tant que garant de la qualité juridique de production interne (*human in the loop*);
 - **Fournisseur de données:** mettre à disposition de ses clients des *pools* de données (dans le respect du secret professionnel) afin d'entraîner des modèles d'IA.



IV. CONCLUSION



CONCLUSION



LLI Whitepaper, First Global Report on the State of Artificial Intelligence in Legal Practice, 2023

MERCI DE VOTRE ATTENTION

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Faculté de droit, Université de Genève



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