

## DRAFT: RISK MANAGEMENT AS A LAWYERING SKILL

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This abstract describes a work in progress. The author welcomes all feedback and looks forward to the discussion.

### *Abstract*

*Artificial intelligence (“AI”) may offer genuine benefits to the legal profession and the justice system. Indeed, a recent study found that GPT-4 performs at approximately the ninetieth percentile of human test takers on the bar examination. But the finding suggests that concern about attorney displacement is warranted. The legal profession can ensure that automation does not displace human capital by identifying what skills attorneys will need in a legal economy increasingly shaped by AI and then teaching those skills deliberately.*

*This Article argues that legal risk assessment is a skill that will endure beyond AI’s inevitable integration into legal practice. Legal risk assessment requires a form of human judgment—calibrated to a specific client’s circumstances, risk tolerance, and objectives—that machine learning cannot replicate. Yet despite three decades of legal education reform, risk assessment has been consistently overlooked as a discrete skill. Reform initiatives have recognized counseling, negotiation, and problem-solving without recognizing risk assessment as the underlying competency that makes those skills possible. Risk literacy is accordingly a lawyering competency that should be taught explicitly in law school.*