

PETITION TO THE ABA STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY TO ISSUE AN OPINION ENCOURAGING THE RESPONSIBLE USE OF AI TO EXPAND ACCESS TO JUSTICE

Submitted by Michael J. Showalter, Showalter PLLC · July 4, 2026

I respectfully petition the American Bar Association’s Standing Committee on Ethics and Professional Responsibility to issue a formal opinion encouraging lawyers to responsibly use AI to reduce legal expense and expand access to justice. I believe that AI presents the legal profession with an opportunity to dramatically increase access to top-tier representation for deserving Americans—meritorious plaintiffs and meritorious defendants alike—who would otherwise be forced to acquiesce to unjust outcomes for the sake of their pocketbook. We should not let our understandable fear of technological change prevent us from seizing that opportunity.

I make this assessment as the first senior litigator in the country to publicly build a new law firm around an AI-native workflow. In March 2026 I founded Showalter PLLC to pass along to clients the cost savings AI makes possible. I can attest that the cost of excellent lawyering has collapsed. Work that once required a team of associates, and priced good lawyering out of reach for most people and most causes, can now be produced by a single supervising lawyer at a fraction of the cost. That might seem hard to believe, but with the right prompting and context engineering, it is true. With an AI-savvy senior lawyer at the helm, AI already today serves as an exceptional team of associates, paralegals, and librarians. A solo litigant facing a well-funded adversary can obtain a top-tier merits brief she could never have afforded at traditional rates.

I speak from experience—my AI use has enabled me to provide services to cost-sensitive clients at a small fraction of traditional elite-firm pricing. For example, I recently charged \$12,500 for a federal court of appeals opening brief that a traditional elite firm likely would have priced at \$250,000–\$400,000. I charged \$20,000 for a Supreme Court amicus brief that typically would have cost around \$200,000. I charged \$5,000 for an answer that typically would have cost \$30,000 or more.

These previously unthinkable cost savings have come with no drop-off in quality. One of the country’s top appellate partners has graciously [described](#) me as “among the best legal writers I’ve worked with at Gibson Dunn.” A legal commentator for *National Review* [stated](#) that Showalter PLLC’s Supreme Court brief “simply demolishe[d]” the other side’s arguments. Ross Guberman, founder of the widely used BriefCatch tool, [says](#) that my writing has “the discipline, clarity, and confidence of the nation’s very best advocates.” Showalter PLLC’s clients have [attested](#) to my “seamless drafting process” and “early delivery of the completed brief,” ability to “grasp and communicate my relatively obscure scientific, policy, and legal arguments ... in a strikingly short amount of time,” and combination of “BigLaw caliber knowledge with creative, outside-the-box thinking.” Lower prices often reflect lower quality, but here they reflect only the collapse of the old cost structure.

In fact, I believe AI will increase the quality of lawyering—both because the LLMs are exceptionally skilled associates and because the responsible use of AI can eliminate the mistakes that have plagued our profession since its origin. AI enables sloppy lawyers to shotgun their sloppiness, but sloppy lawyering did not suddenly enter the world in 2022. Indeed, two years before ChatGPT was released, Professor Douglas E. Abrams [catalogued](#) dozens of federal and state court opinions from the 2010s calling out specific lawyers for sloppiness and poor advocacy. Courts described lawyers’ written work as “slipshod,” “shoddy,” “sloppy,” “careless,” “strikingly inadequate,” “lax draftsmanship,” “marred by unprofessional errors,” showing “lack of effort,” “glaring errors,” “rampant deficiencies,” and “somewhat appalling.” One court reported a lawyer’s failure to “read the record closely or proofread his own briefs” or to meet “minimal standards of grammar.” AI tools catch these mistakes.

Some judges and lawyers, however, have stigmatized AI use by focusing on misuse and treating AI-related errors more harshly than comparable human-only errors. As best I can tell, across the approximately 50 cases Abrams cited, one lawyer was sanctioned \$200; the rest faced no court sanction or bar discipline. But now lawyers are facing serious sanctions for comparable mistakes simply because those mistakes involved AI. One lawyer recently pleaded with a judge that her mistake came from her own pen, as if that made it better. That plea underscores that our legal culture has begun to treat an error as more grievous when it originated with AI.

I believe that these double standards are rooted at least partly in a fear of change. That fear is understandable: whether we like it or not, AI will profoundly reshape the legal profession in the near future. AI will force us to reassess principles in every area of life as it uproots basic premises that previously seemed unquestionable, and the legal profession is not immune.

We should resist double standards that stigmatize AI use anyway. Discarding an AI tool’s sharp observations or writing because of its source is irrational and fallacious. The ad hominem fallacy occurs when a speaker avoids an argument’s substance by attacking its human source; I use the term “ad machinam fallacy” to describe the same mistake when the source is a machine. An argument’s soundness is determined by the strength of its reasoning, not where it came from. “2+2=4” does not suddenly become false when uttered by Claude.

And while it matters in some occupations whether a human or machine is responsible for the end product—pastor, violinist, professional athlete—that is not true for lawyers. In litigation, clients simply want to vindicate their rights at minimum expense. It does not matter how the winning argument got there. A brief made cheaper through automation beats an identical AI-free brief every time. Our clients do not owe us their philanthropy.

Access to justice has been one of the ABA’s fundamental commitments for decades, from Model Rule 6.1’s call to pro bono service to the ABA’s resolutions urging the responsible adoption of technology. These commitments reflect the principle that the quality of one’s representation should not turn on the size of one’s budget. Careful AI use dramatically lowers the cost of

producing high-quality legal work, which dramatically expands access to justice. Representation becomes available at price points that have, until now, foreclosed counsel for deserving litigants. Generative AI is the most powerful cost-reducing technology the legal profession has ever seen, which places it squarely within the Committee’s longstanding interest in encouraging responsible innovation that expands access to competent representation.

It has been nearly two years since the ABA issued a formal opinion on lawyers’ use of generative AI, and the technology has changed immensely during that time. No doubt, AI cannot today produce elite substantive legal work on its own; a skilled lawyer must stand at the helm. But the quality of AI’s associate work is stunning—miles ahead of where it stood in 2024. The ABA’s guidance should reflect that reality.

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I submit this petition, on our Nation’s 250th birthday, to urge the Committee to seize the opportunity to advance the American promise of “justice for all.” Excellent representation has too often been available only to those who could afford the most expensive lawyers. AI is our best chance to change that. I therefore respectfully petition the Committee to issue a formal opinion encouraging the responsible use of AI to reduce legal expense, improve quality, and expand access to justice.

Respectfully submitted,

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