Attorney Mental Health Is An Ethical Obligation In The AI Era

By **Jack Jrada** (July 1, 2026)

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This year's American Immigration Lawyers Association annual conference, held last month in San Diego, was as much about technology as about the lawyers using it. Sessions ranged from the new government systems reshaping adjudication and the risks they create, to the ethics of incorporating retail artificial intelligence tools into our own practices.

A throughline across this year's program was the shared work of digging out from months of relentless policy change and shifting agency priorities, and of rebuilding the steadiness those conditions wore down. This piece narrows that lens to a single stressor that behaves differently from the other stressors immigration lawyers carry: AI.

Most of our pressures are variations on the familiar themes of heavier caseloads, harsher enforcement, a rising tide of requests for evidence and adjudications that swing without warning.

Artificial intelligence is different because it is at once a tool we are ethically obligated to understand and adopt in the interests of our clients, and a capability increasingly deployed against the clients we represent. That dual character is what makes it uniquely taxing, and it is why a conversation that might otherwise sound like soft counsel about self-care is, properly understood, a conversation about professional competence.

The Dual Burden

What sets this moment apart is that the instability now reaches beyond the law and into the machinery of practice itself. The technology we work through is shifting as fast as the rules we work under.

On one side of the ledger, government agencies now deploy AI across the immigration system, from adjudication to enforcement targeting to cross-agency data integration.[1]

The agencies increasingly contract with outside vendors built for automated anomaly detection, cross-database identity matching and online-activity surveillance, all meant to flag cases for added scrutiny. A client's digital footprint, or lack thereof, can surface on its own and shape an outcome before a human officer ever weighs in.

Across the U.S. Department of Homeland Security, that evolution now rests on a concrete architecture that includes:

- A tool that tags uploaded evidence and decides which documents an adjudicator sees first, so a single mistagged exhibit can programmatically result in a request for evidence for a record that was, in fact, filed;

- A tool that reads electronically submitted cases with generative AI, and has produced extraction errors and erroneous rejections; and

- A new DHS vetting operation, launched in late 2025, which runs AI risk-scoring and social-media screening against not only pending cases but already-approved ones.[2]

Adoption is plainly outrunning governance. A process that was once nearly formulaic is now opaque and in flux, propelled by systems that change faster than our understanding of them.

On the other side, lawyers themselves are leaning on AI for drafting, research, intake and file management. The efficiency is real, and so is the exposure: Courts are only starting to work out what these tools mean for privilege and for the confidences clients place in us.

That is the real dual uncertainty burden. Rising unpredictability on two fronts at once — the technology we use and the results we can forecast — is absorbed by the same lawyer who already carries the emotional weight of clients' most consequential life events.

The result is more than fatigue; it is the engine of burnout, and it turns disciplined attention to one's own capacity from a luxury into a professional requirement.

What does this mean for attorney competence? In practice, it means building the capacity to anticipate and route around obstacles we often cannot see. A once-predictable filing process now generates more boilerplate requests for evidence, frequently without revealing which system produced the problem.[3] We may not always identify the root cause, but we still have to maintain the competence to meet it, and to manage our time around pitfalls that show no sign of slowing and every sign of accelerating.

In one respect this works in our favor: It raises the value of lawyers, and especially of competent ones equipped to diagnose these failures and respond effectively, even as the compounding pressures make that competence harder to sustain.

What Ethics Rules Require

The Model Rules of Professional Conduct already reach these questions, even if their precise bounds remain unsettled.

Rule 1.1 defines competence as "the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation," and Comment 8 makes the technological dimension explicit: A lawyer must "keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology."[4]

While state ethics rules' precise requirements may vary, competence fundamentally includes a working understanding of the technology through which we practice.

Rule 1.6 supplies the confidentiality counterpart. Subsection (c) requires lawyers to "make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to," information relating to the representation.[5] Read against today's tools, that duty has direct and uncomfortable implications.

Many AI platforms operate under terms of service that may expose user inputs to third-party access or route them into training-data pipelines. A lawyer who enters a client's facts into such a tool without understanding where that information goes has not committed a quaint technical foul; the lawyer may have failed to make the reasonable efforts Rule 1.6

demands.

The courts have begun to reach this same conclusion. In U.S. v. Heppner, the U.S. District Court for the Southern District of New York confronted what it described as a question of first impression: whether a criminal defendant's exchanges with a publicly available generative-AI tool were protected by the attorney-client privilege or the work-product doctrine.

The defendant had used the tool to explore possible defenses; in February the court **held** that the exchanges were not privileged.[6]

The holding is narrow — it concerns a client's unsupervised use of a public platform, not an attorney's directed use under a confidentiality agreement — but the lesson for practitioners is clear.

Privilege doctrines are technology-neutral and unforgiving; the protections we take for granted do not automatically extend to whatever interface we happen to use. Counseling clients on how not to forfeit privilege, vetting the platforms we rely on and understanding how those platforms handle data are part of the job.

Where Technological Competence Meets Well-Being

Technological competence now behaves more like a moving target than a one-time credential, one that demands ongoing vigilance: understanding how AI systems store and touch client data, revetting tools as their terms shift, and counseling clients whose own digital habits can undo our work.

That vigilance draws on a finite resource, cognitive bandwidth, and cognitive bandwidth is exactly what chronic stress, burnout and vicarious trauma erode first.

The case for slowing down has nothing to do with weakness or wellness slogans. It reflects something more demanding. In this environment, representation that is competent, diligent, privileged and confidential depends on sustained clarity, which only a well-functioning lawyer can reliably provide.

Rule 1.3's diligence requirement reaches the same point from the other direction: a lawyer's workload "must be controlled so that each matter can be handled competently."[7]

Depletion shows up as more than personal unhappiness. In measurable ethical terms, it leaves a lawyer overly burdened by their work and, in turn, less competent.

The Rules as Release Valves

The same framework that raises the stakes also supplies the relief. Read for what they actually say, the Model Rules do more than set a competence floor; they build in pressure-release mechanisms.

Rule 1.16(a)(2) is the most explicit example: Once a lawyer's health undercuts the capacity to handle a matter, withdrawal stops being optional and becomes required.[8]

The conflict rules implicitly push in the same direction, forcing an honest assessment of whether a given client can be served without compromise. And because reasonableness is the operative measure throughout the rules, what counts as adequate performance is calibrated to the individual lawyer: to their capacity, to the stage of their career, and to their season of life.

The lawyer who has just opened a solo shop in an unfamiliar field, amid this kind of systemic disruption, carries a different load than the veteran easing out of a long career. The rules absorb that variation. Taken as a whole, they let an attorney draw boundaries, decline matters beyond current reach, and pull back where that choice protects client and lawyer alike.

Deployed with intent, these provisions work less like a threat held overhead than as scaffolding for a durable practice, one that feeds competence and can outlast the next abrupt policy memo, and the one after that.

What This Looks Like in Practice

Maintaining competence starts with treating AI governance as an ethical obligation rather than an IT afterthought. Read the terms of service of any tool that touches client data, adopt a written internal policy on what may and may not be entered into a generative system, and represent to clients directly the importance of digital hygiene in an ever-expanding digital surveillance environment.

It continues with the less comfortable work of protecting the practitioner: managing information consumption, investing in self-care and professional community, recognizing when ordinary coping has become something else, and treating rest and relaxation as infrastructure necessary to "keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology."

None of this is a plea for self-indulgence. Self-care is the precondition for duties the rules already impose. Rule 1.16(a)(2) compels withdrawal once impairment degrades the work. Rule 1.1, by its terms and context, folds technological fluency into basic legal competence. Rule 1.6 assumes a practitioner with enough clarity left to spot confidentiality exposures that barely existed a few years ago.

These rules represent explicit safeguards the profession wrote into its own rulebook, and they carry an unstated corollary: room to set limits, pause and reset before the representation starts to suffer.

That is the quieter lesson of a conference convened in part to support a profession as it maintains its capacity for competent advocacy. Resilience here has little to do with how much pressure a lawyer can sustain; it is the cultivated ability to keep practicing competently over time, through changes in administration, changes in technology, and the steady accumulation of our clients' hardest moments.

Policy will keep shifting, and the tools will keep changing. What does not change is the premise beneath all of it: Ethical, competent representation requires a lawyer well enough to persevere as a steadfast advocate for each of the clients that depend on it.

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[1] See Jrada, Jack, "Palantir's Immigration OS — What Practitioners Need to Know," AILA Doc. #25103000, 30 Oct, 2025, available at https://www.aila.org/library/palantir-s-immigrationos-what-practitioners-need-to-know ("The new platform has three core components: targeting and enforcement prioritization to help ICE streamline decisions on who should be removed first (with priority given to "violent criminals" and "visa overstays"); self-deportation tracking that monitors whether individuals are voluntarily leaving the United States; and immigration lifecycle management that streamlines the deportation process from identification to removal.").

[2] See U.S. Citizenship & Immigr. Servs., USCIS Establishes New Center to Strengthen Immigration Screening and Target Bad Actors (2025) (USCIS Vetting Center); U.S. Dep't of Homeland Sec., Artificial Intelligence Use Case Inventory — USCIS, https://www.dhs.gov/ai/use-case-inventory/uscis (last visited June 16, 2026) (ELIS Evidence Classifier; PDF Intake (PDFI)).

[3] See Scott Bettridge & David S. Adams, Growing Use of Artificial Intelligence in U.S. Immigration Adjudications Is Driving Higher RFE and Denial Rates, Cozen O'Connor (Apr. 27, 2026), available at https://www.cozen.com/news-resources/publications/2026/growing-use-of-artificial-intelligence-in-u-s-immigration-adjudications-is-driving-higher-rfe-and-denial-rates.

[4] Model Rules of Pro. Conduct r. 1.1 & cmt. 8 (Am. Bar Ass'n 2020).

[5] Model Rules of Pro. Conduct r. 1.6(c) (Am. Bar Ass'n 2020).

[6] United States v. Heppner, No. 1:25-cr-00503 (S.D.N.Y. Feb. 10, 2026) (Rakoff, J.).

[7] Model Rules of Pro. Conduct r. 1.3 cmt. 2 (Am. Bar Ass'n 2020).

[8] Model Rules of Pro. Conduct r. 1.16(a)(2) (Am. Bar Ass'n 2020).