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Synopsis: This paper investigates how workflow analysis can allocate responsibility in AI-assisted legal work, showing which operations AI may safely assist, where human judgement is reserved and which professional obligations apply.

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The Workflow as Anchor

Allocating Responsibility in AI-Assisted Legal Work

Donald Feaver

Abstract

Lawyers remain professionally responsible for work performed with artificial intelligence, but this obligation does not, by itself, specify which parts of legal work may safely be delegated, who must exercise professional judgement or how competent supervision and adoption should be demonstrated. This article argues that the legal workflow is the practical method for addressing that gap. A matter is organised into legally meaningful tasks and their component work operations. Workflow analysis makes the sequence, dependencies and decision points visible. Professional ethics supplies the obligations and constraints; skills analysis identifies the human capacities required; and the workflow provides the means of allocating work between AI systems, junior practitioners, supervisors and those responsible for final assurance. The article distinguishes checking, verification, determination and assurance, and proposes a proportionate workflow record. It then decomposes a fictional teaching matter from issue to work operation, recording for each operation whether AI may safely assist, where human judgement is exercised or reserved, which professional obligation the operation engages and which skills are required. It contrasts that matter with a compliance matter, decomposed in the same way, in which judgement is needed throughout. Mapping obligations to operations shows that rule-specific duties cluster where material enters the work and where work leaves the firm, while the determinations between them are governed by continuing duties of competence and independence. That pattern supplies a principled basis for stopping rules in agentic delegation. The article considers efficiency and junior-lawyer capability formation, proposes a pilot test and extends the analysis to agentic systems. The claim is not that a workflow guarantees ethical compliance. It is that workflow analysis makes professional responsibility more specific, operational and capable of meaningful assurance.

1. Introduction: the ethical problem of AI-assisted legal work

The starting point for using artificial intelligence in legal practice is not the technology. It is the lawyer's professional obligations. Lawyers must provide competent and diligent services, protect confidential information, act with independence and candour, exercise appropriate supervision, and remain answerable for work they put before clients, courts and other people.[1] The use of AI tools does not diminish these responsibilities, in the same way that delegation to a junior practitioner does not side-step responsibility.[2] The application and operation of professional conduct rules governing the organisation and performance of the work are not altered.

Court guidance makes the point clearly. The Federal Court of Australia's Use of Generative Artificial Intelligence Practice Note (GPN-AI), issued on 16 April 2026, recognises potential benefits but requires use consistent with existing legal and professional responsibilities. It also identifies situations requiring particular caution, such as the production of court documents and safeguarding confidential information.[3] The Supreme Court of Victoria's Practice Note SC Gen 25, effective 14 May 2026, requires meaningful human control in verification and holds court users responsible for ensuring AI-produced content is accurate, complete, current and jurisdictionally appropriate.[4] Earlier New South Wales guidance and cases dealing with invented or unchecked authorities also illustrate the consequences of failing to verify material adopted in legal work.[5] Outside the courtroom, the regulators of the three Uniform Law

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[1] *Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015* (NSW) rr 4.1.3 (competence and diligence), 4.1.4 (integrity and professional independence), 9.1 (confidentiality), 19.1 (not to deceive or knowingly or recklessly mislead the court), 37 (supervision) ('ASCR'); *Legal Profession Uniform Law Application Act 2014* (Vic) sch 1 ('Uniform Law') ss 34–5. Rules 8 and 13 of the ASCR were amended with effect from 1 July 2026 in New South Wales, Victoria and Western Australia; the version and jurisdiction of each rule cited should be confirmed before submission.

[2] ASCR (n 1) r 37; Uniform Law (n 1) s 34; *Legal Services Commissioner v Baker* [2005] LPT 002; *Murray on behalf of the Wamba Wemba Native Title Claim Group v Victoria* [2025] FCA 731, [9], [15] ('*Murray*').

[3] Federal Court of Australia, Use of Generative Artificial Intelligence Practice Note (GPN-AI), 16 April 2026, [1.3]–[1.4], [2.1], [4.1]–[4.15], [5.1] ('GPN-AI'). The Practice Note recognises the potential of generative AI to improve efficiency, reduce costs and enhance access to justice. It expects users to understand the technology's capabilities and limits and to act consistently with existing responsibilities, and singles out filed documents, evidentiary material and confidential information for particular caution.

[4] Supreme Court of Victoria, Practice Note SC Gen 25: The Use of Artificial Intelligence by Court Users, 14 May 2026, [6.1], [6.5]–[6.7], [7.1]–[7.2] ('SC Gen 25'). SC Gen 25 replaced the Court's May 2024 guidelines for litigants. It warns lawyers that reliance on unverified AI output in court documents may lead to referral to the Victorian Legal Services Board and Commissioner and to personal costs orders.

[5] Supreme Court of New South Wales, Practice Note SC Gen 23: Use of Generative Artificial Intelligence (Gen AI), 3 February 2025, [9A], [10], [16]–[17] ('SC Gen 23'); *Dayal* [2024] FedCFamC2F 1166; Victorian Legal Services Board + Commissioner, 'Statement on the "Mr Dayal" Matter' (Web Page, 2 September 2025); *Murray* (n 2) [14]–[16]; *Director of Public Prosecutions v GR* [2025] VSC 490; *Mata v Avianca, Inc*, 678 F Supp 3d 443 (SD NY, 2023)

jurisdictions have jointly set out how the use of AI engages existing duties of confidentiality, independent advice, honesty and competence, and the charging of fair and reasonable costs.[6] These instruments have distinct scopes; none should be treated as a universal code for all legal work.[7]

However, even though the general principle is clear, its practical implementation is much less straightforward. For example, how should the lawyer take responsibility for a chronology prepared by AI and prompted by a junior using inputs assembled from a range of sources? Who decides what the AI tool will be given, what it will do with it and what it must not do? What tasks require the lawyer to interpret or evaluate after AI has mechanically compiled what looks like a completed output? At what points and how should a supervisor decide to intervene and guide a junior? What must a partner know to assure themselves that any advice is accurate and correct? A rule that a lawyer must "review" AI output is too indeterminate to answer these questions.[8] Review what, and how?

The problem is not unique to technology. Law firms have long distributed work among partners, supervising lawyers, junior lawyers, paralegals and specialist providers.[9] AI adds another 'worker' to that division of labour, potentially one able to execute long sequences of operations. The firm therefore needs to organise two related contributions: who performs the work and who holds the authority and responsibility to evaluate, verify and adopt that work. If these are left implicit, delegation can produce what looks like

('*Mata*'); *R (Ayinde) v Haringey London Borough Council; Al-Haroun v Qatar National Bank QPSC* [2025] EWHC 1383 (Admin), [5]–[9] ('*Ayinde*'). Following the *Dayal* referral, the regulator varied the practitioner's certificate so that he may no longer practise as a principal, may practise only as an employee, and must complete two years of supervised practice with quarterly reporting by him and his supervisor.

[6] Law Society of New South Wales, Legal Practice Board of Western Australia and Victorian Legal Services Board + Commissioner, *Statement on the Use of Artificial Intelligence in Australian Legal Practice* (Joint Statement, 6 December 2024) ('Joint Statement'), referring to ASCR (n 1) rr 4.1.2–4.1.4, 9.1 and Uniform Law (n 1) ss 172–3.

[7] GPN-AI (n 3) [3.1]; SC Gen 25 (n 4) [2.2], [3.1]. The Joint Statement (n 6) applies to solicitors in New South Wales and to solicitors and barristers in Victoria and Western Australia. For the United States comparator, see American Bar Association Standing Committee on Ethics and Professional Responsibility, *Formal Opinion 512: Generative Artificial Intelligence Tools* (29 July 2024) ('ABA Opinion 512').

[8] Ben Green, 'The Flaws of Policies Requiring Human Oversight of Government Algorithms' (2022) 45 *Computer Law & Security Review* 105681; Rebecca Crootof, Margot E Kaminski and W Nicholson Price II, 'Humans in the Loop' (2023) 76 *Vanderbilt Law Review* 429.

[9] Dana Remus and Frank Levy, 'Can Robots Be Lawyers? Computers, Lawyers, and the Practice of Law' (2017) 30 *Georgetown Journal of Legal Ethics* 501; Richard Susskind, *Tomorrow's Lawyers: An Introduction to Your Future* (Oxford University Press, 3rd ed, 2023).

highly polished work without anyone reviewing and assessing the professional judgements embedded in that work by the AI tools.[10]

This article proposes addressing that opacity by treating the legal workflow underpinning the work as an organising method for making its key aspects visible. It builds on two related papers.[11] The companion skills paper supplies a vocabulary for naming the human work. A related article, *Beyond Verification*, locates professional duties across the stages of an AI-mediated workflow and reads the emerging cases as failures at particular stages. This article works at a finer level and asks a different question. It asks not where duties attach across the life of a matter, but how the work should be allocated, operation by operation. The aim is that each judgement is assigned to a function and a person, linked to the obligation it engages and capable of being evidenced.

The proposition is modest but consequential. Ethical duties establish the boundaries and reasons for professional control; a workflow identifies the work to which those duties attach; and skills analysis helps identify what capacity a human must exercise at particular points. Workflow analysis does not create the obligations. It makes their implementation visible and capable of scrutiny. In the age of AI, workflow analysis will become a feature of legal work that lawyers must develop and apply to ensure professional obligations are met more transparently and systematically.

The argument proceeds from terminology (Part 2) and professional duty (Part 3) to the allocation of functions (Part 4) and a proportionate record (Part 5). Part 6 applies the method to a fully decomposed commercial matter, set out in Appendix A, and to a contrasting compliance matter. Part 7 considers cost and capability formation, and Part 8 sets out a research proposal. Part 9 examines agentic delegation using the same commercial matter, and Part 10 states the limits of the argument. The theory is offered as a practical specification and research agenda, not as a validated compliance standard.

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[10] M C Elish, 'Moral Crumple Zones: Cautionary Tales in Human–Robot Interaction' (2019) 5 *Engaging Science, Technology, and Society* 40. Compare *Murray* (n 2) [9], where the principal's evidence was that the work had been done collaboratively but he was not aware that anyone had checked the junior solicitor's work.

[11] Donald Feaver, Craig Collins and Shirley Southgate, 'What Are Legal Skills? Legal Capability, Professional Formation and the Public Assurance of Competence' (Working Paper, Leo Cussen Centre for Law, 2026) pts 5, 7 ('Skills Paper'); Donald Feaver, 'Beyond Verification: Professional Duty and Workflow Governance in AI-Assisted Legal Practice' (Working Paper No 9, Leo Cussen Centre for Law, 2026) ('Beyond Verification').

2. The legal workflow: matter, task, operation and skill

2.1 A controlled vocabulary

A matter begins with a client problem or objective that underpins the professional legal work. The matter is framed by a lawyer, often in discussion with the client, and may raise several issues requiring attention or determination. Tasks are the meaningful units of professional work undertaken to address those issues. Each task involves component operations: identifiable actions such as locating documents, extracting dates, comparing clauses, testing an authority, interpreting a provision or reaching an assessment. The workflow is the organised sequence, dependency structure and decision path through which the matter is handled.[12]

Term	Working meaning	Question answered
Matter	Client problem or objective requiring legal services	What problem are we addressing?
Issue	Question that must be resolved or managed within the matter	What needs deciding?
Task	Legally meaningful unit of work advancing the matter	What work must be accomplished?
Work operation	Component action within a task, capable of being specified and attributed	What action is performed?
Workflow	Arrangement of tasks and operations, including dependencies, gates and responsibilities	In what sequence and under what controls?
Decision point (gate)	Point at which a person must decide before the work proceeds or is used	Where must the work stop for a human decision?
Function	Kind of professional contribution made at a decision point: specification, performance, checking, verification, determination or assurance	What kind of decision is this?
Obligation	Professional duty that an operation engages and that a decision helps discharge	Why must a person decide here?
Skill	Learned capacity needed for competent performance	What must the person be able to do?
Judgement	Reasoned professional evaluation where facts, law, purposes or risk require it, exercised at any decision point	What must a person evaluate, and on what basis?
Determination	Judgement that resolves a legal question or chooses the course of action	What conclusion or choice has been reached, and by whom?

[12] Skills Paper (n 11) pt 3, Table 1. For task-level analyses of legal work, see Remus and Levy (n 9); David H Autor, Frank Levy and Richard J Murnane, 'The Skill Content of Recent Technological Change: An Empirical Exploration' (2003) 118(4) *Quarterly Journal of Economics* 1279.

Three of these terms carry the allocation. A decision point marks where the work must stop for a person. The function says what kind of contribution that person makes. The obligation says why the decision cannot be left to the system.

Judgement and determination are distinguished for a related reason. Judgement is exercised throughout a workflow: in framing the work, checking an output, deciding whether material is fit for reliance and adopting the result. Determination is narrower. It is the function of resolving a legal question or choosing what to do. Treating every judgement as a determination would hide the judgements made in specification and checking, which is often where AI-assisted work goes wrong (Part 6.4).

The distinction between task and operation is also important. "Advise on whether the client can terminate" names a task, not an indivisible act. Its operations may include identifying the operative agreement, establishing the sequence of events, retrieving legal authorities, interpreting clauses, evaluating the facts, weighing alternatives and settling advice. Some can be described closely enough to permit AI assistance; others call for a professional determination.[13] A task can therefore combine substantial machine assistance with significant human legal work.

An operation is not defined as mechanical. Extraction, formatting and comparison often are relatively procedural, but interpreting a contractual term or evaluating a risk is also an identifiable operation. Calling something an operation says only that it can be located within the task. It does not say that an AI system may perform it safely or finally. This avoids constructing the workflow from the capabilities of the technology rather than from the requirements of the matter.[14]

2.2 Why workflow is more than a checklist

A workflow is not merely a list of tasks in chronological order. It specifies dependencies: an interpretation may depend on confirming that a document is operative; a chronology may depend on verifying that the correspondence set is complete; a recommendation may depend on obtaining instructions or resolving a factual uncertainty. It also identifies decision points, escalation conditions, applicable constraints and the persons who hold authority over consequential choices. These are the features that permit work to be allocated responsibly.

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[13] The regulators' position is that LLM-based tools cannot substitute for the lawyer's own assessment and analysis of the client's needs and circumstances: Joint Statement (n 6).

[14] Task-based economic analyses classify work by its susceptibility to automation: Autor, Levy and Murnane (n 12). The classification here is deliberately independent of that question. It asks what the matter requires, so that allocations can be revisited as tools change without redrawing the workflow.

The workflow is thus both descriptive and prospective. It can describe how lawyers actually perform work,[15] but it can also specify how the work ought to be organised on a particular matter. Neither function automatically establishes that the workflow is good. It must remain open to revision as facts, legal issues and client instructions change. A schematic workflow is scaffolding for judgement, not a substitute for it. Excessive formalisation risks turning responsible practice into box-ticking,[16] so the necessary level of detail should be proportionate to complexity and consequence.

2.3 Relationship to legal skill

A task is what a person is trying to accomplish; a skill is the learned capacity through which the person accomplishes it. The companion skills paper distinguishes fields of knowledge, doctrinal topics, tasks, workflows, skill and evidence. Its taxonomy comprises eight domains and eleven architectures.[17] That full taxonomy need not be imported into every matter-level allocation. For present purposes it supplies a disciplined way of naming the human work: noticing material issues, locating and applying knowledge, analysing, interpreting, evaluating, communicating, acting safely, exercising judgement and monitoring performance.

Judgement is closely connected to skill, but should not be treated as a magical final step.[18] Judgement may be exercised in framing the client's problem, selecting a source set, classifying disputed conduct, determining the meaning of a document, evaluating possible risks, choosing a strategy and deciding whether work is sufficiently reliable to adopt. These acts occur throughout a workflow. They may be exercised by different appropriately competent and authorised people; they cannot be captured adequately by a single label stating that "the lawyer reviews the result".

3. Professional duties establish the boundaries

3.1 From professional obligation to allocation

Professional conduct rules and court requirements govern how legal services are provided. In the Australian Uniform Law context, the Australian Solicitors' Conduct Rules include duties concerning honesty, competence and diligence, confidentiality,

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[15] Beth Crandall, Gary Klein and Robert R Hoffman, *Working Minds: A Practitioner's Guide to Cognitive Task Analysis* (MIT Press, 2006).

[16] Michael Power, *The Audit Society: Rituals of Verification* (Oxford University Press, 1997); Michael Polanyi, *The Tacit Dimension* (Doubleday, 1966).

[17] Skills Paper (n 11) pt 6, Table 3. The domains are Notice, Use knowledge, Think, Communicate, Work safely, Self-manage, Act as a lawyer and Perform.

[18] Ibid pt 8 (complex problem-solving and judgement, comprising problem framing, analysis, classification, interpretation, synthesis, evaluation, strategic reasoning, judgement and transfer).

independent judgement and supervision.[19] The precise rule, its application and the consequences depend on the jurisdiction, context and kind of work.[20] A skill does not mechanically determine which conduct rule applies. Rather, the rule supplies the professional standard and the skill analysis helps identify the human capacity necessary to satisfy it in the work being performed.

The regulators' joint statement makes the link between duty and allocation unusually direct. Confidentiality governs what client information may be entered into which tools. Independence means AI output cannot stand in for the lawyer's own assessment. Competence requires that a lawyer be able to verify personally what is adopted. The costs provisions govern what may be charged for AI-assisted work. The statement also recommends that practices confine AI to lower-risk tasks that are easier to verify. It further recommends that they adopt policies stating which tools may be used, by whom, for what purposes and with what information, and how junior and support staff using AI will be supervised.[21] Those recommendations are, in substance, workflow decisions. What the statement does not supply, and could not supply in general terms, is a method for making them in a particular matter.

For example, a task involving privileged documents raises confidentiality and information-handling concerns before any decision to upload material to an external tool.[22] An AI-assisted authority list raises competence and candour concerns because the existence, current status and legal propositions of each authority must be checked before use.[23] A junior's draft dealing with a difficult termination question raises supervision and competence concerns. That is not because juniors cannot exercise

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[19] ASCR (n 1) rr 4.1.2 (honesty), 4.1.3 (competence and diligence), 4.1.4 (integrity and professional independence), 9.1 (confidentiality), 17.1 (independent forensic judgement in matters before a court), 37 (supervision).

[20] Barristers are subject to the *Legal Profession Uniform Conduct (Barristers) Rules 2015* (NSW), and jurisdictions outside the Uniform Law have their own versions of the solicitors' rules. In the United States, comparable duties arise under state adoptions of the ABA Model Rules of Professional Conduct, especially rr 1.1, 1.4, 1.5, 1.6, 3.3, 5.1 and 5.3: ABA Opinion 512 (n 7).

[21] Joint Statement (n 6).

[22] ASCR (n 1) r 9.1; GPN-AI (n 3) [4.13]–[4.15]; SC Gen 25 (n 4) [6.8]–[6.9]; SC Gen 23 (n 5) [9A]. GPN-AI notes that restrictions may attach to privileged material and to information obtained from another party, and that entering information into a closed tool may still breach obligations if its outputs are later used for a different purpose.

[23] ASCR (n 1) rr 4.1.3, 19.1; GPN-AI (n 3) [4.3], [4.5](b); SC Gen 25 (n 4) [7.4](c)–(e); SC Gen 23 (n 5) [16]–[17]; *Dayal* (n 5).

judgement, but because the particular judgement must be assigned to someone appropriately competent and authorised, with suitable supervision.[24]

3.2 The allocation decision

A sensible allocation question has at least four parts. First, what is the purpose of the task, and what decision or action will depend on it? Secondly, can the proposed operation be bounded by reliable source material, clear instructions and a checkable output? Thirdly, what professional skills, judgement or authority must remain with a person? Fourthly, how will checking, verification and adoption occur? An operation should not be assigned simply because the technology can produce an answer. Its suitability depends on the legal significance of the operation in that particular workflow and on the practicability of meaningful human control.

A useful distinction can be drawn between operations that mainly describe material and those that determine legal consequence. Describing operations include extracting, organising, comparing, retrieving, transforming and provisional drafting. Determining operations include framing the problem, interpreting legal meaning, evaluating significance, selecting strategy and reaching a professional conclusion. The distinction is a strong presumptive guide, not an infallible binary rule.[25] Seemingly descriptive classification can incorporate contestable legal assumptions; AI may generate a proposed legal analysis for human consideration; and a lawyer may delegate limited decisions within a controlled supervisory setting. The defensible boundary is the obligation to ensure that legally significant determinations are responsibly made and adopted by an appropriately authorised and competent person.[26]

Professional consideration	Workflow implication	Illustrative evidence
Confidentiality and permitted use	Limit the data and system environment before assignment	Approved source set and data-handling restriction
Competence and diligence	Specify the task, quality standard, limits and verification method	Instructions and source-linked check record
Independent professional judgement	Identify substantive decisions and their responsible decision-maker	Decision or reasoning note where proportionate
Supervision	Specify review, escalation, authority and exception handling	Supervisor direction and verification record

[24] ASCR (n 1) r 37; *Murray* (n 2) [15]; *Titus & Ksenia* [2026] FedCFamC1F 104 (revisiting reasonable supervision as an imprecise standard whose content depends on factors including the practitioner's experience).

[25] Skills Paper (n 11) pt 7. The regulators draw a similar line, recommending that AI be limited to lower-risk tasks that are easier to verify and not used for higher-risk tasks such as analysing an unfamiliar legal concept: Joint Statement (n 6).

[26] SC Gen 25 (n 4) [6.5]; Joint Statement (n 6); ABA Opinion 512 (n 7).

Professional consideration	Workflow implication	Illustrative evidence
Candour and accuracy	Verify propositions and authorities before use in court or advice	Checked authorities and amended draft
Accountability	Identify who authorised adoption or external use	Approval and version history

The table describes a proposed practice method. Not every entry is a separate formal documentation requirement under the rules.[27] Its purpose is to connect professional obligations to particular decisions about workflow design and evidence, proportionately to the risks. Appendix A applies the same connection at the level of individual operations, recording for each the obligation it engages.

4. The division of labour within the firm and with AI

A realistic matter involves multiple people and potentially multiple systems. It is helpful to distinguish four professional functions: specification, performance and checking, verification and determination, and assurance and adoption. They are functions, not immutable grades of lawyer. One person may exercise several; a complex firm may distribute them widely. The allocation should follow expertise and legal authority rather than job title alone.[28] Each pairing groups two questions that usually fall to the same person, but the questions remain distinct. The record in Part 5 and the decomposition in Appendix A therefore label each decision point with one of six functions: specification, performance, checking, verification, determination and assurance.

4.1 Specification: designing the work

The responsible or supervising lawyer frames the matter and identifies the issues, tasks, required outputs, information sources, dependencies and decision points. In doing so, the lawyer decides whether AI is permitted, for what particular operations and under which constraints.[29] A junior lawyer may assist with this design, and an experienced practitioner may conduct the whole design personally. Specification is itself an act of

[27] Court instruments generally require that a person be able to explain AI use if asked, rather than prescribing a record: GPN-AI (n 3) [2.3]; SC Gen 25 (n 4) [7.5]–[7.6]. The Administrative Review Tribunal's practice direction, adapted from GPN-AI, defines the expected explanation as being able to say what tool was used, how it was used, and how and by whom the output was checked: *Administrative Review Tribunal (Generative AI) Practice Direction 2026*.

[28] ASCR (n 1) r 37; Uniform Law (n 1) s 34; *Titus & Ksenia* (n 24). Section 34 requires each principal to ensure that reasonable steps are taken so that the practice's legal practitioner associates comply with their obligations, and so that its legal services are provided in accordance with the Uniform Law and other professional obligations.

[29] Joint Statement (n 6) (recommending risk-based policies on which tools may be used, by whom, for what purposes and with what information, and on how the use of AI by junior and support staff will be supervised).

professional judgement: framing the wrong problem, omitting a dependency or assigning a legally significant decision prematurely can compromise the entire sequence.[30]

At the level of the practice, the English Divisional Court has said that those with leadership responsibilities, such as managing partners and heads of chambers, must now put concrete measures in place so that everyone providing legal services understands and meets their duties when using AI, and that courts will ask whether they have done so.[31] Specification is therefore a firm-level function as well as a matter-level one.

4.2 Performance and checking: doing the work

A junior lawyer may retrieve documents, direct an AI extraction, prepare a chronology, draft language and conduct first-pass checks. The person directing or undertaking an operation should know what sources were provided, what the output purports to contain and what has been omitted. Checking means examining the output against the relevant original material and instructions; it does not mean merely asking the same or another AI system to certify its accuracy.[32] Checking may itself require legal skill and escalation where an apparent inconsistency has potential legal consequences.[33]

4.3 Verification and determination: deciding what the material means

A supervising or otherwise authorised lawyer tests whether the checked work is fit to support the decision required. Verification asks whether the right sources were used, whether the checking was adequate and whether material uncertainty remains.[34] Determination then addresses the legal questions: what does the provision mean, which facts matter, what risks follow, and what course of action is justified? A junior may make provisional or authorised substantive determinations appropriate to experience and supervision; the workflow identifies which decisions have been reserved and which require escalation.

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[30] See Part 6.4 below; Leo Cussen Centre for Law, *AI in Legal Practice: Scenario and Evidence Pack — Harbour Foods Matter* (Workshop Materials, Draft v4, 2026) facilitator design note ('Harbour Foods Pack').

[31] *Ayinde* (n 5) [9]; compare Uniform Law (n 1) ss 34–5.

[32] SC Gen 25 (n 4) [7.4](e); SC Gen 23 (n 5) [17] (as amended); GPN-AI (n 3) [4.3](d). SC Gen 25 states that asking an AI tool to confirm that materials exist, or say what it claims, is not sufficient verification, and that one AI tool cannot be used to confirm another's output.

[33] *Murray* (n 2) [15] (the error lay centrally in failing to check and verify the tool's output against documents the firm held, and was contributed to by the junior's inexperience and the absence of systems to ensure her work was supervised and checked).

[34] SC Gen 25 (n 4) [7.1]–[7.3]; Skills Paper (n 11) pt 8.

A decision is reserved when it settles legal meaning or the matter's position on an issue, chooses the course to be recommended or taken, or adopts the work for external use. A reserved decision is made by the person named. A junior may not make it provisionally, and AI output may contribute material for testing but cannot be adopted as the decision. Decisions that belong to the client, such as whether to pursue a claim, are reserved to the client. Other judgement points, including evaluations that feed a reserved determination, may be prepared by a junior and settled by the supervising lawyer. The criterion is deliberately narrow. It identifies the decisions that must be made personally, not every decision that requires skill.

4.4 Assurance and adoption: responsibility for use

Before external use, the person authorised to adopt the work confirms that the necessary source checks, decisions and approvals have occurred. For important advice this may be a partner, but a signature or final read-through cannot cure a broken verification trail.[35] Assurance should provide meaningful confidence in the process and substance, not imply that the assurer personally repeats every earlier operation. The person adopting work retains the responsibilities attached to their professional role; workflow records do not transfer away duties imposed by law.[36]

These distinctions correct an asymmetry in many AI allocation schemes. The machine contribution is described precisely as extraction, comparison or drafting, but the human contribution is compressed into "oversight".[37] A sound workflow should be equally precise about what the junior checks, what the supervisor determines and what the partner assures. This is as valuable for entirely human work as for AI-assisted work.

5. A simple record for ethically governed workflow

The framework can be expressed as a working table. Each line corresponds to a material operation. The table links purpose, allocation, human judgement and evidence. A firm should not be expected to complete an elaborate table for every routine action. For significant or novel AI-assisted work, however, the structure supports instruction,

[35] GPN-AI (n 3) [4.5], referring to *Federal Court Rules 2011* (Cth) r 2.16(1)(b): where AI has been used, the person responsible for a document is expected to have confirmed, among other things, that cited authorities exist and support the propositions stated and that chronologies are accurate. See also *Murray* (n 2) [9], [15].

[36] SC Gen 25 (n 4) [6.1]; Uniform Law (n 1) s 35(1). Under s 35(1), a principal is taken to have contravened a provision binding the practice if the principal knowingly authorised or permitted the contravention, or was in a position to influence the practice's conduct and failed to take reasonable steps to prevent it.

[37] Green (n 8); Crootof, Kaminski and Price (n 8); Lisanne Bainbridge, 'Ironies of Automation' (1983) 19(6) *Automatica* 775.

supervision, review and later explanation.[38] The rows below are drawn from the Harbour Foods matter introduced in Part 6 and decomposed in full in Appendix A. The record can therefore be seen on the same work as the allocation it documents.

Task / operation	Performer and permitted AI assistance	Human judgement point	Responsible person / gate	Record or evidence
A3 Triage the file for status and sensitivity	Supervising lawyer; no AI	Decide what may enter the tool and what must be withheld	Supervising lawyer, before any prompt is written	Triage note: items released, items withheld and why
B4 Check each chronology entry against its source	Junior checks AI-extracted entries; the system cannot certify its own output	Detect invented events, merged sources, lost hedges and characterising verbs	Junior; discrepancies escalated to supervising lawyer	Source-linked chronology with pinpoints; discrepancy log
C3 Interpret the variation clause and the parties' conduct	AI may generate alternative readings for testing	Reserved: meaning and legal effect	Supervising lawyer	Interpretation note: reading adopted, alternatives rejected, sources relied on
E3 Settle the advice and any correspondence to the other party	AI may format checked content	Adequacy, qualification and proper basis; no assertion beyond the client's rights	Authorised lawyer	Settled draft showing changes from the AI-formatted version
E5 Approve dispatch and close the record	AI may assemble the use and version log	Reserved: assurance and adoption, including that charges reflect legal work done	Partner or authorised lawyer	Approved version; use and version log; verification trail; billing note

The record keeps distinct the questions that the four functions pair together:

- **Specification** fixes what is to be done, with what material and within what limits.
- **Performance** does it.
- **Checking** tests an output against its source and specification.
- **Verification** examines whether the checked output can safely be relied on for a particular professional decision.
- **Determination** resolves the legal question or chooses the professionally appropriate action.
- **Assurance** confirms that the necessary work and decisions support adoption.

[38] GPN-AI (n 3) [2.3]; SC Gen 25 (n 4) [7.6].

An individual can perform more than one function, but the questions remain distinct. The content of the record must be sufficient to show actual performance, not merely contain an unexplained tick.[39]

6. The method applied

Two matters illustrate the method. The first is the fictional Harbour Foods matter, developed as a teaching scenario for supervised AI-assisted practice and used in a pilot agent simulation.[40] It is decomposed in full, from issue to work operation, in Appendix A. The second, a compliance characterisation matter, is decomposed in shorter form as a contrast. Both are illustrations rather than empirical evidence: the first is fictional and the second is simplified. They show why allocation, and the intensity of supervision, depend on the structure of the matter rather than on a generic description of what AI can do. Neither is offered as a conclusion on the substantive law.

6.1 The Harbour Foods matter

Bankside Legal acts for Harbour Foods Pty Ltd, a Port Melbourne food manufacturer, in a dispute with Precision Systems Pty Ltd about the late delivery of an automated packaging line. The Equipment Supply Agreement required delivery on or before 1 March 2025 and prompt notice of circumstances likely to affect the delivery date. A variation was effective only if in writing and agreed by both parties, and email could constitute writing. A further extract, supplied later, excluded liability for indirect or consequential loss, and the agreement is governed by Victorian law. The line arrived on 20 March. Precision says the date was moved by agreement in a telephone call on 12 February and confirmed by its email that afternoon. The client's operations manager recorded in a file note that she did not agree to a new date, and recalls only that the week of 17 March was mentioned as a possibility. Harbour Foods did not reply in writing to Precision's emails of 12 and 19 February, and the updated delivery schedule attached to the second email cannot be found. Harbour Foods estimates its loss at about $85,000, mostly revenue lost on a new private-label supply order. It wants advice on its position and options while preserving, if possible, the commercial relationship, and has been told that the firm uses

[39] Power (n 16). A related risk is that a record compiled after the event is an account of the work rather than a trace of it. The pilot Harbour Foods simulation reported this limitation of its end-of-run judgement records, and the proposed follow-up study would log judgements as they are made and compare the two: Leo Cussen Centre for Law, 'Harbour Foods Simulation: Review of the Pilot and a Proposed Research Program' (Research Note, 4 October 2026) ('Research Note').

[40] Harbour Foods Pack (n 30); Donald Feaver, 'Simulating and Documenting Human Judgement in AI-Assisted Legal Work: A Recursive Agent Simulation' (Working Paper, Leo Cussen Centre for Law, 2026) ('Simulation Paper'). All people, organisations, documents and events in the scenario are fictional.

an approved AI tool for document work under supervision. A senior associate supervises two graduate lawyers.[41]

6.2 The decomposition

Appendix A sets out the decomposition. It identifies four issues and five tasks, and breaks each task into the work operations through which it is performed: 25 in all. For each operation it records:

- whether AI may assist and, if so, the conditions under which that assistance is safe;
- the human judgement point, with its function and the person to whom it belongs;
- the professional obligation the operation engages; and
- the skills the operation requires, expressed in the domains and architectures of the companion taxonomy.[42]

The categories used in the table are defined in the note that precedes it. Operations are numbered by task, from A1 to E5, and the discussion that follows refers to them by number.

6.3 What the decomposition shows

Five features of the decomposition matter for the argument.

First, the AI-assisted operations cluster where the work describes material: extraction, ordering, juxtaposition, retrieval and comparison (B1–B3, B5, C1, D2–D3). Their safety does not come from the tool. It comes from conditions set earlier, in Task A (A3–A4): which documents may enter the system, what status each has, what the system must not say and how each output will be traced. The safe-use conditions in the appendix are therefore professional decisions, made under the duties of confidentiality, competence and supervision before any prompt is written.[43] The triage of the client's internal loss email (A3) is the clearest example. The email is outside the scope of the chronology, and it contains commercial figures and health-related information about a non-party employee. Withholding it is not a technical precaution but a judgement about confidentiality and the minimum information the task requires.[44]

Secondly, judgement points occur in every task, not only at the end. Even the chronology (Task B), the most plausibly mechanical task in the matter, contains them. They include

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[41] Harbour Foods Pack (n 30) Intake Note, Evidence 1–9.

[42] Skills Paper (n 11) pt 6 Table 3, pt 8. A key to the abbreviations is given beneath the table in Appendix A.

[43] ASCR (n 1) rr 4.1.3, 9.1, 37; Joint Statement (n 6); GPN-AI (n 3) [4.13]–[4.15].

[44] ASCR (n 1) r 9.1; GPN-AI (n 3) [4.14](d); SC Gen 25 (n 4) [6.8]–[6.9]; *Privacy Act 1988* (Cth) s 6(1) (definition of 'sensitive information', which includes health information); Harbour Foods Pack (n 30) facilitator triage model.

deciding that an internal file note is one person's account rather than a communication, keeping a witness's "I think" attached to her recollection, and refusing to translate silence into acceptance. These are small decisions about the status of facts, but they are the decisions on which the later determinations of variation and loss depend. The chronology does not itself decide whether the contract was varied. It is an operational artefact supporting later judgement. Confusing those stages is a common risk when a single AI request produces both factual assembly and a fluent legal conclusion. A chronology that has quietly resolved these questions has decided the case without anyone having decided it. Workflow decomposition preserves the seam.

Thirdly, the reserved determinations sit where the work settles legal meaning or the matter's position: the effect of cl 15 and the parties' conduct (C3, C5), the classification of each head of loss (D4), and the strategy to recommend (E2). Each involves contested legal meaning or a consequential choice. The evaluations that feed them, such as weighing the evidence of the 12 February call (C4) or testing causation (D5), are judgement points too. But they may be prepared by a junior and are settled within the reserved determination they support.

The loss question illustrates the point. Whether revenue lost on the private-label order is "indirect or consequential" turns on a construction question on which Victorian appellate authority has departed from the conventional reading of those words as confined to the second limb of *Hadley v Baxendale*.[45] An AI system may usefully generate competing readings for testing, but choosing between them is a determination. The final decision on what to do belongs to the client, informed by advice (E4). Any communication to Precision must have a proper basis for what it alleges and must not overstate the client's rights (E3).[46]

Fourthly, the skills column shows that Work safely and Act as a lawyer are engaged at the beginning of the workflow, in triage and specification (A3–A4), not only at assurance (E5). Notice appears in checking (B4) and in causation (D5), where a lawyer must see whether the delay, rather than something else, produced each loss claimed. The remaining

[45] *Environmental Systems Pty Ltd v Peerless Holdings Pty Ltd* (2008) 19 VR 358; *Hadley v Baxendale* (1854) 9 Ex 341; 156 ER 145. On the construction of exclusion clauses generally, see *Darlington Futures Ltd v Delco Australia Pty Ltd* (1986) 161 CLR 500. No view is expressed on the outcome in the hypothetical matter.

[46] ASCR (n 1) rr 7.1, 8.1 (advice and client instructions), 4.1.2 (honesty), 34.1.1 (statements grossly exceeding the legitimate assertion of a client's rights). Rules 21.3–21.4 (allegations of fact, and of serious misconduct, in court documents and submissions) would be engaged if proceedings issued. Compare *Clyne v New South Wales Bar Association* (1960) 104 CLR 186; *White Industries (Qld) Pty Ltd v Flower & Hart* (1998) 156 ALR 169.

domain, Perform, is not tied to any single operation; it describes the integration of the whole sequence under time and client pressure.[47]

Fifthly, the obligation column shows where the professional rules bite. Rule-specific obligations cluster at the edges of the work: where material enters the matter or a tool, and where work leaves the firm.

- **On entry,** the client's instructions govern the framing (A1). Confidentiality and privacy govern triage and the use of the client's figures (A3, D1). Rule 9.1 constrains every point at which material is put into a tool (A2, C1, D2, E1), and the supervision duty is engaged by writing the instruction (A4).
- **On exit,** honesty and the limits on assertions to another party govern correspondence (E3). The duty of clear advice and the client's instructions govern the advice (E4). Supervision, principal responsibility and costs govern adoption (E5).
- **Between those edges,** the determinations (C2–C5, D3–D5, E2) engage no specific rule. They are governed by the continuing duties of competence, diligence and independence.

The pattern matters for delegation. Entry obligations are discharged by decisions made before the work begins, and can be enforced by limiting what a system may access. Exit obligations can be enforced by limiting what a system may send or file, but are discharged only when a person approves the action. Interior determinations cannot be secured by limiting access or action at all. They depend on a competent person exercising judgement at the point the work requires it. Part 9 returns to this.

6.4 When the specification fails: the first chronology

The scenario also contains a failure, which is as instructive as the decomposition. The first chronology on the file was produced by a graduate lawyer using the firm's AI tool and pasted without checking.[48] It treats Precision's account as fact, describing the date as agreed and confirmed. It merges two sources into one entry, reports an internal Harbour Foods email as if it had been sent to Precision, and assumes the contents of the missing schedule. It characterises events in legal terms, as notice under the contract and acceptance on delivery. It drops the operations manager's hedges and attributes Precision's words to her. It invents a telephone call on 15 February. And it concludes, in a summary, that the delivery date was varied.

[47] Skills Paper (n 11) pt 6 (integrated legal performance under pressure).

[48] Harbour Foods Pack (n 30) release item R1.

The scenario's design note traces each defect to the point at which it entered the workflow.[49] Some entered through the system, which invented an event and stated a conclusion it had been told not to reach. One entered through the junior's prompt, which dropped the supervisor's request to flag differing accounts. The largest group entered through the supervisor's instruction. It repeated Precision's characterisation of its email as confirming an agreed date, gave no guidance on internal documents or missing material, confined the prohibited conclusions to variation and breach, and asked for a summary of where things landed. A review directed only at the output would have caught some symptoms but not their cause.

The redone instruction shows the alternative. It states:

- the purpose: a reliable record that decides nothing;
- the permitted operations: extract, record, order, juxtapose and flag;
- the sources and their status;
- the limits, including characterising verbs the system may not use;
- the format, with one source per entry;
- traceability to a pinpoint; and
- the record the junior must keep for the supervisor's sampling.

In substance, it is the specification described in operations A3–A4 and the delegation specification discussed in Part 9. The ethical point is that supervision begins with specification. The supervision duty is engaged by the instruction as much as by the review. And where AI is used in preparing a court document, the Federal Court expects the person responsible to have confirmed, among other things, that any chronology in it is accurate.[50]

6.5 A compliance characterisation matter: judgement throughout

A not-for-profit professional education organisation proposes to email research findings to people on existing contact lists and asks whether the proposed communication would contravene anti-spam legislation.[51] The question also engages the character of the message, possible statutory exceptions, contact-list permissions and privacy implications. The client's apparently binary question may require reframing into a series of conditional legal and practical questions before useful work can begin.

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[49] Ibid facilitator design note.

[50] ASCR (n 1) r 37; GPN-AI (n 3) [4.5](e); *Murray* (n 2) [15].

[51] *Spam Act 2003* (Cth) ss 6, 16, sch 1; *Privacy Act 1988* (Cth). The illustration is simplified and expresses no view on the characterisation.

AI can retrieve statutory text, identify relevant categories and compare the proposed message with those categories. Yet an apparently routine classification may conceal a disputed threshold: whether the organisation or communication falls within a legally relevant definition, which provisions are current and which circumstances alter the statutory analysis. A prior advice note may look authoritative while depending on an instruction or legislative premise that is no longer true. The supervising lawyer must therefore frame the correct question, confirm the relevant status and source permissions, interpret the legal scheme and decide the effect of the proposed communication.

Decomposed to the same level and in the same categories as Harbour Foods, the matter looks like this (skills are omitted for brevity):

Task	Work operation	AI assistance (safe-use conditions)	Human judgement point (function; person)	Obligation engaged
A. Frame and specify	**A1** Record the proposal, its purpose and the lists to be used	No	Reframe the binary question as conditional questions about status, message, exceptions and permissions (specification; supervising lawyer)	rr 4.1.1, 8.1
	A2 Triage the material for sensitivity	No	Release the draft message and organisational documents; withhold the contact lists and the personal information in them (specification; supervising lawyer)	r 9.1; Privacy Act
B. Establish status and permissions	**B1** Retrieve registration and constituent documents	Yes (bounded): nominated registers and documents only	None: output provisional (performance; system, directed by junior)	None new
	B2 Determine the organisation's status for the statutory exceptions	Assist only: summary of retrieved material	**Reserved:** legally relevant status and unresolved facts (determination; supervising lawyer)	Continuing duties
	B3 Establish how each list was compiled and on what permissions	Assist only: tabulate list sources from de-identified records	Decide what each source establishes and what to ask the client (verification; supervising lawyer)	r 9.1 (de-identified input)
C. Characterise the message	**C1** Retrieve the statutory text, definitions, amendment history and regulator guidance	Yes (bounded): approved research platform; no client facts	Confirm the text is current and complete (checking; junior)	Retrieval: r 9.1 (no client facts). Checking: continuing duties
	C2 Test the premises of the prior advice note	No	Decide whether its instructions and legislative premises still hold (verification; supervising lawyer)	Continuing duties

Task	Work operation	AI assistance (safe-use conditions)	Human judgement point (function; person)	Obligation engaged
	C3 Compare the draft message with the statutory categories	Assist only: provisional comparison for testing	Classify the message's character; settled within C4 (determination; supervising lawyer)	Continuing duties
	C4 Interpret the definitions and exceptions and apply them	Assist only: alternative readings for testing	**Reserved:** meaning and application (determination; supervising lawyer)	Continuing duties
D. Advise and approve	**D1** Settle the recommendation and its conditions	Assist only: format conditional options	**Reserved:** recommendation and conditions (determination; supervising lawyer)	r 7.1
	D2 Approve the advice	Assist only: assemble the use and version log	**Reserved:** assurance and adoption (assurance; authorised lawyer)	r 37; Uniform Law ss 34–35, 172–173

Here the apparently assignable portion is smaller and the need for early professional determination greater. Seven of the 25 Harbour Foods operations may be performed by AI within bounds. Two of these eleven may, and both are retrievals whose output feeds a determination almost immediately. The first reserved determination arrives at the fourth operation rather than the thirteenth, because the organisation's status conditions everything that follows. A firm that used the same supervision routine for this matter and the source-heavy Harbour Foods matter would overlook the way risk and uncertainty are distributed. The appropriate intensity of control depends particularly on the consequences and detectability of errors, not simply the apparent difficulty of the individual operation.

7. Verification, efficiency and professional formation

7.1 The cost of responsible use

AI assistance is not automatically efficient. The correct comparison concerns the complete workflow: preparing the instruction, using the system, checking the source material, correcting mistakes, supervising the performer, verifying critical assumptions and addressing downstream errors. A simple heuristic follows. AI assistance is economically justified when the cost of AI-supported performance plus proportionate checking and verification is lower than the cost of unassisted performance, considering quality and risk. This is a decision aid rather than a general theorem. Regulators have made a related point in costs terms: time billed should reflect legal work actually done,

and AI use should not leave the client paying more than traditional methods because of time spent verifying or correcting its output.[52]

The cost pattern differs by operation. Extracting dated correspondence from a nominated file may be time-consuming to do and relatively easy to check. Evaluating a novel legal proposition may be effortless for a system to draft, but require a lawyer to read every authority and reconstruct the reasoning.[53] The apparent speed of first output then says little about total efficiency. Competent use of technology sometimes means narrowing the instruction, declining AI assistance or rejecting an output whose verification burden is unacceptable.

7.2 The capability-formation issue

Work allocation also has a developmental effect. Junior lawyers acquire professional skill through progressively challenging work, supervised feedback and opportunities to make and explain judgements.[54] If AI takes over every initial operation, juniors may lose the experiences through which they learn to notice omissions, inspect source material and understand the links between facts, rules and advice.[55] Conversely, well-designed AI-assisted work can make these links more visible by separating source assembly, preliminary analysis, verification and decision.[56] The allocation decision should therefore consider both immediate production and the longer-term formation of reliable professional capability.[57]

Workflow can serve as instructional scaffolding for a novice and a governance instrument for an experienced practitioner. It should not freeze novice routines into

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[52] Uniform Law (n 1) ss 172–3; Joint Statement (n 6); ABA Opinion 512 (n 7).

[53] *Mata* (n 5); *Dayal* (n 5); Joint Statement (n 6).

[54] Skills Paper (n 11) pt 9; Olle ten Cate, 'Entrustability of Professional Activities and Competency-Based Training' (2005) 39(12) *Medical Education* 1176; Victorian Legal Services Board and Commissioner, *Early Career Lawyer Capability Framework* (Framework, 12 December 2025).

[55] Bainbridge (n 37); Matthew Beane, 'Shadow Learning: Building Robotic Surgical Skill When Approved Means Fail' (2019) 64(1) *Administrative Science Quarterly* 87; Felicity Bell and Justine Rogers, 'Becoming, Doing, Being: GenAI and the Promise of Professional Identity in Law' (2025) 7(3) *Law, Technology and Humans* 62; Michael Legg, 'Better than a Bot: Instilling Ethical Judgement into the Lawyers of the Future in the Age of AI' (2024) 33 *Griffith Law Review* 273.

[56] Erik Brynjolfsson, Danielle Li and Lindsey Raymond, 'Generative AI at Work' (2025) 140(2) *Quarterly Journal of Economics* 889; Evan F Risko and Sam J Gilbert, 'Cognitive Offloading' (2016) 20(9) *Trends in Cognitive Sciences* 676. The Harbour Foods workshop is designed on this basis: graduates diagnose a defective AI-assisted chronology and then redo it under a full specification: Harbour Foods Pack (n 30).

[57] Donald Feaver and Shirley Southgate, 'Lifting PLT from Practical to Professional within a Coordinated Legal Education Pathway' (2026) 52(1) *Monash University Law Review* 1; Donald Feaver, 'From Competence to Capability: Standards Design Across the Lawyer Formation Pathway' (forthcoming) *University of New South Wales Law Journal*.

permanent checklists. As competence develops, supervision and the required record may appropriately change, while the professional obligation to provide competent services remains.

8. Research agenda: testing the workflow method

The proposed model has not been empirically validated.[58] A pilot is proposed to test whether different legally trained people can use the workflow terms consistently enough to identify work operations, allocations, judgement points, responsibilities and evidence. It is a research plan; no findings are reported here.

A practical pilot could use eight to twelve consented, anonymised or simulated matters spanning evidence-heavy litigation, legal characterisation, advisory strategy, procedural compliance and mixed transactional work. Independent lawyers would first identify the matter, issues, tasks and work operations without being told which actions an AI system can perform. They would then classify possible assistance, identify human decisions and allocate checking, verification, determination and assurance. Comparison would focus on commonality of decomposition, agreement on allocation boundaries, assignment of responsible functions and the usefulness of the resulting records.

Work on the Harbour Foods matter indicates what such testing can expose. A pilot recursive agent simulation, in which a single model played the assistant, lawyer, partner and client, completed the matter in form and allowed its judgements to be located and recorded. It also surfaced issues that no designer had planted. In one sighted rerun, it showed a tendency for legal reasoning that was not tied to a checked source to lean towards the instructing client.[59] That observation rests on six statements from a single run and is a hypothesis, not a finding. It is nonetheless the kind of hypothesis that matters ethically, because independence of judgement is a professional duty rather than a stylistic preference.[60] A mirror design, in which the same evidence is analysed on instructions from the other party and scored against an independent legal key, would test whether any drift follows the role rather than the facts.[61]

The most informative disagreements may occur where classification shades into interpretation, where checking involves evaluative judgement, or where supervisory roles are unclear. The definitions in Part 2 and the criterion for reserved decisions in Part 4.3 are the decision rules coders would apply, and disagreement about them would itself

[58] Skills Paper (n 11) pt 6.

[59] Simulation Paper (n 40); Research Note (n 39).

[60] ASCR (n 1) rr 4.1.4, 17.1; Joint Statement (n 6).

[61] Research Note (n 39).

be informative. The framework would be weakened if coders consistently selected incompatible workflow units or used the same broad label for every human judgement.[62] The exercise could also test two further things: whether a brief workflow record improves supervisors' ability to identify important omissions or responsibility gaps, and whether coders working independently assign the same obligations to the same operations. Until such work is completed, the framework should be advanced as a reasoned analytical proposal.

9. Extension to agentic AI

Agentic systems extend the problem because they can plan, execute and connect several work operations with limited human intervention between steps.[63] The central ethical question remains the same: which work may the system do, under what authority, and what must a competent person check, determine and adopt? What changes is the scale and timing of control. A single-operation instruction becomes a delegation specification governing a sequence of operations and the transitions between them.

The workflow offers a professional basis for designing that specification.[64] It identifies the task and objective, permitted sources and tools, data restrictions, authorised operations, dependencies, decision points, escalation triggers, limits on external action, responsible people, and a record of execution. Descriptive operations that remain traceable may sometimes be grouped into a controlled run. A run should stop before a legally significant determination that has not been authorised to the system, before a dependent assumption is unresolved, when material uncertainty or an exception appears, or when the system is about to take an action outside its authority.

Harbour Foods shows what such a specification contains. The entry conditions are already fixed by Task A (A3–A4):

- the system may read Ev 1–7 and nothing else, and Ev 9 is withheld;
- the research platform receives no client facts; and
- the system may not describe anything as agreed, varied or breached.

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[62] Susan Michie et al, 'The Behavior Change Technique Taxonomy (v1) of 93 Hierarchically Clustered Techniques: Building an International Consensus for the Reporting of Behavior Change Interventions' (2013) 46(1) *Annals of Behavioral Medicine* 81.

[63] Noam Kolt, 'Governing AI Agents' (2026) 101 *Notre Dame Law Review* 335; Donald Feaver, 'The Future Lawyer: From AI-Enabled Practice to Contained Agentic Work' (Working Paper, Leo Cussen Centre for Law, October 2026) ('Future Lawyer').

[64] Skills Paper (n 11) pt 7 (proposing four skill-informed safeguards: specification, stopping points, independently captured records and informed adoption); Future Lawyer (n 63).

Within those conditions, a controlled run could perform B1–B3 and the flagging part of B5 as a single sequence, because each step describes material and remains traceable to a source. The run must stop before B4: the system cannot certify its own output, so the check against source belongs to a person. A second run could retrieve candidate authorities for C1 and D2, but must stop before verification, which is where the obligation changes.

Several rows of the appendix pair a describing action with a human judgement (B5, C1, D2, D3). For a lawyer reading the table, that pairing is natural. For an agent, the stopping rule falls inside the row, at the point where retrieval or extraction gives way to evaluation. The obligation column locates that point. Retrieval carries only the confidentiality constraint already discharged at A3; verification engages the duty of competence.

The exit conditions are equally specific. The client has instructed that there be no contact with Precision (A1), so no system may send correspondence. Dispatch of anything settled at E3 depends on the instructions taken at E4 and the approval given at E5. Between entry and exit lie the determinations (C2–C5, D3–D5, E2), which no run may reach without a person.

The three kinds of decision point identified in Part 6.3 call for different controls.

- **Entry obligations** are discharged by a person before execution and enforced by permissions: what the system may read, and with what.
- **Exit obligations** are enforced by permissions (what the system may send, file or commit to), but are discharged by a person approving the action at the time.
- **Interior determinations** cannot be enforced by permissions at all. The only available control is a stopping rule, and only a person with the competence and authority to make the determination can discharge it.

The stop conditions listed above map onto these kinds. A run stops before an unauthorised determination, before an unresolved dependency or on material uncertainty, all of which are interior. It also stops before an action outside its authority, which is an exit. Entry obligations need no stop condition, because they are enforced before the run begins.

The professional specification is necessary but insufficient. Agentic delegation also needs engineered permissions, access controls, runtime monitoring, state and version management, recovery procedures, security safeguards and testing. A logging system may establish that a tool was called, which documents were used and which person authorised continuation. It cannot, simply by recording an AI-generated explanation, establish that the system reasoned correctly or that a lawyer exercised genuine

professional judgement.[65] Human adoption must be meaningful, and oversight cannot be reduced to an automatic approval prompt.[66]

It is tempting to say that agentification simply moves supervision upstream. That is only partly true. Entry obligations can indeed be discharged upstream, and scope and stopping rules must be set before execution. But exit obligations are discharged at the time of action, and interior determinations at the point the work reaches them. Effective supervision therefore also requires runtime controls, exception handling and post-run verification. The more consequential or less reversible the proposed action, the stronger the justification for human approval before execution rather than review afterwards.[67] Workflow analysis makes these questions askable; it does not by itself solve the technical and organisational challenges.

10. Limits and implications

Several qualifications are central.

First, workflow is a proposed implementation method, not a substitute for the professional conduct rules, a court practice note or an independent professional decision. Its use cannot conclusively prove compliance. Equally, the obligations recorded against operations in Appendix A indicate which duties an operation engages. They are not findings that a failure at that operation would breach the rule, and several are engaged only if the work is used in proceedings.

Secondly, the describing/determining distinction is a useful starting point rather than a complete allocation algorithm. Classification, source selection and drafting may themselves involve consequential assumptions and therefore require human attention.

Thirdly, the skills taxonomy was developed in related work by the same authors, and the workflow vocabulary, the decomposition in Appendix A and its obligation entries are the authors' own interpretations.[68] Their apparent fit should be tested by independent practitioners rather than presented as independent validation.

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[65] Miles Turpin et al, 'Language Models Don't Always Say What They Think: Unfaithful Explanations in Chain-of-Thought Prompting' (Conference Paper, Conference on Neural Information Processing Systems, 2023); Research Note (n 39).

[66] Raja Parasuraman and Dietrich H Manzey, 'Complacency and Bias in Human Use of Automation: An Attentional Integration' (2010) 52(3) *Human Factors* 381; Green (n 8).

[67] Kolt (n 63) (arguing that conventional monitoring may be ineffective for agents that make uninterpretable decisions at speed and scale, and that new infrastructure is needed to support visibility and liability).

[68] Skills Paper (n 11) pt 6.

Fourthly, the appropriate workflow record depends on scale and risk. A sole practitioner may perform specification, checking, determination and assurance personally; a large firm may distribute them across teams. Neither arrangement justifies the assumption that signing a document equals performing every necessary review.

Fifthly, the paper relies on a fictional teaching matter, a simplified compliance matter and an uncompleted pilot proposal. It should not claim measured effectiveness or reproducibility.

Finally, the hypothetical examples do not establish substantive legal conclusions about the underlying disputes. They are demonstrations of professional work organisation and governance.

The positive implication is that firms, legal educators and regulators can ask more precise questions. Instead of asking whether lawyers may use AI for "contract review", they can ask:

- which component operations are involved;
- what material the system can access;
- which decisions cannot be adopted without competent human evaluation;
- who is responsible for those decisions;
- which obligations they engage; and
- what proportionate evidence should exist.

The same framework can aid supervision, capability formation, risk management and the design of agentic delegation.

11. Conclusion

The duty to take responsibility for legal work is indispensable, but it is not an allocation method. To meet that duty in AI-assisted practice, a firm needs to know how the matter is organised, which work has been delegated, which legal judgements remain to be exercised and how those judgements and checks can be established. The workflow supplies a practical organising method: matter, issues, tasks and component operations, arranged around professional dependencies and decision points.

Professional ethics supplies the obligations and limits. Legal skills explain the human capacities required. Workflow analysis connects them to real work and to identifiable people, from juniors undertaking and checking operations, through supervisors specifying and determining, to authorised practitioners assuring and adopting the result. AI may perform bounded operations, and agentic AI may execute linked sequences, but neither eliminates the need for meaningful human control over legally consequential determinations and responsible use of the result.

The value of the model is therefore not that it turns professional judgement into a checklist. It is that it makes the division of labour and the exercise of responsibility sufficiently explicit to instruct, supervise, question and defend. That is the necessary starting point for safer AI-assisted and agentic legal practice.

Author notes for next revision

1. Appendix A now has an obligation column, and Part 6.5 breaks the compliance matter down to operation level. Both are interpretive. Check each entry, particularly the bracketed court-facing obligations and the allocations in 6.5, which are new.
2. Part 6.4 is retained. D5 and the fourth feature in 6.3 have been generalised so the causation teaching point is not disclosed; restore the detail if the scenario is retired from workshop use.
3. Confirm the treatment of rr 21.3–21.4 in n 46, which now treats them as engaged only if proceedings issue. Confirm ASCR versions after the 1 July 2026 amendments, particularly the r 8.1 entries at A1, E4 and E5 and at A1 in Part 6.5.
4. Note 25 now cites the Skills Paper alone for the describe/determine distinction. Confirm pt 7 is the right pinpoint. Restore the cross-reference to Beyond Verification only if that paper is revised to include the distinction.
5. Part 2.3 says the taxonomy has eleven architectures, but the key to Appendix A lists ten. Confirm whether one is unused in the decomposition and say so.
6. Confirm the provenance of the compliance matter and that “simplified” describes it accurately.
7. Check pinpoints for *Baker*, *Titus & Ksenia*, *Dayal* and *DPP v GR*, and the exact title of the Administrative Review Tribunal practice direction.
8. Confirm details of the authors’ working papers and forthcoming articles, including the Monash issue number, the UNSW Law Journal citation and authorship of the Research Note.
9. Decide whether the quantitative efficiency condition and detailed taxonomy comparison belong in further appendices.
10. Confirm the accuracy and permissibility of any generative-AI use disclosure before circulation.

Appendix A: Harbour Foods workflow decomposition

The matter. *Harbour Foods Pty Ltd v Precision Systems Pty Ltd* (Bankside Legal, matter BL-24117). Harbour Foods bought an automated packaging line from Precision under an Equipment Supply Agreement that required delivery on or before 1 March 2025, permitted variation only in writing and by agreement of both parties, excluded liability for indirect or consequential loss and was governed by Victorian law. The line was delivered on 20 March 2025. Precision says the delivery date was varied by agreement in a telephone call on 12 February; Harbour Foods says it did not agree. Harbour Foods estimates its loss at about $85,000 and seeks advice on its position and options, including recovery, while preserving the commercial relationship if possible. It has instructed that there be no contact with Precision about a claim yet, and has been told that the firm uses an approved AI tool for document work under supervision. A senior associate supervises two graduate lawyers. The matter, the parties and every document in it are fictional.[69]

Reading the table. Rows are grouped by issue; the first group covers framing and specification for the matter as a whole. In the AI column:

- "Yes (bounded)" means AI may perform the operation within the stated conditions, with every item checked against its source.
- "Assist only" means AI may generate material for a lawyer to test, but its output cannot be adopted as the determination.
- "No" means the operation is performed by a person.

In the judgement column, each entry gives the function (specification, performance, checking, verification, determination or assurance) and the person. "Reserved" marks a decision that settles legal meaning or the matter's position on an issue, chooses the course to be recommended, or adopts the work. It is made by the person named and not provisionally by a junior (Part 4.3). E4 is reserved to the client.

The obligation column records the professional obligation each operation engages beyond the continuing duties of competence and diligence and of integrity and independence (ASCR rr 4.1.3, 4.1.4), which apply throughout. "Continuing duties" marks an operation governed by those duties alone. Obligations in square brackets are engaged only if the work is used in a court document or proceedings issue. Rule numbers refer to the ASCR, sections to the Uniform Law, and GPN-AI to the Federal Court practice note.

Skills are given as the domain from the companion taxonomy, with the architecture or CPSJ operation in brackets.

Task	Work operation	AI assistance (safe-use conditions)	Human judgement point (function; person)	Obligation engaged	Skills required
Whole matter: framing and specification					

[69] Harbour Foods Pack (n 30) Intake Note, Evidence 1–9.

Task	Work operation	AI assistance (safe-use conditions)	Human judgement point (function; person)	Obligation engaged	Skills required
A. Frame the matter and specify the work	**A1** Record instructions, objectives and constraints (no contact with Precision yet)	No	Frame the client's problem and objectives (specification; supervising lawyer)	rr 4.1.1, 8.1	Notice (SMA); Think (CPSJ framing); Communicate (CPI)
	A2 Identify issues, dependencies and decision points	Assist only: may suggest an issue list from a de-identified summary	Settle the issues, their sequence and which determinations are reserved (specification; supervising lawyer)	r 9.1 (de-identified input)	Think (CPSJ framing, analysis); Notice (PPA)
	A3 Triage the file for status and sensitivity	No	Decide what may enter the tool: Ev 1–7 for the chronology; Ev 9 withheld (non-party health and personal information, commercial figures) (specification; supervising lawyer)	r 9.1; Privacy Act (sensitive information)	Work safely (SPT, REDM); Act as a lawyer (EPCJ)
	A4 Write the AI instruction: purpose, sources, permitted operations, limits, format, traceability, record	Assist only: drafting help; content set by the lawyer	Decide what the system must not say or do, eg describe anything as agreed, varied or breached (specification; supervising lawyer)	r 37	Communicate (CPI); Work safely (SPT); Think (CPSJ framing)
Issue 1: What was communicated about delivery timing, by whom and when?					
B. Build a source-linked chronology	**B1** Extract each communication from the AI evidence file	Yes (bounded): Ev 1–7 only; one source per entry; hedges and speaker preserved	None: output provisional (performance; system, directed by junior)	None new (r 9.1 met at A3)	Use knowledge (PRCS); Work safely (SPT)
	B2 Order entries by date and time; record mode and internal or external status	Yes (bounded): status labels supplied by the lawyer (Ev 2 internal note; Ev 4 internal, containing a copy of Ev 3)	None at this step: status settled at A3, not by the system (specification; supervising lawyer)	None new	Use knowledge (PRCS); Think (CPSJ classification)

Task	Work operation	AI assistance (safe-use conditions)	Human judgement point (function; person)	Obligation engaged	Skills required
	B3 Set differing accounts of the 12 February call side by side	Yes (bounded): juxtapose, never reconcile	Flag the conflict; do not resolve credibility (performance; junior)	None new	Notice (PPA); Self-manage (SRC)
	B4 Check each entry against its source and pinpoint	No: the system cannot certify its own output	Detect invented events, merged sources, lost hedges and characterising verbs (checking; junior)	Continuing duties [GPN-AI [4.5](e)]	Work safely (REDM); Notice (PPA); Self-manage (SRC)
	B5 Identify gaps (missing attachment to Ev 5; contract extracts only)	Yes (bounded): flag only; never fill	Decide the significance of each gap and what to request from the client (verification; supervising lawyer)	Continuing duties	Notice (SMA); Think (CPSJ evaluation)
	B6 Verify that the chronology can support Issues 2 and 3	No	Sample entries against sources; decide fitness for reliance (verification; supervising lawyer)	r 37 [GPN-AI [4.5](e)]	Work safely (REDM); Act as a lawyer (EPCJ)
Issue 2: Was the delivery date varied, or is Precision in breach of cl 3?					
C. Determine variation and breach	**C1** Retrieve cll 3 and 15 and candidate law on variation, waiver and estoppel	Yes (bounded): approved research platform; no client facts	Verify that each authority exists, is current and supports the proposition (checking; junior, then verification; supervising lawyer)	Retrieval: r 9.1 (no client facts). Verification: continuing duties [r 19.1; GPN-AI [4.5](b)]	Use knowledge (KORT); Work safely (SPT)
	C2 Compare Precision's emails with the requirements of cl 15	Assist only: wording comparison	Classify: was there agreement "by both parties" in writing, and can silence supply it? Settled within C3 and C5 (determination; supervising lawyer)	Continuing duties	Think (CPSJ classification, interpretation)
	C3 Interpret cl 15 and the parties' conduct	Assist only: alternative readings for testing	**Reserved:** meaning and legal effect (determination; supervising lawyer)	Continuing duties	Think (CPSJ interpretation, synthesis)

Task	Work operation	AI assistance (safe-use conditions)	Human judgement point (function; person)	Obligation engaged	Skills required
	C4 Evaluate the evidence of the 12 February call	No	Weigh a hedged recollection, an internal record and Precision's "my understanding" email; settled within C5 (determination; supervising lawyer)	Continuing duties	Think (CPSJ evaluation); Notice (PPA)
	C5 Conclude on variation, breach of cl 3.1 and notice under cl 3.2	No	**Reserved:** conclusion with stated uncertainty (determination; supervising lawyer)	Continuing duties	Think (CPSJ judgement); Act as a lawyer (EPCJ)
Issue 3: Is the loss recoverable, given remoteness and the cl 11.1 exclusion?					
D. Assess recoverable loss	**D1** Assemble heads of loss from the client's figures	Assist only: arithmetic on de-identified figures in an approved tool	Decide what personal and commercial information may be used; seek ledger confirmation (specification; supervising lawyer)	r 9.1; Privacy Act	Work safely (REDM); Act as a lawyer (EPCJ)
	D2 Research remoteness and the meaning of "indirect or consequential loss" under Victorian law	Yes (bounded): candidate authorities only; no client facts	Verify authorities; recognise that Victorian authority may not follow the conventional reading (checking; junior, then verification; supervising lawyer)	Retrieval: r 9.1 (no client facts). Verification: continuing duties [r 19.1; GPN-AI [4.5](b)]	Use knowledge (KORT); Work safely (SPT)
	D3 Extract what Precision knew of Harbour Foods' timing at contracting (Ev 7)	Yes (bounded)	Evaluate the significance of the pre-contract emails for remoteness; settled within D4 (determination; supervising lawyer)	Extraction: none new. Evaluation: continuing duties	Notice (SMA); Think (CPSJ synthesis)
	D4 Classify each head of loss against cl 11.1 and remoteness	Assist only: provisional classification for testing	**Reserved:** classification and its consequences (determination; supervising lawyer)	Continuing duties	Think (CPSJ classification, interpretation, evaluation)

Task	Work operation	AI assistance (safe-use conditions)	Human judgement point (function; person)	Obligation engaged	Skills required
	D5 Test causation between the delay and each head of loss	No	Notice and evaluate whether the delay, rather than another factor, produced each loss claimed; feeds D4 and the advice (determination; supervising lawyer)	Continuing duties	Notice (PPA, SMA); Think (CPSJ evaluation)
Issue 4: What should Harbour Foods do?					
E. Advise, decide and assure	**E1** Prepare a memo outline: issue as a question, verified material, proposed view, decisions required	Assist only: structure from verified material; no client details in the tool	Propose, labelled as a proposal (performance; junior); settle the proposed view (determination; supervising lawyer)	r 9.1 (no client details in tool); r 37	Communicate (CPI); Think (CPSJ judgement); Self-manage (SRC)
	E2 Evaluate options (negotiate, demand, proceed or wait) against objectives and the relationship	Assist only: a generic options list	**Reserved:** strategy, independent of client pressure (determination; supervising lawyer)	r 4.1.1; continuing duties, especially independence	Think (CPSJ strategic reasoning); Act as a lawyer (EPCJ)
	E3 Settle the advice and any correspondence to Precision	Assist only: format checked content	No allegation without a proper basis; no assertion beyond the client's rights (determination; authorised lawyer)	r 7.1 (advice); rr 4.1.2, 34.1.1 (correspondence) [rr 21.3–21.4]	Act as a lawyer (EPCJ); Communicate (CPI); Work safely (REDM)
	E4 Advise the client and take instructions	No	**Reserved to the client:** the decision; the lawyer's duty is clear advice	rr 7.1, 8.1	Communicate (CPI); Act as a lawyer (EPCJ)
	E5 Approve dispatch, confirm the basis of charges and close the record	Assist only: assemble the use and version log	**Reserved:** assurance and adoption, including that charges reflect legal work done (assurance; partner or authorised lawyer)	rr 8.1 (no contact until instructed), 37; Uniform Law ss 34–35, 172–173	Work safely (REDM); Act as a lawyer (EPCJ)

Key. PPA, perceptual and professional awareness; SMA, legal situation and matter awareness; KORT, knowledge organisation, retrieval and transfer; PRCS, procedural and routine cognitive skills; CPSJ, complex problem-solving and judgement; CPI, communication and professional interaction; SPT, systems, process and technology skills; REDM,

risk, error and defensibility management; SRC, self-regulation and cognitive control; EPCJ, ethical, professional and civic judgement. “Ev” refers to the numbered evidence items on the matter file.