

# Your AI Strategy is Wrong (And That's Actually Fine)

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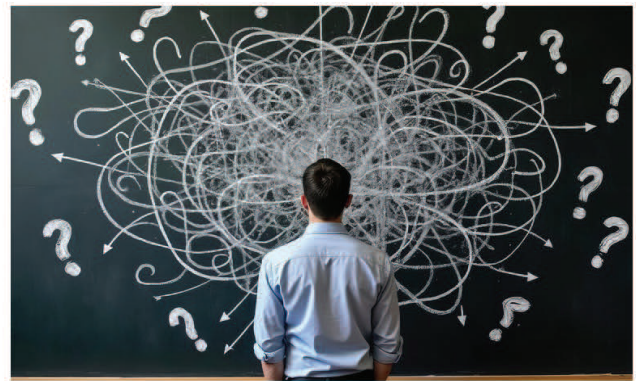
**A**s a technologist in the legal industry, I'm fascinated by this moment. Though years in the making, AI feels as though it has arrived suddenly, like an alien invasion. Law firms and legal departments are responding to first contact with various degrees of enthusiasm, trepidation, and discombobulation.

At some level, we know that resistance is futile—AI represents a paradigm-shifting technology that firms and teams must find ways to embrace. But in my conversations with various heads of innovation, I'm struck by the range of approaches to AI transformation they're deploying. It brings to mind a twist on the old adage, "If you've seen one AI strategy, you've seen one AI strategy."

On the surface, this reflects different attitudes, priorities, commitment levels, expectations, and goals. But it also indicates deep confusion across the industry about how AI will affect core processes and shape the traditional business model.

I've tried to organize those adoption strategies into broad categories with the caveat that they are overly simplistic characterizations of what's happening in the real world. But I believe most firms are deploying some mixture of the following approaches, even as they may be navigating the confusion in their own way.

I also have my own theory for how AI transformation will happen in your law firm or legal department.



Credit: Andrew505/Adobe Stock

Hint: When you're ready for it.

## Approach 1: Mass Adoption

Some large firms have taken the mass adoption approach, licensing solutions like Harvey and deploying them to everyone in the firm. In most of those firms, there's a team responsible for enablement and training whose job is to provide hands-on support, foster a community of practice, and build out prompt libraries or use case recipes. This is assumed to continue until individual lawyers get up to speed and can leverage the AI solution on their own. This is both risky and costly—a little like adopting a new CRM system but leaving it up to employees to use or not as they see fit. But it does signal emphatic belief that the AI future is already upon us.

## Approach 2: Task Force Deployment

Smaller firms seem more inclined to buy a limited number of licenses, which they provide



to select early adopters. Their expectation is that those individuals will experiment with the solution and ultimately figure out the best use cases. They're relying on curious people expending their time and energy "playing" with a solution in the hope that they will crack the use-case code for delivering ROI. While that approach saves on licensing and training costs, in reality, many of those early adopters may lack the capacity, compulsion, or motivation to innovate or to influence wider adoption.

### **Approach 3: The Per-Practice Approach**

Some firms have empowered individual partners to select the tools they feel are most applicable to their own department/practice area. Their premise is that specific point solutions will best serve their distinct needs in real estate law, contract law, patent law, etc. This per-practice approach has the advantage of being practical and targeted but there is a risk that overall AI adoption might feel haphazard and disjointed. Gains in productivity or efficiency in one practice may be hard to replicate in others.

### **Approach 4: The Home-built Solution**

Some firms are reluctant to license off-the-shelf products and prefer to build their own AI models that they can control. This reflects concerns about work product quality and how data is protected. It represents a belief that know-how and process are firm-specific IP. But it's an attitude toward AI that is already dated and unlikely to lead to impactful solutions. If firms are as good as technology vendors at developing AI models, they might be in the wrong business.

### **Approach 5: The Test Pilot Strategy**

Some firms are focusing on very narrow use cases for particular solutions and pushing those capabilities to the limit. For example, one firm I met with is using Harvey for all their RFPs, but they're doing so with the engineering mindset of an

aerospace company, testing how well the solution responds to various conditions, pushing its capacity limits, measuring quality. Ultimately, this could translate into reliable gains in productivity and capacity in specific areas, but that kind of deliberative approach to adoption may be too slow and isolated for the varying demands of real-world legal work.

### **Questions and Tensions**

Most law firms and legal teams are in the "pre-strategy" phase of AI adoption. No one seems certain about the best path forward, the right goals, or how the future will look. They're also clearly grappling with complex questions around costs, needs, applications, and desired impact.

This uncertainty is rooted in existential issues. Everyone in the legal industry has some concern over how AI will affect their individual careers. Firms have additional worries about the impact on billable hours and work product quality.

A consensus seems to be forming that complex high-value work will always require human judgment, but rote repetitive work, typically done by associates, is where AI will be leveraged most. Questions around billing, the impact on associates, confidence in work product quality, and whether AI will increase productivity or gum up workflow abound and reflect some of the internal tensions around budgeting, urgency, hesitation, and firm strategy.

Heads of innovation want more budget and support for deployment, even as they worry about how to get buy-in and show ROI. Chief Operating Officers are concerned about losing revenue if billable hours get reduced and see AI as a cost—not a revenue generator—that's not yet investment-ready. Partners are worried about whether they can trust AI solutions and how they can manage their associates to ensure that work product quality and productivity both remain high. And clients have their own expectations and concerns.



This consternation reflects the dynamic nature of a seismic trend. We really don't know how the AI invasion is going to shake out yet. As usual, in such circumstances, I look to parallels in the past for answers.

### **Your Killer App Will Find You**

The IBM Personal Computer came out in 1981. As the desktop made inroads with corporate America, many got hung up on whether they should invest in WordStar or WordPerfect as their default word processing software.

The right answer was neither—Microsoft Word didn't yet exist, though it would become ubiquitous over a decade later, making all those worries for naught. What really mattered was making the transition from the typewriter to the PC in the first place. That unleashed all sorts of new functionality—word processing, data processing, spreadsheets, graphic design, even video games—which set us up for the email, website, search engine, and even AI waves to come.

Right now, the AI transformation is upon us. Which solution you choose to invest in matters less than being ready for the solution that will change everything.

"Killer apps" like Microsoft Word, Gmail, or Zoom have a way of working their way into our lives and becoming indispensable, but predicting which app will have the most ROI is a fool's errand. The important thing is to have the capacity in place to adopt them quickly.

Like the desktop, getting everyone a "license" may be inefficient but necessary. Adoption will not come because we play around, "innovate" or pre-determine the right transformation strategy across every workflow or use case; instead, it will happen as each stakeholder discovers their own killer app—whether that's Harvey, CoCounsel,

ChatGPT or some future solution. I also think the driving impetus for that discovery will not be cost, revenue, service, or quality, but burning need—most often for speed.

There will come a time, in the dark of night, when you have an overwhelming volume of work or confront a workflow that is always backlogged, but the client needs it sooner or faster than you can deliver. You'll turn to an AI solution because it helps you deliver what is needed in the time available.

All other considerations (cost, revenue, quality) will be secondary. You might not be able to charge the client as much for that work but lightening your load will enable you to be more productive. On the other hand, that work quality might be higher than you expect and your skill with that solution could enable you to charge more for that work product. In fact, I think this is likely. For repetitive, industrial tasks, AI is proving to be not only faster but better than humans. It doesn't get fatigued or distracted or overwhelmed. Yes, AI makes mistakes, but so do humans under stress.

Law has encountered killer apps before. Legal research and e-discovery tools were quickly embraced because traditional processes were too slow. Suddenly, you could do the same work in half the time or less. AI will be embraced by law firms and integrated into workflows in areas where it meets similar needs for speed and productivity, especially in the face of pressure or crisis. Then, we'll subsequently discover practical ways to evolve legal work and business models accordingly.

That may not feel strategic or smooth, but it is how transformation happens. AI may seem unique in the history of new technologies—but so did the PC in the 1980s.

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