

Jonas Hertner

Complete site edition · October 2026

Independent counsel.

Swiss lawyer.

Zurich & Basel.

Advice, disputes & governance.

Purpose before process. · A wider view.

The complete published text, collected for reading.

With a technical appendix on using the website.

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Advice, review & representation.

Advice & governance

I advise boards, owners and legal teams on who may decide, who holds which rights and who is responsible. These questions are best settled before commitments become hard to reverse.

For families, foundations and individuals, I advise on governance, business and asset transactions, and succession. The people involved, their relationships and their interests shape the advice.

Discuss a decision

Disputes & investigations

I advise and represent clients in Swiss and cross-border civil and criminal matters, including shareholder and financial disputes, investigations and corporate criminal liability.

An independent assessment identifies what a dispute turns on, what the evidence supports, what may be recovered, what liability may arise, and the costs of proceeding, funding the case or settling.

I also act in Swiss proceedings concerning state action and constitutional or fundamental rights, including cases involving the environment and emerging technology. Where needed, I work with counsel abroad.

Investigation, strategy & representation

Law & AI

I help legal teams and organisations use AI for defined tasks, improve how the work is done and keep useful knowledge available for later decisions.

We define the task and its sources before choosing or building a system. We agree who may make decisions, what needs review, how exceptions are handled and what must be recorded. The organisation keeps control of the process and its knowledge, and can explain its decisions. Legal agents inside the organisation describes this approach. See also Rule & Reason.

Working together on legal AI

Practice

Disputes & investigations

Establish the facts. Pursue the goal.

This is an independent Swiss litigation boutique. I lead the work. We establish the facts that matter, assess them against the applicable law and pursue the client's objective.

The work

I advise and represent clients in Swiss and cross-border civil and criminal matters, including shareholder and financial disputes, investigations and corporate criminal liability. I also act in proceedings concerning state action and fundamental rights, working with counsel abroad where needed.

Depending on the engagement, I lead the dispute, work alongside existing counsel or give an independent assessment of whether to bring or defend a claim, fund proceedings or settle. We agree my role at the outset.

Facts, law and action

1. Investigate.

We examine evidence that supports the case and evidence that could defeat it. We follow contradictions, identify missing material and tie key findings to their sources. We use AI in evidence review and preparation. Findings must stand up to human scrutiny.

2. Assess.

The legal questions guide the investigation; new evidence may change our view of the case. We distinguish what is established from what remains uncertain and identify what could alter the decision, including the cost and practical value of continuing.

3. Act.

We prepare for negotiation, litigation or both, according to the client's goal: obtaining a judgment, reaching a settlement, preserving a relationship or preventing further harm. We reassess the strategy when the evidence or circumstances change.

A team built for the matter

I bring in lawyers, investigators and technical specialists as the matter requires. Each has a defined role. I lead the matter and coordinate their work.

We agree the client's objective at the outset and structure fees to bring our interests into line as far as possible. Where appropriate, part of the fee is linked to the outcome. We agree the scope, responsibilities and remuneration before work begins.

A clear first step

We first identify the parties, the client's objective, urgent deadlines and the available material. We then agree the initial scope, identify gaps and decide which questions matter for the next decision.

An initial assessment explains what the evidence supports, the available options and the course I recommend. Any further investigation, negotiation or proceedings take place within the agreed mandate.

Further reading

A separate view of a dispute examines what an independent assessment should add to a client's decision.

Discuss your dispute

team@jonashertner.com

In your first email, name the people and entities involved so that conflicts can be checked. Put any deadline at the start. Send confidential documents only through an agreed secure channel.

Practice

Law & AI

Useful work. Clear responsibility.

I help boards, owners and legal teams decide where AI can improve legal work and put that decision into practice. The starting point is a concrete task: better research, a recurring review or knowledge the organisation needs to keep using.

The tasks

1. Research.

We define the question, select the relevant legal and factual sources, and make each finding traceable. Source material remains distinct from calculations, inferences and recommendations that require judgment.

2. Recurring work.

The task may be to compare contract drafts with an agreed position, prepare a chronology, identify departures requiring approval or repeat a defined check. We specify what the process must detect, where it can fail and who acts on the result.

3. Organisational knowledge.

Earlier advice, decisions and their reasons remain accessible, with their dates, scope and assumptions. We distinguish material that needs updating from material that belongs in the historical record.

From task to practice

We define the decision or action the work should support, who will use the process or tool and which sources they may access. Sometimes an adjustment to the existing process is enough. Other tasks call for a configured tool or a new system.

We set out the expected result, the checks required and what would count as a failure. We then test the process on representative material against independently verified answers. The assessment covers missed evidence, unsupported conclusions and the work needed to correct them.

Before using sensitive information, we establish where it will be processed, who may access it and how it will be retained. The handover explains how to use the process or tool, check its results, handle exceptions and adapt or stop it.

What you receive

Depending on the agreed scope, the work may produce:

- A defined task, an inventory of sources and criteria for making decisions.
- A documented process with access permissions, review requirements and named responsibilities.
- A configured tool or new system, with tests and documented limits.
- Instructions and a handover that enable the organisation to use and maintain the process or tool.

Personal responsibility

I lead the legal analysis and the design of the work. I bring in technical or other specialists where needed. The organisation retains authority over its decisions and control of the knowledge it is entitled to keep.

We agree the scope, responsibilities and fees before starting. Further development or ongoing support requires a separate agreement on its purpose and who is responsible.

Further reading

Legal agents inside the organisation sets out the operating framework. OpenCaseLaw, which I built, makes published Swiss legal sources easier to find, examine and use.

Discuss your needs

team@jonashertner.com

In your first email, name the people and entities involved so that conflicts can be checked. Put any deadline at the start. Send confidential documents only through an agreed secure channel.

Experience & approach.

Jonas Hertner is an independent Swiss lawyer. For more than a decade, he has worked on Swiss and cross-border matters. He advises directly, provides independent review and works alongside existing counsel. Rule & Reason brings together legal advice, AI implementation and organisational knowledge.

Public benefit practice	Alongside the independent practice, head lawyer at <u>Regenerative Law</u> .
Private practice	Helped establish the Swiss office of Quinn Emanuel Urquhart & Sullivan.
Earlier work	Non-profit organisations, the Directorate of International Law of the Swiss Federal Department of Foreign Affairs, and the Court of Appeal of Basel-Stadt.
Education	Law degrees from the Universities of Lucerne and Geneva (with distinction).
Public work	Built <u>OpenCaseLaw</u> and wrote <u>The Good Board</u> .
Languages	English, German and French.

Purpose before process.

I begin with the client's objective and remain responsible for the work. The conclusions stay connected to their sources, with uncertainty and the next steps made clear.

Purpose	What must be achieved, decided or protected?
Evidence	What is known, uncertain or disputed?
Law	What does the law permit, require or restrict? What is at risk?
Course	What is the simplest sound response: legal advice or action, a change in practice, a tool or no intervention?

Work in the open.

OpenCaseLaw

An open, machine-readable corpus of Swiss court decisions and legislation, built for source-linked research.

The Good Board

A practical guide to Swiss corporate governance, organised around the decisions boards face. Jonas Hertner also helps board members develop and use AI tools tailored to their research and decision-making.

Legal agents inside the organisation

A framework for keeping legal knowledge inside the organisation, giving AI agents defined tasks and retaining human responsibility for decisions.

Supporting note: Legal work that stays useful. How sources, checks and decision records can serve the next matter.

Writing

The Price of the Next Step

October 2026

The cost is part of the advice.

Public by law

July 2026

Access to judgments is part of open justice. A usable public record helps people understand their position, especially when they rarely litigate.

A separate view of a dispute

July 2026

A consequential dispute may justify a second assessment: which assumptions support the case, what could change the outcome, and whether the proposed course still serves the client.

AI can widen legal review

July 2026

AI can help a legal team examine more material and test more questions. Its value depends on traceable sources, measured performance and a lawyer prepared to stand behind the result.

[RSS feed](#)

October 2026

The Price of the Next Step

The cost is part of the advice.

A lawyer can be right about the law and wrong about what is worth doing. Another round of negotiations may strengthen your position and still cost more than it is likely to gain. The cost of my recommendation belongs inside my advice.

This is why I am making a fixed fee my usual proposal for new work. Before you authorise an assignment, you should be able to judge whether it is worth its price. That is harder when the price becomes clear only after the work is done.

The judgement begins with your goal. Winning a point may mean little if the dispute consumes the money, time or relationship you wanted to protect. We need to examine what you are trying to achieve, how strong your position is and what the proposed step could add. Sometimes the useful work is to establish the merits. Sometimes the right advice is to settle, do less or stop. These questions belong in good advice under any fee arrangement.

I am usually better placed to estimate my own work and choose how to do it, so I will bear the risk of estimating a defined task badly. We agree the task and its price before I begin. If proper completion proves harder or takes longer than expected, the agreed fee stays the same. Explaining my work is part of the task. Before I undertake different or additional work, we must agree its scope and price.

The outcome of a dispute remains uncertain: a court may decide against you, and new facts may change your options. We can still agree a fee for examining the documents and advising whether to bring a claim. That assessment is useful in its own right, even if the advice is not to proceed.

A small first fee can nevertheless conceal an expensive path. Before recommending a step, I must explain the costs that may follow: further legal work, expenses, court fees and possible payments to the other side. You also need to know what stopping would cost. Cost control requires a view of the whole expense, even where some of it can only be estimated.

Certainty has a price. A fixed fee may include an allowance for uncertainty, and if the task takes less time than expected, the saving does not automatically reach you as it would on an hourly bill.^[1] But a lasting improvement in how I work should benefit you too. When better methods make a task reliably cheaper to perform, my quotes for new work will reflect that gain.

A fixed fee can also reward doing too little, just as hourly billing can reward doing too much.^[2] Neither arrangement makes a lawyer trustworthy. I must explain what I have examined, the reasons for my advice and the alternatives open to you. You should be able to question both the recommendation and the work behind it.^[3]

Where hourly billing better suits the work or your preference, I will agree a ceiling with you. We will specify whether it covers completion of the task or whether more work may remain, requiring a fresh decision before further fees arise.

You should be able to weigh my recommendation against a price I am prepared to commit to. If I cannot explain why a step is worth its price, I have not finished giving the advice.

Sources

1. George B. Shepherd and Morgan Cloud, "Time and Money: Discovery Leads to Hourly Billing", University of Illinois Law Review (1999), pp. 103–118; theoretical treatment of risk allocation.
2. Jonathan H. Choi, "In Defense of the Billable Hour: A Monitoring Theory of Law Firm Fees", section "Monitoring and Agency Theory".
3. Federal Supreme Court, 2C_314/2020, 3 July 2020, considerations 4.2 and 4.5.1: fixed-fee estimate risk and continuing accountability.

Public by law

Access to judgments is part of open justice. A usable public record helps people understand their position, especially when they rarely litigate.

In 2020, a man preparing for divorce asked Zug's Higher Court for anonymised digital copies of judgments in several areas of family law issued since 2015. The court refused. He went to the Federal Supreme Court, which upheld his right to inspect the anonymised decisions, but found no federal right to have them sent to him. He could be required to visit the court registry and make copies there.¹

Article 30(3) of the Federal Constitution guarantees public court hearings and the public pronouncement of judgments, subject to statutory exceptions. This generally includes a right to inspect judgments afterwards. It does not require every decision to appear online.

From rule to record

A judgment may be available at a registry yet absent from search results. Even online, separate court websites, inconsistent formats and limited indexing can make it difficult to retrieve. A subscription can pay for research tools. It should not be what makes a public judgment findable in the first place.

Nor is a searchable collection necessarily complete. A search with no results can mean that no relevant decision was published, indexed or found. It does not establish that no court has addressed the question.

Who pays for the gap

That uncertainty can affect the terms of a settlement. Someone weighing an offer needs to know whether an opponent's account of the law is sound. Judgments allow that account to be compared with reasons a court has actually given.

A repeat litigant may know the local practice, retain past decisions and fund detailed research. Someone facing a single dispute often starts without that accumulated knowledge. Open access cannot give both sides the same budget or experience. It can reduce the advantage gained simply by possessing the relevant decisions.

Finding them is the beginning of legal analysis. A similar outcome may rest on a different fact, a procedural obstacle or legislation since amended. A judgment's weight depends on its reasons and its place in the wider case law, not its position in a list of search results.

Technology changes the cost

Making more judgments available requires careful work. Removing names is not enough if a description still identifies a child or a family. Removing too much can conceal the facts that explain the result. Publishing a judgment should protect the people involved without concealing why the court decided as it did.

Software can help extract text, remove identifying details and flag mistakes. Preparing judgments for publication when they are issued reduces the work needed later, when someone asks to read them.

OpenCaseLaw

I built OpenCaseLaw to make published Swiss case law easier to find and use. It brings decisions from federal and cantonal courts into an open, searchable, machine-readable corpus. The data and code are open; entries link to their original public sources. The platform describes its coverage and methods.

Search, extracted passages and tools that test claims against cited judgments help a reader decide what to examine. I want readers to be able to follow a quotation back to its source, read it in context and see whether it supports the answer. Checking should be easy even when it shows the answer is wrong.

The collection cannot supply unpublished judgments or repair gaps in its sources. It can give more readers the chance to examine and question the decisions that are available.

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1. Art. 30 para. 3 of the Federal Constitution; BGE 147 I 407 (1C_307/2020), 16 June 2021, facts A and sections 6.4.2, 7.2, 8.1 and 8.2. Closed family-law hearings do not, by themselves, exclude public access to the resulting judgments. Privacy may require anonymisation or other restrictions. The work needed to anonymise many judgments must not impose a disproportionate burden; the court's general assertion of an excessive burden did not suffice in this case. Federal law did not require delivery, but inspection and copying at the registry had to be possible.

A separate view of a dispute

A consequential dispute may justify a second assessment: which assumptions support the case, what could change the outcome, and whether the proposed course still serves the client.

A second opinion can leave a client with two answers and no better way to choose between them. It earns its cost when it gives the client better grounds for a decision: an assumption tested, a material risk made clearer, or a reason to trust the existing advice.

A dispute needs a working theory: what happened, why it matters in law and how the case can be proved. That theory guides the choice of evidence and arguments. It must also survive new documents, an unhelpful witness or a change in the client's priorities.

The lawyers conducting the case know its history, procedural constraints and the other side. An outside reviewer cannot quickly acquire that knowledge. Distance may make an assumption easier to question; it can also make an unfamiliar fact look like an overlooked one. The existing team needs a fair opportunity to explain its reasoning.

When a transaction becomes a dispute

The lawyers who advised on a transaction know what the parties intended and why the documents took their final form. When the relationship breaks down, that knowledge remains valuable. A separate reader can examine how a court or counterparty might understand the same documents without having shared those intentions.

The review can focus on how well the present position holds up. It need not reopen every choice made during the transaction. The same exercise can help before conflict, while a notice, side letter or set of minutes can still be clarified.

The case and the decision

A strong case does not, by itself, answer whether to pursue it. Years of cost, distraction, uncertain recovery or damage to a relationship may outweigh the claim. The question is whether the client should bring, defend, continue, fund or settle the matter.

Two advisers may agree about the law and evidence yet recommend different courses because they assume different tolerances for cost or risk. They may also be answering different questions: whether a claim could succeed, or whether pursuing it serves this client. Establishing that difference can be more useful than commissioning another opinion.

What a separate view tests

Start with what must be true for the claim or defence to succeed. Distinguish what the documents establish from what a witness may say, what the lawyer infers and what remains unknown. Each material factual or legal proposition should lead to its supporting sources. Then identify which uncertainty could change the decision, and what obtaining better evidence would cost.

Where the assessments differ, put the disagreement beside its sources. Are the advisers working from the same material? Which fact, legal proposition or inference separates them? Each should explain what would change the assessment. Some differences will survive that exchange. The client then needs to understand how each view affects the available choices, rather than receive a compromise conclusion that neither adviser can support.

Suppose a company asks whether a newly found email should change its lawyers' settlement recommendation. The email seems to show that the other party accepted defective goods. Read with the surrounding correspondence, it concerns a different delivery. The review finds no reason in this email to change counsel's recommendation and ends there. The company can now decide without relying on an apparent admission that the record does not support.

Putting a percentage on the chance of success would add little without a defensible basis. Scenarios may be more useful: the possible outcomes, their costs and the assumptions behind them. The written answer should make the few points that matter intelligible without requiring the client to retrace the entire file.

Scope and limit

A reviewer can feel pressure to reassure the person who commissioned the work, demonstrate value by finding fault, or secure a further role. Those incentives deserve examination alongside the existing team's attachment to its position. A defined question and endpoint help contain the review; its conclusions still have to withstand challenge.

The written answer should identify the material received, how it was selected, what was excluded or unreadable and whose account remains untested. The reviewer's role should be clear to counsel. An ill-defined parallel mandate consumes time and can obscure who is responsible for the next step.

If the stakes and uncertainty do not justify the additional work, there is no reason to commission it. A useful second assessment leaves the client able to explain the decision, the disagreement that remains and what would justify reconsidering it.

AI can widen legal review

AI can help a legal team examine more material and test more questions. Its value depends on traceable sources, measured performance and a lawyer prepared to stand behind the result.

AI can make another pass through a large file practical: a chronology, a comparison or a search for evidence that might unsettle a case. That examination must improve the basis for a decision enough to justify checking its findings.

A few decisive passages can be worth more than hundreds of plausible observations. The work is to identify which findings matter, check what supports them and judge what may still have been missed.

Sources and findings

A language model can extract a date, calculate from it or draw an inference about it. Those operations need different checks. A reliable account distinguishes what the source says, what was calculated and what the lawyer concludes.

Take a hypothetical review of whether a notice reached its recipient in time. A model finds a letter dated 14 March, an email attaching it on 16 March and a later reply acknowledging receipt. The letter's date proves neither sending nor receipt. The acknowledgment's wording and the applicable legal rule still need examination.

The model also flags a different address in an earlier contract draft. The signed version and the notice use the same address; the apparent discrepancy adds nothing to the timing question. Distinguishing this distraction from the useful lead takes work.

Classifying a document as irrelevant does not establish its irrelevance. The search question itself may have left out what matters.

Broader review

AI can help examine many more documents against the same questions and link possible findings to passages. Record what was included or excluded, when it was collected and which files could not be processed.

Processing every file does not ensure every relevant point is found. A scanned page may be misread, a question framed too narrowly or a contradiction overlooked. Keep disagreements between sources visible; if the evidence cannot settle them, state which account the advice relies on.

When the model supplies the law

A model asked for the law without specified authorities may combine sound propositions with obsolete, irrelevant or invented support. Its tone gives the reader no reliable way to tell them apart.

An error may look entirely ordinary: a plausible citation, a familiar legal test or a proposition that is right in another jurisdiction. It can survive a hurried reading because it fits the expected answer.¹

An unsourced answer may suggest a line of inquiry, but the legal research remains to be done. Even when authorities are supplied, check that they exist, remain relevant and support the proposition in context.

Before using the system

Define what the system should examine, which sources it may use and what the answer must contain. Link every material factual or legal proposition to its sources. Assign review to someone with the time and expertise to check unsupported claims.

Confidentiality, professional secrecy, privilege, data protection and information security constrain the choice of system.² Before entering sensitive material, establish where it will be processed, who can access it and how it will be retained, reused, transferred, logged and secured. Local processing may reduce some risks; access controls, backups and connected services still need assessment. Removing names is insufficient if the remaining details identify the people concerned.

Test the system that will be used

Evaluate the whole process, from retrieval and extraction to the reviewer's final assessment. Compare it with an appropriate existing method on the same question and source material. Choose representative documents, independently checked reference answers and difficult cases before running the test.

Measure at least:

- relevant material missed;
- statements unsupported by the specified sources;
- citations that do not exist or do not support the proposition;
- answers that stray beyond the question or permitted sources;
- the time needed to reach a reliable result, including corrections and the pursuit of false leads.

Repeat the tests when changes to models, settings or connected sources could affect the result, and investigate failures found in use. Success on one task does not establish reliability on another.

Responsibility

The lawyer must decide whether the findings justify the advice, what could change it and whether more work is needed. Stopping is part of that judgment: further review may be unlikely to affect the decision, or another way of obtaining evidence may be more useful.

The client should receive a considered answer and the uncertainties that matter. The supporting record should let another competent person trace the reasoning and question its key inferences, without asking the client to repeat the lawyer's work.

1. [NIST AI 600-1, Artificial Intelligence Risk Management Framework: Generative Artificial Intelligence Profile](#), section 2.2 and actions MP-2.1-002, MP-2.3-001 and MS-2.5-003. NIST identifies confidently presented false content, including invented logic and citations, and recommends testing data transformations, comparing output with known ground truth and verifying sources and citations.

2. [Art. 13 of the Federal Act on the Free Movement of Lawyers](#) governs professional secrecy. The [Federal Data Protection and Information Commissioner](#) states that the Federal Act on Data Protection applies directly to AI-supported data processing and requires transparency about its purpose, operation and data sources.

Legal agents inside the organisation.

An operating framework

A continuous legal capability.

The next team should be able to use what the company has learned.

The reasons for a contract exception, a product approval or a settlement may matter again. Legal agents can help keep that record and notice when a change calls it into question. The work is useful only if someone who can respond learns of the change in time.

01 / Decision

Define the decision first.

Record who decides, the reasons for the decision and who must carry it out.

A company keeps changing after legal advice is delivered. A product acquires a new use, a contract is amended or an assumption proves wrong. The advice may remain sound within its original scope while becoming unsuitable for the decision now being made. The person making that decision needs to see what the earlier advice did and did not cover.

Consider a hypothetical product approval limited to two markets. The decision record should explain the restriction, the evidence supporting it and who can authorise expansion. An agent assigned to watch for changes needs access to the relevant sales plans and instructions for notifying that person of a proposed change. The approval then has conditions the company can check as its plans develop.

One operating loop

From a change in circumstances to a decision that can be revisited.

01 Signal

A relevant legal or business change.

02 Context

Current law, facts and commitments.

03 Challenge

Options, objections and uncertainty.

04 Decision

Who decides, what and why.

05 Action

Who acts, on what conditions.

06 Outcome

What happened in practice.

07 Memory

What to retain and when to reconsider.

The loop is incomplete until the responsible person can respond and the organisation can establish what happened.

02 / Memory

Keep the reasons as well as the documents.

Keep enough of the reasoning to recognise when a decision needs to change.

In the product example, suppose one reviewer doubts that the company can keep distributors from selling outside those markets. Keep that objection and how it was addressed alongside the approval, with appropriate access and retention rules. Approval alone does not show that the reviewer was wrong. A later proposal to use a new distributor may make the objection relevant again.

Record which facts, law and commitments the decision relied on, so a change in one can prompt a review. Treat a connection inferred by a model as a hypothesis until it has been checked. Earlier advice also needs to be read on its own terms, including its date, scope and assumptions.

What the organisation should retain

The people carrying out a decision can record what worked, where they made exceptions and what went wrong. Keep that account where future colleagues can find it, with access limited to those who need it for an authorised task. Outside counsel can then work from a precise question and a history they can follow. Their advice should return with its author, date, scope and assumptions attached.

03 / Operation

Keep relevant work moving between decisions.

Specify the job, the sources the agent may use and when it must ask a person to decide. State which changes the agent watches for and what it may miss. In the same example, a reviewer may dismiss an alert about a rule affecting a different product, recording why it does not apply. A proposal to enter a third market should reach the person authorised to approve it, with the original restriction and the proposed change together. Forwarding every alert would consume the attention needed for that decision.

Before a review, the agent can assemble current sources, retrieve earlier advice, identify missing facts and prepare questions for research. For a decision with serious consequences, have a separate reviewer examine the evidence and assumptions. This may require fresh research. Asking the producing model to check itself, or merely switching models, does not show that the work has been checked independently.

Once a person has decided, the agent can send the authorised instruction to the team that must act, check specified conditions and record whether the work was done. If a decision is due and the person responsible is absent or does not respond, specify who else may decide. A delivery receipt does not tell the company whether anyone acted in time.

04 / Control

Keep control when the technology changes.

The organisation should be able to replace a model or provider without losing its knowledge or controls.

That means retaining its sources, permissions, instructions, tests, review rules and record of actions. These determine what an agent can read, do and pass on. They must remain available for inspection and amendment, and in a form the company can use elsewhere.

01 / Sources

Keep each claim connected to its evidence

Legal propositions should lead back to the relevant authorities; statements about the business should lead back to the underlying documents or system entries. An entry can itself be mistaken. Preserve its date and origin, distinguish it from an inference and restrict access to those entitled to see it. Decision histories, source references and test results should remain accessible independently of the model that helped produce them.

Know where the information goes

Models and the software operating them may run locally, on infrastructure the organisation controls or through an approved external service. Assess the whole arrangement: model processing, connected tools, storage, logs, support access, backups, keys and network routes. A locally hosted model may still send information through an external component. For every such transfer, establish what leaves, why, who may access it and how long it is kept.

03 / Authority

Grant authority explicitly

Specify what an agent may read, produce, communicate and change. For each permission, name who grants and reviews it, its limits and when it expires. State who reviews the work and when it must stop or be referred to someone else. A better test result may support a request for wider permission; it does not grant that permission. People retain professional responsibility and the authority to commit the organisation, wherever the software runs.

Build in order

Begin with one decision and its sources. Define the permissions, expected results, failure conditions and human review. Test the process before adding scheduled runs, including how it reports missed checks to the person responsible. For each additional agent or handoff, state why it is needed and who is responsible. Remove authority when its purpose ends.

05 / Board

Ask for evidence that the work improves.

The board should be able to see whether the system helps people make better decisions, where it can fail and who must put mistakes right. Six questions help establish that:

1. Which decisions should this help us make, and what would count as an improvement?
2. Which legal or business changes will the system detect, and what will it miss?
3. Can we trace an important recommendation to its sources and explain what would make us reconsider it?
4. Which decisions need human review, an independent assessment or formal approval?
5. Where is information processed, who can access it and what can the system do outside the organisation?
6. Can management show which alerts led to reconsideration, which were dismissed and whether the required action followed in time?

Conclusion

A continuous legal function.

In the product example, someone authorised to decide must review the proposed expansion before sales begin in a third market. That person needs the earlier restriction, the reasons for it and any objection that remains unanswered. The test is whether the company can use what it learned in time to change what it does.

Working note · October 2026

Legal work that stays useful

Legal work should help with the decision at hand and leave the organisation better equipped for the next one. A practical note on sources, systems and responsibility.

Jonas Hertner · lawyer

The purpose

Begin with the decision the organisation needs to make and what stands in the way: a contractual restriction, an unresolved fact or an approval nobody owns. The response may require advice, a practical change or a better way to handle information.

Then decide what should remain useful after this matter ends. Preserving a file and maintaining it as guidance for new work are different commitments.

What should stay

Keep work the organisation is entitled to retain and likely to need again, with its sources, scope, assumptions and date. Give priority to what would be costly to reconstruct or misleading without its history.

A negotiated exception illustrates the choice. The signed contract belongs in the record. Using its exception in future negotiations also requires an explanation of what was exchanged and when the concession is appropriate. Without that context, an isolated bargain can become the default by accident.

What AI changes

AI can help compare drafts, assemble chronologies and repeat defined checks. Count the time spent verifying and maintaining the output when deciding whether it makes the work easier. More summaries are not necessarily more useful.

A tool can miss a document or cite a source that does not support its conclusion. Someone with the necessary knowledge must assess the findings; a lawyer giving legal advice remains responsible for it.

Records and protection

A document does not acquire protection from disclosure simply by passing through a legal team. Applicable law, purpose and the people involved matter. Establish the relevant rules before deciding what to retain, share or delete, including any duty to preserve it. Assess providers, support access, backups and transfers as part of the arrangement, with independent advice where needed.

Controls

A reusable record needs its source, scope, current status and reasons for change, together with a named person responsible for keeping it useful. Unresolved questions must remain visible.

The legal agents framework develops the operating controls: source verification, information flows, authority and review. This note concentrates on choosing what is worth maintaining and putting it to work.

Transactions

Compare a draft with the organisation's agreed position. Show each important departure, its practical effect and the choice requiring approval. Give the decision-maker a short account, with the clause and reasoning close at hand.

Recurring exceptions may show that the agreed position needs to change. Someone must compare the bargains, consult the people affected and withdraw obsolete guidance. Leaving several plausible versions in circulation passes that work to every later negotiation, often under greater time pressure.

Disputes

Build a chronology linked to the contracts, correspondence and other evidence. Identify missing or unreadable material and the factual and legal questions that could change the outcome, the amount at stake or the next step.

A chronology may remain accurate while a new document changes the inference drawn from it. Keep the assessment current, showing why it changed and what remains disputed. The reader should be able to move directly from a conclusion to its reasoning and evidence.

Work on a schedule

Recurring checks need someone to investigate failures and revise the rules. Their frequency should follow how soon a decision may depend on the result. When the last relevant contract expires or a product is withdrawn, reconsider what still needs watching. Stop checks whose purpose has ended, while meeting retention and preservation duties.

Outside judgment

Bring in outside counsel for specialist knowledge, representation or an assessment independent of earlier decisions. A separate view of a dispute can help test the preferred course.

Give counsel a precise question and the relevant sources and history. Good preparation leaves more time for judgment and less for reconstructing the file. Keep the resulting advice and its limits intelligible to the people who will use it next.

A practical start

1. Choose one recurring task where better information could change a decision.
2. Gather the sources and state what the decision depends on.
3. Test the proposed check on earlier work with independently verified answers.
4. Name who will maintain the process, review its results and retire it when no longer useful.

Use systems the organisation can administer and involve the people who will maintain the work. A handover is incomplete if they can run the process but cannot check its results or change it. If no one can do that, maintain less.

The point

The aim is to leave a colleague able to use earlier work without trusting it blindly or reconstructing it from scratch. Preserve enough context to understand it and provide enough continuing care to know whether it still holds.

The author

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Accessibility

The complete text is available in HTML, Markdown, JSON and PDF. The site supports keyboard navigation, reduced motion, high contrast and printing. If you have difficulty using it, contact team@jonashertner.com.

Site interface / English

Search & CLI

Find a note, go to a section, or read the published source.

On jonashertner.com, open Search from the header or the mobile menu. With a keyboard, press **Ctrl K** (⌘ K on a Mac) at any screen size. Type ordinary words to search. On larger screens, choose CLI for a full-screen command line. Press **Escape** to close.

Using the command line

The CLI gives you a prompt and a running transcript. List the notes, read their full text, follow a source or change the light. Commands use the same published catalogue as the rest of the site.

```
help
ls
cat ai-in-legal-work
formats ai-in-legal-work
theme system
```

Enter runs a command. **Up** and **Down** recall commands and restore your unfinished input. **Tab** completes an unambiguous command or argument; otherwise it moves focus normally. **clear** clears the transcript and history. **exit** or **Escape** closes the interface.

An open CLI session keeps your draft and history when you resize the window. Closing discards them. On phones, use the menu for [Practice](#), [Profile](#), [Writing](#) and [Contact](#). All published texts and formats remain available through ordinary links.

A few useful commands

Search covers the full published catalogue in the active language, including the framework and working note. Commands navigate or read this site's public content.

Command	What it does
help	Show the available commands.
search <words>	Search titles and full text. In Search mode, ordinary words without search work too.
notes	List the published notes. <code>ls</code> is an alias in CLI mode.
open <page or section>	Go directly to a page or a section, such as <code>open contact</code> .
read <note slug>	Read a plain-text edition of a note. Try <code>read ai-in-legal-work</code> , or <code>cat ai-in-legal-work</code> in CLI mode.
whoami	Show the practice introduction and its source (CLI).

Command	What it does
formats <code>[note slug]</code>	Find the catalogue, schema, feed, or a note's canonical page and Markdown edition (CLI).
theme system day night	system follows your device's light or dark preference. day and night hold the chosen light. auto is an alias for system.
lang <code>en de fr</code>	Open the available translation, or its language's homepage.

Search and CLI run in your browser against this site's published catalogue. Queries and commands are not sent to a server or saved in browser storage. The links below remain available when JavaScript is disabled.

Browse the published work

- Practice: [English](#), [Deutsch](#), [Français](#).
- Notes archive: [English](#), [Deutsch](#), [Français](#).
- [Legal agents inside the organisation](#), available in English, German and French.
- [Legal work that stays useful](#), available in English, German and French.

The same content, in open formats

Use the canonical HTML page or a stable section link when citing a document. The catalogue identifies its source, language, dates, translations and available Markdown edition.

Resource	Contents
Content catalogue	Structured JSON containing the full published document text, metadata and section links.
Catalogue schema	JSON Schema 2020-12 describing the catalogue's fields.
Practice profile	Structured professional information, services and contact details.
Markdown	The English practice page. The catalogue's <code>markdown_url</code> field points to each document's edition.
Full plain text	Collected English content, with German and French editions.
llms.txt index	A concise index for tools that recognise this emerging convention. It is an additional discovery route, not a universal protocol.
Notes feed	Published notes in Atom format. Site changes are available as a separate feed.
Sitemap	Public page URLs and available language editions.

Read from your own tools

These examples use `curl` to read public files. The catalogue examples use `jq` to select fields from the response.

Fetch the catalogue

```
curl -fsS https://jonashertner.com/content/index.json
```

List document languages, titles and URLs

```
curl -fsS https://jonashertner.com/content/index.json |  
jq -r '.documents[] | [.language, .title, .url] | @tsv'
```

Search full text

```
curl -fsS https://jonashertner.com/content/index.json |  
jq -r '.documents[] | select((.title + " " + .text) | test("artificial intelligence"; "i")) | .url'
```

Read a specific note

```
curl -fsS https://jonashertner.com/content/index.json |  
jq -r '.documents[] | select(.url == "https://jonashertner.com/notes/ai-in-legal-work/") | .text'
```

Or fetch its [Markdown edition](https://jonashertner.com/notes/ai-in-legal-work/) directly:

```
curl -fsS https://jonashertner.com/notes/ai-in-legal-work/index.md
```

15 / write

write

A browser-based tool for focused writing. Choose a goal, write in a plain editor, and keep entries in a local library.

Drafts and library entries are stored in this browser. They leave it only when you copy, export or share them. Anyone with a complete share link can read its text. JavaScript is required to use the editor.