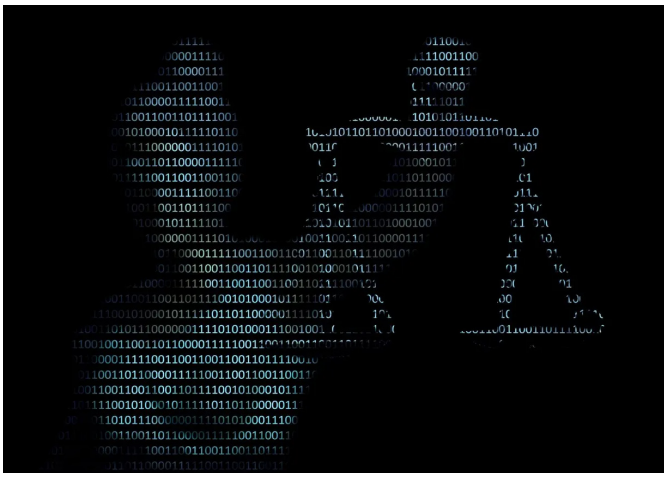
Forbes

Originally Published on Forbes.com November 03rd, 2026

Meet The Lawyers On The Leading Edge Of The New AI Frontier

By Liane Jackson Forbes Staff



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Artificial intelligence has opened novel legal frontiers, creating new categories of risk, fierce intellectual property battles and unique infrastructure demands—all requiring sophisticated counsel. Lawyers specializing in the field have become unusually consequential figures, as AI deployment takes center stage in boardrooms and courtrooms across the country, and companies race to ensure they are positioned to manage the complex and often existential questions posed by the technology.

Against this backdrop, Forbes has published its first-ever America's Top Lawyers For AI list, with the aim of identifying the upper echelon of attorneys practicing in a rarefied specialty. We sat down with two of those top lawyers to explore why attorneys have become central to AI business strategy, what it means to be an "AI lawyer" in a constantly evolving field and how the technology is changing the practice of law.

Andy Gass, a litigator in Latham & Watkins San Francisco office, has defended some of the biggest names in artificial intelligence in copyright disputes over how AI models are trained, and he advises technology companies on their products before they reach the market. His clients have included OpenAI, Anthropic, Apple, Amazon and Meta. Gass also teaches the course "Copyright, Competition & Technology" at the UC Berkeley School of Law.



Left: Andy Gass, litigator at Latham & Watkins; Right: Anna Gressel, Global Co-Head of AI at Freshfields
Latham & Watkins; Freshfields

New York-based Anna Gressel, Freshfields Global Co-Head of AI, is a leading advisor to boards and executive teams navigating emerging technologies, AI strategy, liability, safety and governance. Gressel worked on some of the earliest AI safety frameworks and now counsels corporate clients on the risks and responsibilities of increasingly autonomous systems. She hosts The AI Drop, a podcast dedicated to the legal, regulatory and governance challenges posed by artificial intelligence.

The following conversation has been edited for clarity and length. See the full list of America's Top Lawyers For AI.

LIANE JACKSON, Forbes Senior Law Editor: AI law has emerged as a specialty, but the technology touches nearly every area of legal practice. What does it mean to be an AI lawyer?

ANDY GASS: It's funny to compare this moment to what it meant to be an internet lawyer back in 1999, when it was this burgeoning new field, and there was a small but growing cohort of people who held themselves out as experts. Fast-forward five or 10 years, and the whole concept of an internet lawyer seems anachronistic and quaint because everyone's practice, whether you were an M&A lawyer, a regulatory lawyer or a litigator, wound up implicating internet issues.

I think we're in a similar moment with AI. If we fast-forward five or 10 years, everyone's practice, whether you're a securities lawyer, a white-collar lawyer, a tax lawyer or an M&A lawyer, is invariably going to center on AI technology in one way or another, because it's going to become so ubiquitous.

ANNA GRESSEL: In many ways we're dealing with a technology that is really pulling at the fabric of our law and asking very difficult questions about how current laws apply to these often very unpredictable technologies. There are many different kinds of AI lawyers—the diversity of what this means is still very vast and encompassing. But from the perspective of what I do, which tends to focus on cutting-edge AI technologies and AI safety issues, we see AI driving a lot of unpredictability and really calling into question very traditional relationships that different kinds of businesses have with each other or may have with consumers, and asking questions about what kind of society we want to create.

We actually see our clients quite often asking what kind of world are we walking into, and what are the new frameworks that are going to define that world? What are the new rules of the road for the AI era, not just the internet era? When I think about what the AI lawyer of the future is, I don't believe you can do this in silos. You need to have the right legal competencies assembled so that you can answer a question like what world are we creating for AI agents in a holistic and comprehensive way.

LIANE JACKSON: There are so many specializations that touch AI, whether real estate or litigation. What's the level of expertise and understanding of the underlying technology needed?

ANDY GASS: I think the answer depends on where a lawyer kind of slots into the technology stack. For the work I do, which deals more with the models themselves that power the tools people are using, I think it necessarily requires a really deep dive into the kind of computer science behind it and how philosophically are the engineers approaching the challenge of building these tools? And then technologically, what are they actually doing at the level of this ecosystem that I operate in? It really does require rolling up your sleeves and having a fairly deep understanding of the mechanics of these machines.

ANNA GRESSEL: I would agree with that. A lot of the work that we're doing with clients is about their next generation of technologies, before they become public, before they're released. Often we're asking, what makes this latest generation different from the one on the market right now? What makes it safe, aligned, predictable or unpredictable?

We do rely on a lot of technical expertise to do our work. That said, the kind of expertise that requires is also changing as the models get more sophisticated and as the ecosystem itself gets more sophisticated, such as agentic commerce issues. It requires both a deep business view and a deep technical view.

ANDY GASS: It's such a great point, Anna, that we're dealing in this space at this moment with the next generation of tools—not the last generation, which has been the subject of the existing litigations or investigations. And in order to give sophisticated, effective advice about how will the existing laws or the evolving legal landscape treat a new technology that doesn't yet exist, I think requires a pretty comprehensive vision of what are the available mechanisms to tweak the tool in one direction or another. What can you control? What can you not control? What is your problem versus someone else's problem?

LIANE JACKSON: You're advising clients on technologies that are evolving faster than the law. How do you counsel them when there's so much uncertainty?

ANNA GRESSEL: Yeah, it's interesting. I often use with my clients the analogy of sailing a sailboat. This isn't precision science, in the sense that winds will change direction. A lot of what we're doing is understanding, based on experience, where some of those rocks may be that aren't even visible on the surface. Our clients … understand that they're in some ways charting a course for where that technology may be in one year or three years or five years. So we try to take a long view of the horizon. It's extremely difficult.

ANDY GASS: Anna and I are here, I think, because we are part of much broader teams that we're able to closely collaborate with and draw on their expertise and help channel all those

different forms of specialization into a single constructive message. What I have found, and I think this is completely consistent with how Anna just eloquently put it, is it's important not to overstate the certainty of any of our opinions. And one of the things that we can do is, say, listen on a faithful application of judicial precedents, statutes and regulations, we can say this is the best answer for how a regulator or court would likely apply those principles to something no one has ever seen before.

We can give clients an array of options, and say, Here are the pros and cons of each. We really can't be sure what the reception will be to what you've built. But we can put ourselves in a position where we've made the prudent, reasonable decision at the time.

ANNA GRESSEL: We are living in a world where AI itself is changing from a generative technology to an almost completely agentic technology. We're seeing that shift move the legal questions into new domains. What makes that interesting and different is that it calls into question a lot of the analogies we might draw to past experience. We may ask ourselves very different questions in an agentic era than we did in a generative AI era, which was focused on creating content. Now we have technologies that take action. And I think that's never been more clear than over the past few months where AI agents are in the news every single day, not for what they can produce, but for the kinds of actions they can take in the real world. That pulls in a whole new set of analogies and legal domains, raising questions about how the law maps to action and not just content.

LIANE JACKSON: What are you working on, and what has you excited in your practice right now?

ANDY GASS: We at Latham got our first question from one of our technology company clients about this thing they were building called a "large language model" years before ChatGPT came on the scene. It was clear that if this technology worked, took off and gained the traction the company hoped it would, it was going to create a titanic clash between the tech industry and legacy media stakeholders, because building the tools invariably requires studying essentially the entire open internet. That clash has resulted in something like 150 lawsuits working their way through the U.S. federal court system. They concern the core question of when, whether and how you can use content found on the open internet to train a large language model or offer similar functionality to users by extracting the building blocks of language and facts about the world from that material. I have publicly represented defendants in litigation in, I think, almost half of those cases, maybe a little less: OpenAI, Anthropic, Apple, Amazon, Meta, Eleven Labs, Perplexity, Suno, Yudio—the list goes on.

The most exciting part of the job for me, though, is not just being approached with, "We're building something we understand is controversial and got sued. Can you get us out of this?" It's working with these companies before it ever gets to that stage. What I find most gratifying, rewarding and exciting is working with the technologists and CEOs from the time the products are being built, to nudge them in the direction of the facts that I ultimately want to litigate when those lawsuits invariably come.

ANNA GRESSEL: When our clients were starting to develop generative AI models and put them on the market, we started to work on the very first safety policies and frameworks for AI. We asked: How should you allocate responsibility when something happens with AI that is unintentional but results in a consequence downstream, or results from the intentional or malicious use of those models by a third party? That work has significantly expanded. A lot of the work that I do right now is translating that into the world of AI agents. How do we know that an agent is operating as intended by a developer or deployer? What technological guardrails should be in place to keep agents operating within what we might call aligned behavior? What do we do when an agent does something unexpected? How do we know whether that's because the agent is doing it or a bad actor is misusing the agent? Depending on the domain, this may implicate all kinds of civil, criminal or regulatory questions, and we work with our colleagues on every permutation of those potential outcomes. We do a tremendous amount of work on AI safety and trying to come up with new rules of the road. We're really excited to be involved in helping define what that future looks like.

LIANE JACKSON: Do you feel like the public is aware of or understands much about the legal aspects arising from this and a lot of the effort and the need to create guardrails and what's going on behind the scenes?

ANNA GRESSEL: My general rubric is: How much is my mom texting me about this? My mom has started to text me a lot. She's certainly no expert on AI, but I hear from her about headline stories. I don't think the public understands the vast number of legal issues implicated. Sometimes this tends to be reduced to simple questions like: Should an AI agent be liable for what a company or a person does? Usually that's tremendously oversimplified from a legal perspective. There's a lot of nuance because we're talking about companies in every sector deploying agents in physical and virtual domains.

ANDY GASS: I think that, as a general matter, the broader public's reaction to those legal fights that wind up on the front page of the newspaper tends to track their perception of the value and utility of the technology compared to its dangers. It's a polarizing technology, unlike a lot of the past waves of innovation that have fueled the work that Anna and I did, whether that's social media or other early internet devices. In my experience, people's perception of the legal issue—whether it's the propriety of putting data centers in various places or using technology to study how music works—almost invariably tracks that overall perspective: Do I like this or not? It's a really interesting moment, for that reason, to be a lawyer in this space.

LIANE JACKSON: How are you using AI within your own firms and externally working with clients?

ANDY GASS: The next generation of lawyers is going to have to understand that their role is to provide that incremental layer of judgment and improvement on top of this commodity tool that everyone is going to have access to. [At Latham] we've employed hundreds of technologists and developers to invest in every conceivable permutation of the tools that we think are going to be necessary to offer our clients the most effective and efficient service today and for the foreseeable future. It was publicly reported that Latham has a number of Nvidia GPUs that we run to host a number of models ourselves and offer those to our associates. That doesn't mean what you're going to give to the client is the thing that comes out of the AI. I think the approach will always be: That's a great starting point, but now let's talk about the value that we can add on top of that.

ANNA GRESSEL: I would second everything Andy said. We also take a model-agnostic approach. We have a lot of different technologies we're using and people working hard within the firm to make sure we're leading on AI adoption. But I think the most interesting and definitional challenge for individual lawyers and law firms is: How do we add value to our clients in a world of AI? Where is the lawyer's value? I think lawyers will be viewed less as producers of knowledge or information and more as vehicles for judgment—but that's not actually different from what a lot of law has been in the past.