

THE MPF-AI WEBINAR SERIES

Ethical Considerations Integrating Generative AI into Your Law

by

Anthony DeSimone, CPA
Founder, You're the Expert Now

Jonathan Grabb, JD
Ethics Counsel, The Florida Bar

John Remsen, Jr.
President, TheRemsenGroup

September 12, 2024

MPF-AI WEBINAR

POWERED BY

TheRemsenGroup
Smart Strategies for the Forward Thinking Law Firm

TheRemsenGroup.com

BIOGRAPHICAL PROFILE

Anthony DeSimone, CPA

President

YEN, LLC

Buffalo, New York

716.912.1982 – tony@youretheexpertnow.com

Tony is a CPA and CMA and specializes in aiding small business owners with improving profitability, cash flow, and efficiency. With over 25 years of experience working with small businesses, including a start at the CPA firm Deloitte, he uses numbers, data and AI to enhance team dynamics and business operations.

He owns 'You're the Expert Now, LLC', and also teaches at the University at Buffalo Center for Entrepreneurial Leadership, focusing on entrepreneurial education.

An author of three books, Tony is pursuing a 'ChatGPhD' and conducts ChatGPT and AI accelerator courses. He also hosts 'Get your ChatGPhD' podcast, discussing ChatGPT and AI advancements for business owners.

April 2024

BIOGRAPHICAL PROFILE

Jonathan Grabb, JD

Ethic Counsel

The Florida Bar

Tallahassee, Florida

850.561.5780 – jgrabb@floridabar.org

Jonathan Grabb is the Director of the Ethics & Advertising Department (Ethics Counsel) for The Florida Bar.

Before becoming the Ethics Counsel in November 2021, Jonathan served the department for 8 years as an Assistant Ethics Counsel. Jonathan has fielded more than 20,000 calls on the ethics hotline, reviewed thousands of lawyer advertisements, and issued dozens of staff opinions.

Prior to his work with The Florida Bar, Jonathan served as a Senior Attorney for the Agency for Persons with Disabilities.

Jonathan is a proud graduate of Florida State University's College of Law and when not at work, Jonathan visits his local rock-climbing gym and dotes on his wife and two daughters.

September 2024

BIOGRAPHICAL PROFILE

John Remsen, Jr.

President

TheRemsenGroup

Atlanta, Georgia

404.885.9100 – jremsen@therem sengroup.com

John is widely recognized as one of the country's leading authorities on law firm leadership, management, marketing and business development. Since 1997 TheRemsenGroup has consulted with more than 400 law firms and thousands of law firm leaders to help them develop and implement long-term strategic objectives to improve cohesiveness, profitability and sustainability.

John is a frequent speaker and author on law-firm leadership and marketing topics. He has spoken at national and regional conferences of the Legal Marketing Association, Association of Legal Administrators, American Bar Association, and numerous state and local bar associations. His articles have appeared in dozens of highly respected legal publications, including the *ABA Journal*, *Law Practice Management*, *Law Practice Today*, *Law360*, *Legal Management*, *Marketing for Lawyers*, *Marketing the Law Firm*, *Managing Partner*, *National Law Review* and *New York Law Journal*.

Since 1988, John has been an active member of the Legal Marketing Association, and he has served as President of LMA's Southeastern Chapter, Executive Editor of *Strategies* (LMA's newsletter) and a member of LMA's national Board of Directors. He is also an active member of the Association of Legal Administrators and a popular speaker at ALA meetings and conferences.

In 2002, John created The Managing Partner Forum, a highly acclaimed conference series and community for managing partners and law firm leaders. More than 1,500 firm leaders from 1,000 law firms from 43 states have participated in 29 conferences. In addition, John distributes *The MPF Weekly*, an electronic newsletter to more than 10,500 firm leaders throughout the US, Canada and 28 other countries.

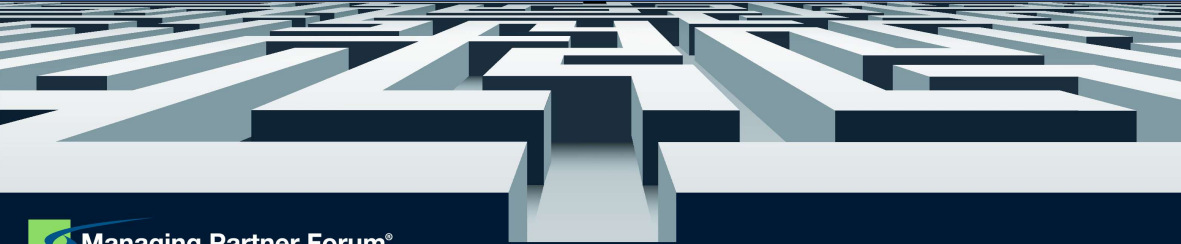
John's influence was underscored when he was inducted as a Fellow of the College of Law Practice Management in 2013, in recognition of his 25 years of demonstrated expertise in law firm leadership and management. Founded in 1994, the College honors those who "inspire excellence and innovation in law practice management." Membership is by invitation only and includes just 200 individuals.

And the College was not alone: in 2016, John was recognized by LawDragon as one of the "Top 100 Consultants and Strategists" to the legal profession; and in 2017, John was recognized as one of the world's top "leaders and influencers" in the business of law by the Association of International Law Firm Networks.

A native of West Palm Beach, Florida, John holds an MBA from The University of Virginia (1985) and a bachelor's degree in Business Administration from the University of Florida (1980). Prior to enrolling in graduate school, John was Executive Director of The Florida Council of 100, an organization comprised of Florida's top CEOs and other business leaders.

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Ethical Considerations Integrating Generative AI into Your Law Firm

An MPF-AI Webinar with Jonathan Grabb , The Florida Bar

September 12, 2024 – 2:00-3:00pm ET

 **TheRemsenGroup**
Smart Strategies for the Forward Thinking Law Firm

The MPF-AI Webinar Series



Welcome



Anthony DeSimone, CPA

Founder, You're the Expert Now (YEN, LLC)



John Remsen, Jr.

President and CEO, Managing Partner Forum
President, TheRemsenGroup



Today's Guest Speaker



Jonathan Grabb, JD

Ethics Counsel, The Florida Bar



The MPF-AI Webinar Series



TODAY'S MPF-AI WEBINAR

Ethical Considerations Integrating Generative AI into Your Law Firm

- 95 Managing Partners and Law Firm Leaders
- Registrant Survey Results and Audience Polling Questions
- On-Demand Recording, Handout Materials
- Your Feedback on Today's Session

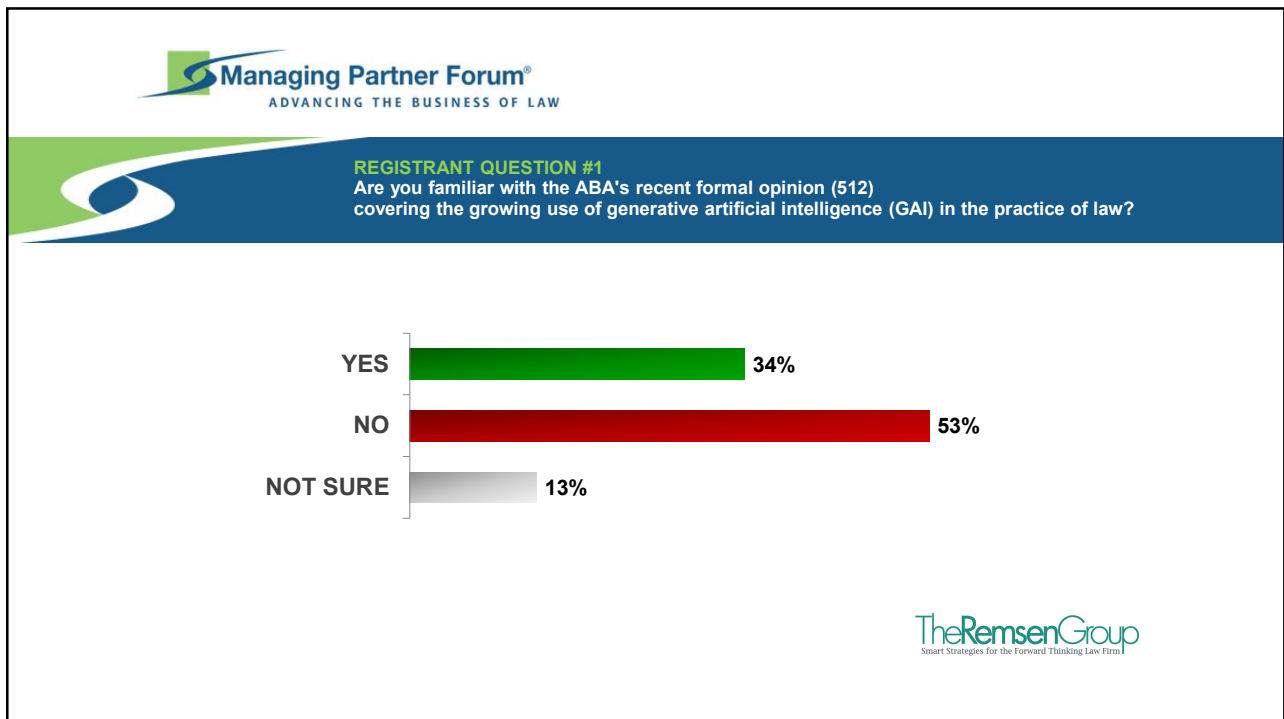


AUDIENCE POLLING QUESTION

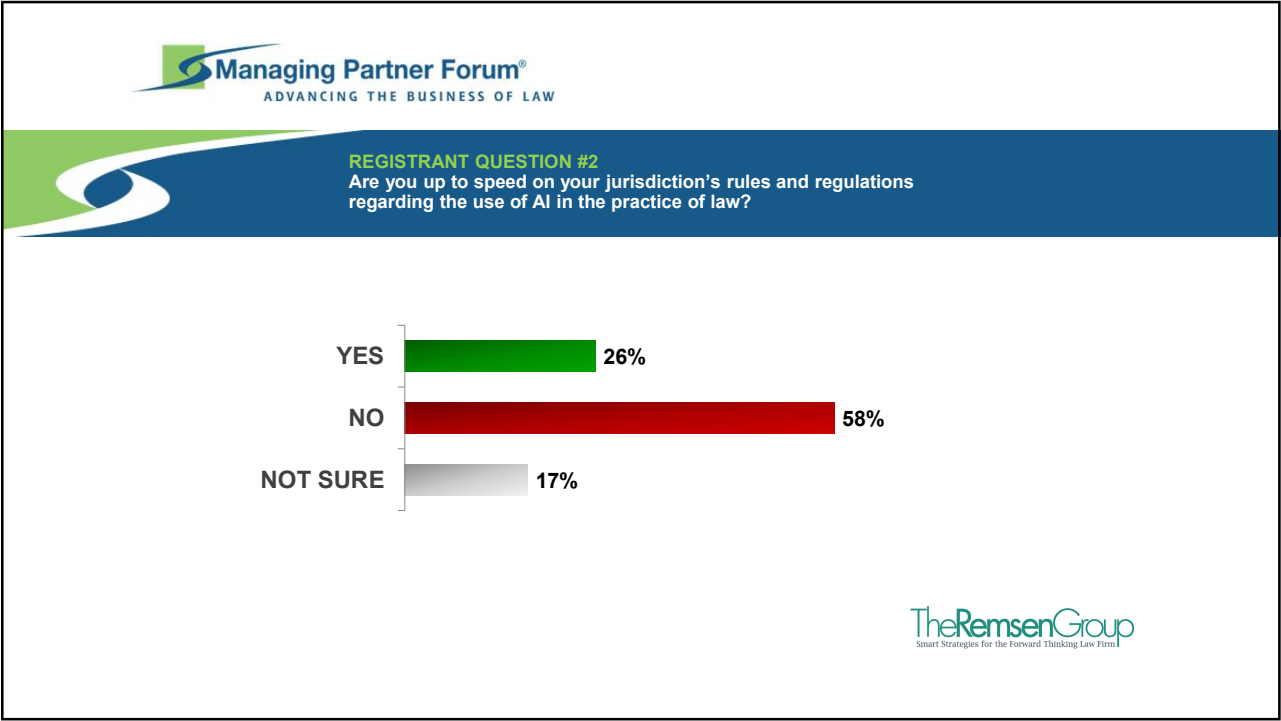
How many lawyers are with your law firm?



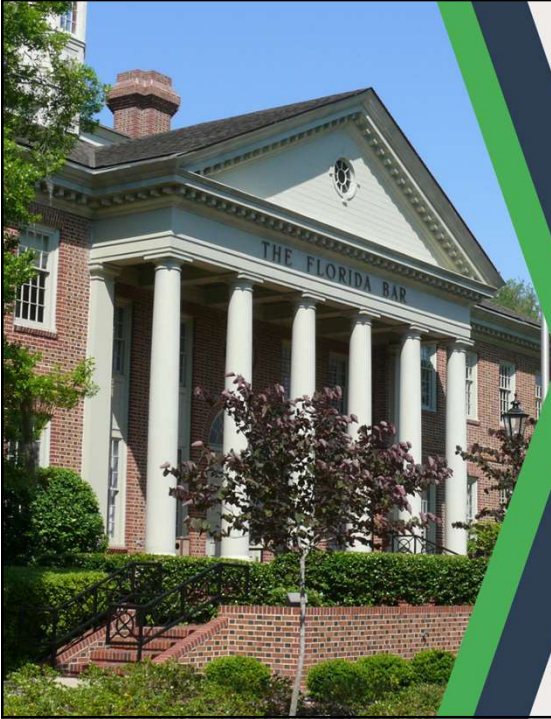
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LEGAL ETHICS AND GENERATIVE A.I.

Jonathan Grabb
Ethics Counsel
The Florida Bar

My Bio as Written By ChatGPT-4

Jonathan Grabb currently holds the distinguished position of Ethics Counsel at The Florida Bar, where he expertly navigates the complex world of professional responsibility and legal ethics. In this role, he provides invaluable counsel to attorneys throughout the state of Florida, offering guidance on matters such as lawyer conduct, professional responsibility, and ethical dilemmas. His commitment to upholding the integrity of the legal profession is unparalleled, and his work greatly contributes to the reputation and trustworthiness of the legal community in Florida.

Before joining The Florida Bar, Jonathan's distinguished career included roles in both private practice and public sectors. He earned his Juris Doctor degree from a prestigious law school and subsequently passed the Florida Bar Exam, setting him on a path to become a well-respected figure in the legal community. His past experiences have given him a unique understanding of the legal system, enabling him to approach ethical issues with a balanced perspective.

In addition to his professional work, Jonathan is an active member of the legal community. He regularly participates in continuing legal education seminars, provides training to new lawyers on ethics, and contributes to scholarly articles on the topic. His dedication to improving the legal profession and upholding its ethical standards is evident in his work both in and out of the office. Jonathan Grabb's role as Ethics Counsel at The Florida Bar is not just a job, but a testament to his unwavering commitment to the principles of justice, fairness, and integrity.

GREAT BIO!

It would be a shame if it...

- Was factually inaccurate – I have not worked in the private sector
- Violated the Rules of Professional Conduct – It contains numerous improper characterizations of my legal skills, reputation, experience, and record
- Was fundamentally bland, redundant, and generic

Caveats

- I am not a computer scientist, nor am I a computer ethicist.
- My experience is regarding the Rules of Professional Conduct (Chapter 4 of the Rules Regulating The Florida Bar).
- I have not personally had the opportunity to use many of these programs, so much of my information is second-hand based on the sources I have researched.

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AMERICAN **BAR** ASSOCIATION

Formal Opinion 512 states that to ensure clients are protected, lawyers and law firms using Gen AI must “fully consider their applicable ethical obligations,” which includes duties

- to provide competent legal representation
- to protect client information
- to communicate with clients, and
- to charge reasonable fees consistent with time spent using AI.



THE FLORIDA BAR

The Florida Bar Board of Governors unanimously approved new guidelines for using generative AI in Advisory Opinion 24-1. Among other things, the Florida ethics opinion recommends that a lawyer obtain the “affected client’s informed consent prior to utilizing a third-party generative AI program if the utilization would involve the disclosure of any confidential information.”

Florida Ethics Opinion 24-1

- Published January 19, 2024, EO 24-1 provides guidance regarding when and how a lawyer may ethically use generative AI. (<https://www.floridabar.org/etopinions/opinion-24-1/>)
- EO 24-1 appears to be the first ethical guidance of its kind in the United States.
- While it acknowledges that generative AI is still in its infancy, EO 24-1 permits the use of generative AI provided that lawyers:
 - Protect the confidentiality of client information;
 - Only provide accurate and competent services;
 - Do not engage in improper billing practices; and
 - Comply with applicable restrictions on legal advertising.

Florida Ethics Opinion 24-1 (cont.)

- EO 24-1 directs lawyers to research generative AI programs prior to use, including the provider's policies regarding data retention, data sharing, and self-learning.
- Lawyers remain responsible for their own work product and may not allow a generative AI program to substitute for the lawyer's own professional judgment.
- "[A] lawyer may not delegate to generative AI any act that could constitute the practice of law such as the negotiation of claims or any other function that requires a lawyer's personal judgment and participation."



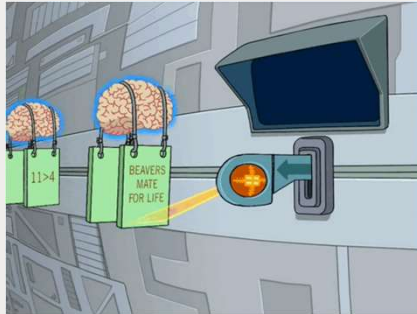
Behind the Scenes



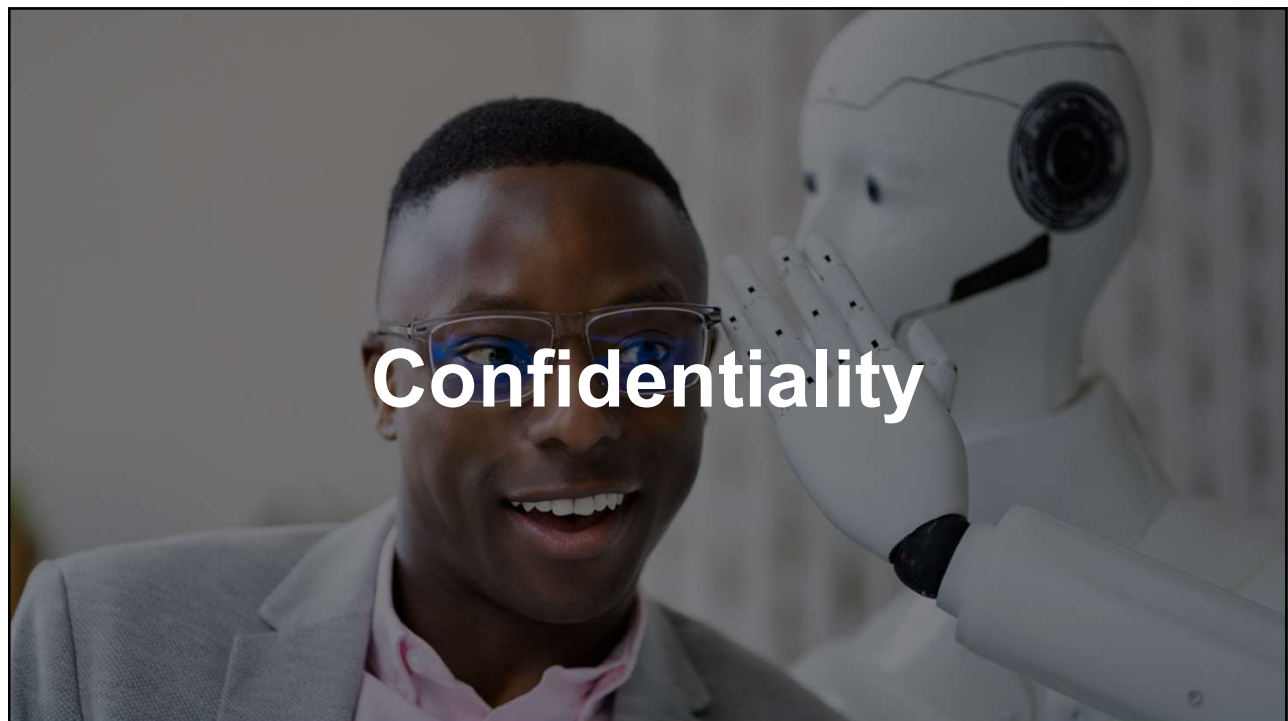
A.I. “Hallucinations”

- A.I. programs have been known to have “hallucinations” where a response is created seemingly without any basis for support.
- Examples of A.I. Hallucinations:
 - Creating fake polling data when writing an article in the style of FiveThirtyEight
 - Amelia Thompson-DeVeaux and Curtis Yee, ChatGPT Thinks Americans Are Excited About AI, Most Are Not., (February 24, 2023, 6:00 AM EST), <https://fivethirtyeight.com/features/chatgpt-thinks-americans-are-excited-about-ai-most-are-not/>.
 - Mata v. Avianca, Inc., Case No. 22-cv-1461, 2023 WL 4114965 (S.D.N.Y. June 22, 2023)
 - People v. Zachariah C. Crabill, Case No. 23PDJ067 (Colo. Nov. 22, 2023).

Garbage In, Garbage Out?



- Futurama: The Why of Fry (originally aired April 6, 2003). GIF created with Morbotron.com.



Rule 4-1.6 – Confidentiality

- Covers all information learned in representation, not just privilege
- Prohibits voluntary disclosure absent an exception
- Most common exceptions for disclosure:
 - Client provides informed consent
 - Disclosure serves the client's interests and the client does not specifically prohibit disclosure

Relevant Ethics Opinions for Confidentiality

- Ethics Opinion 12-3: Permits a lawyer to use cloud computing resources provided that the lawyer takes reasonable precautions to ensure that client confidentiality is protected and that the provider maintains adequate security and access.
- Ethics Opinion 07-2: A lawyer may use overseas paralegal services provided that the lawyer adequately addresses concerns regarding UPL, supervision of nonlawyers, conflicts of interest, and billing.
- Ethics Opinion 10-2: When using electronic storage media including printers and scanners, a lawyer must take reasonable steps to ensure that client confidentiality is maintained by sanitizing machines prior to disposition.
- Ethics Opinion 06-2: Lawyers must ensure the confidentiality of client information when sending electronic documents, including metadata.



A.I. and Copyright: You Don't Own Me

- At present, AI generated images are not subject to copyright protections due to the lack of an “author,” and inventions are not subject to patent protections due to the lack of an “inventor.”
- Thaler v. Perlmutter, Case No. 22-cv-1564, 2023 WL 5333236 (U.S.D.C. August 18, 2023).
- Thaler v. Vidal, 43 F.4th 1207, 1209 (Fed. Cir. 2022).

Copyright Violations by A.I.?

- Various artists and authors have sued OpenAI, Meta, Stability AI, Midjourney, and DeviantArt for copyright violations.
 - Erik Sherman, [Copyright Law and Generative AI: What a mess](https://www.abajournal.com/web/article/copyright-generative-ai-what-a-mess), ABA Journal (August 30, 2023), <https://www.abajournal.com/web/article/copyright-generative-ai-what-a-mess>.
- In essence, these parties allege that the use of their creations in the A.I. programs' "training materials" lead the A.I. programs to generate text and images that violate their intellectual property rights.
- Conversely, the defendants are likely to argue that any creations are derivative works and do not infringe on the rights of those whose work was used for input.
- What if the user asks a program to generate an image "...in the style of Bill Watterson's Calvin and Hobbes"?

Fact Check and Verify



Rule 4-5.3 – Responsibilities Regarding Nonlawyer Assistants

- (c): Nonlawyers may perform certain duties delegated to them by a lawyer without the presence or involvement of the lawyer, but the lawyer must review their work and is *ultimately responsible* for their work product.

Florida Ethics Opinion 87-11 (Reconsideration)

- “[A] lawyer may permit a nonlawyer employee to affix the lawyer’s electronic signature.... The committee cautions that... the lawyer must ‘review and be responsible for the work product’ as required by Rule 4-5.3(c).”
- “The committee’s conclusion in Florida Ethics Opinion 87-11, that generally a nonlawyer may not sign pleadings, otherwise remains unchanged.”

Other Relevant Ethics Opinions

- EO 70-62: Nonlawyer staff may only be delegated mechanical, clerical, or administrative duties, and cannot perform any function requiring a lawyer's personal judgment and/or participation.
- EO 73-41: Nonlawyer staff may not take depositions for a law firm nor may they engage in the practice of law even though they may have graduated from a law school.
- EO 74-35: Nonlawyer law firm employees (not independent public adjusters) cannot ethically be delegated the responsibility of negotiating insurance claims.

Lawyers' Responsibility:

Rules 4-5.1 and 4-5.2

- Rule 4-5.1:
 - (a) Partners and managers with comparable authority must make reasonable efforts to assure that other lawyers in the firm comply with the ROPC.
 - (b) Must make reasonable efforts to assure subordinates comply with ROPC.
 - (c) Addresses potential responsibility for conduct of subordinates.
- Rule 4-5.2:
 - (a) Bound by the ROPC even if acting at the direction of another lawyer.

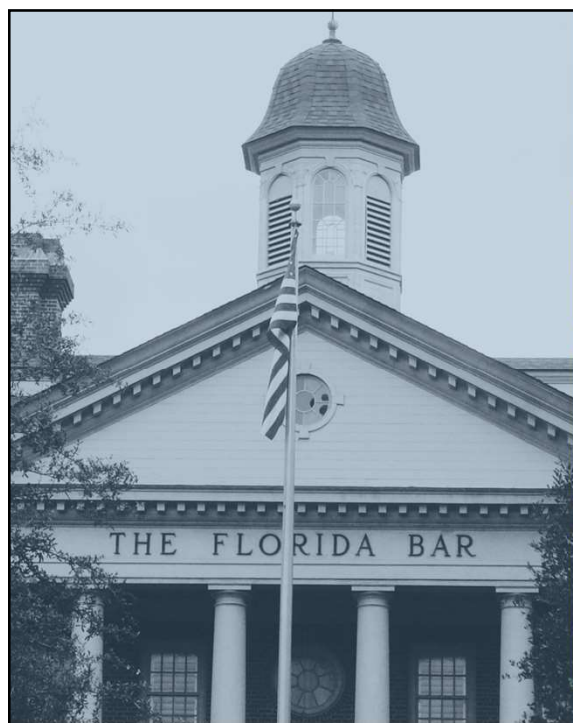
New Guidance and Ethical Uses for A.I.

- Florida Ethics Opinion 24-1
- Contract and Discovery Analysis
- Research and Drafting Assistance



The Debate Will Go On

- The Florida Bar formed the “**Special Committee on AI Tools & Resources**” to make recommendations to the Board of Governors.
- The ABA has also formed the “**ABA Task Force on Law and Artificial Intelligence**” “to examine the impact of AI on law practice and the ethical implications for lawyers.”
- If enacted, Florida HB 1459 will create the “Government Technology Modernization Council” to study generative AI and to make recommendations regarding regulatory standards, potential uses, potential dangers, and educational standards.



Thank You! Questions?



ETO@flabar.org

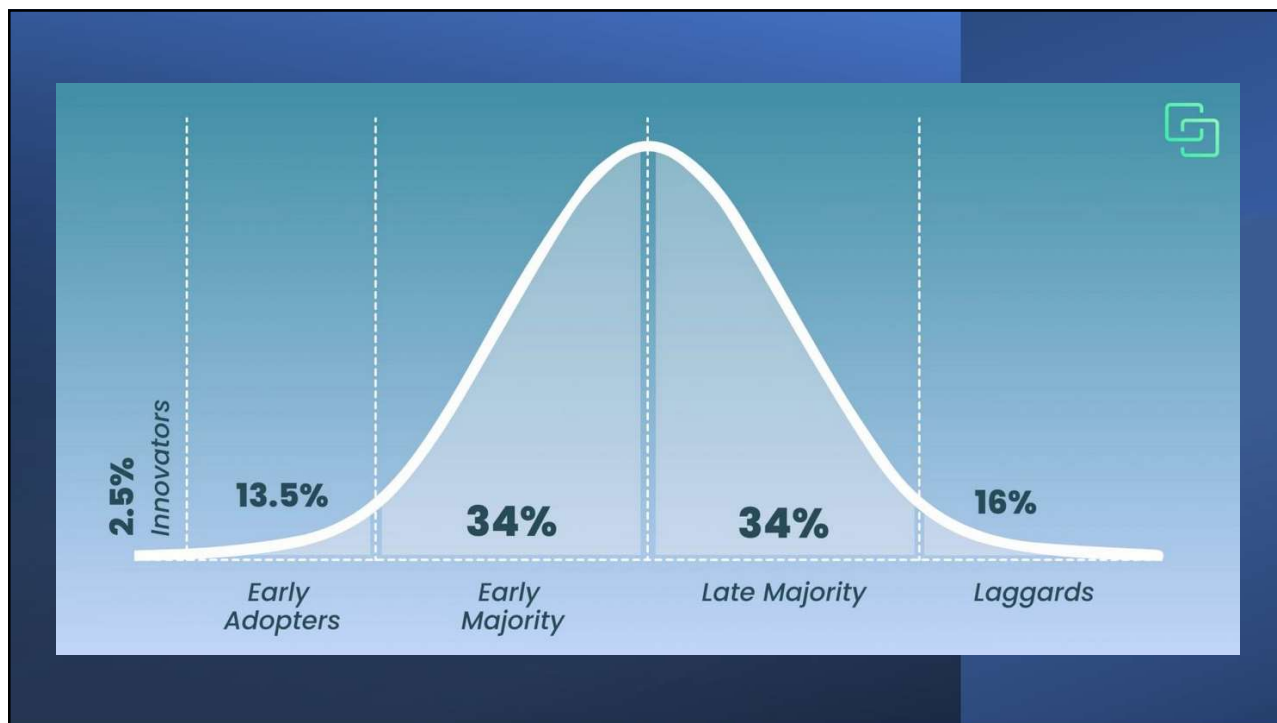
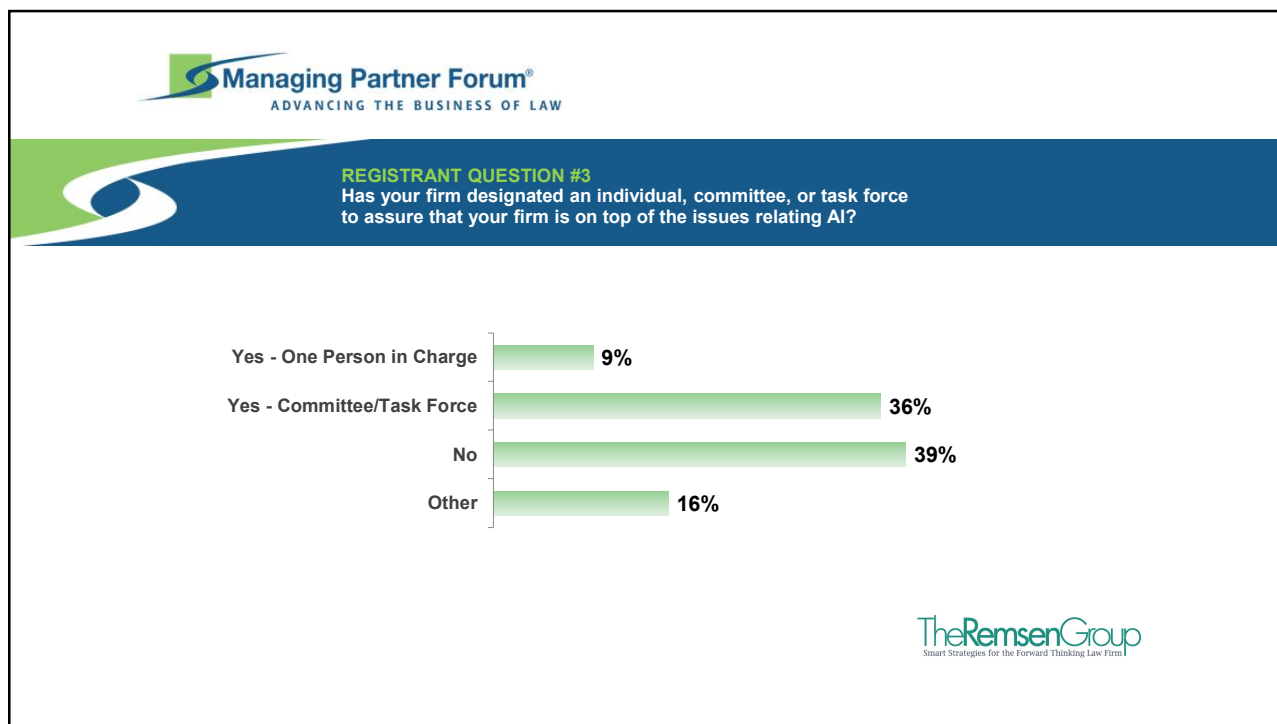


www.floridabar.org/ethics



Florida Bar Ethics Hotline:
800-235-8619

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The MPF Webinar Series: Building the Law Firm of the Future

Latest Developments in AI for Smaller and Midsize Law Firms

An MPF Webinar with Tony DeSimone

August 21, 2024 – 2:00-3:00pm ET

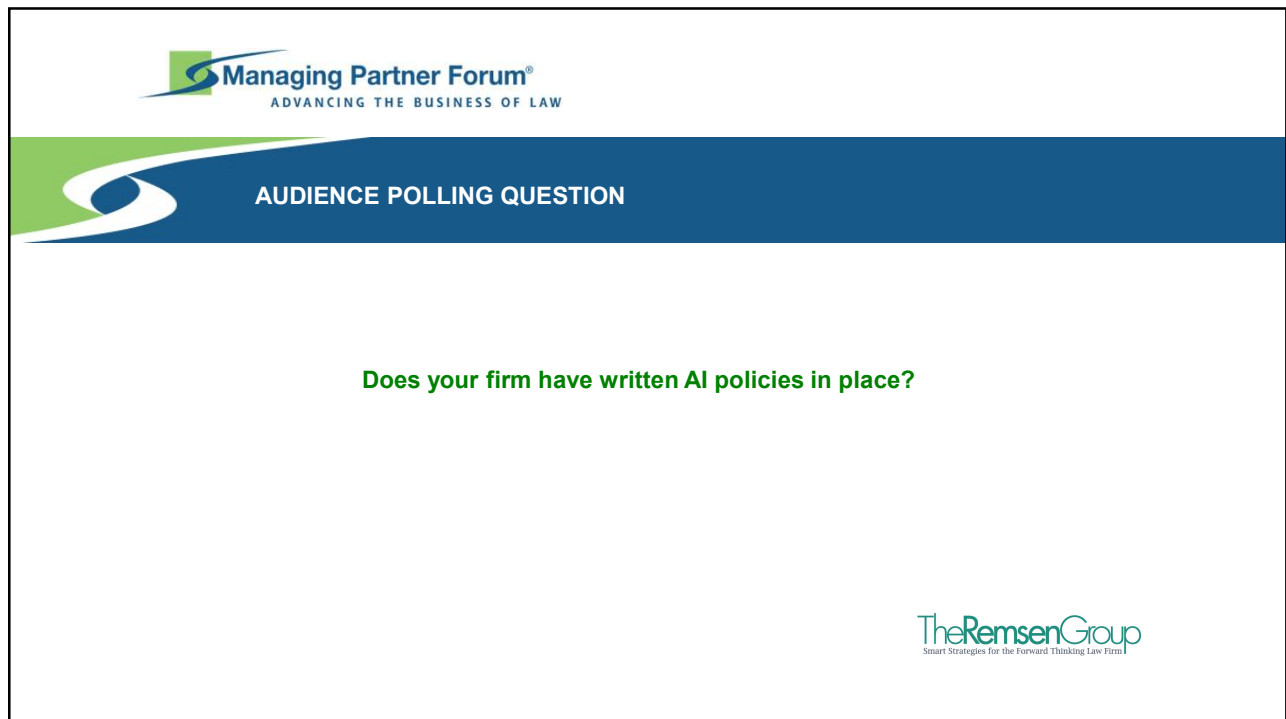
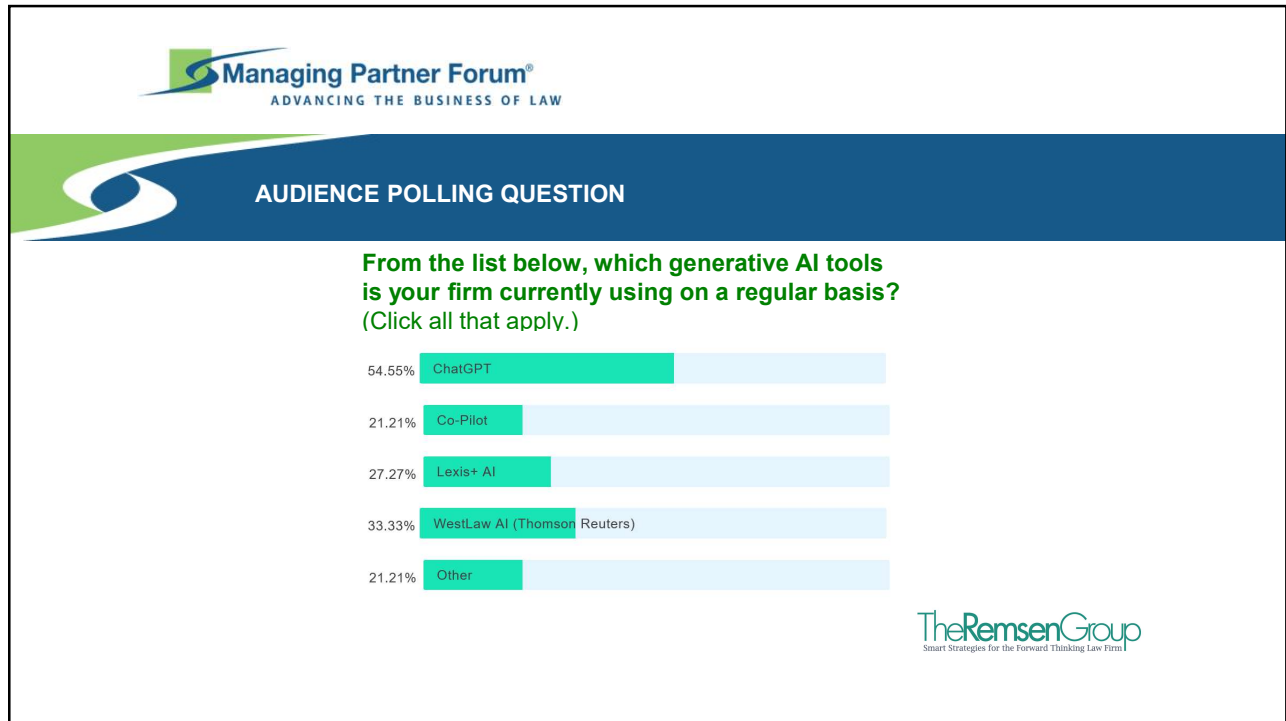


AUDIENCE POLLING QUESTION

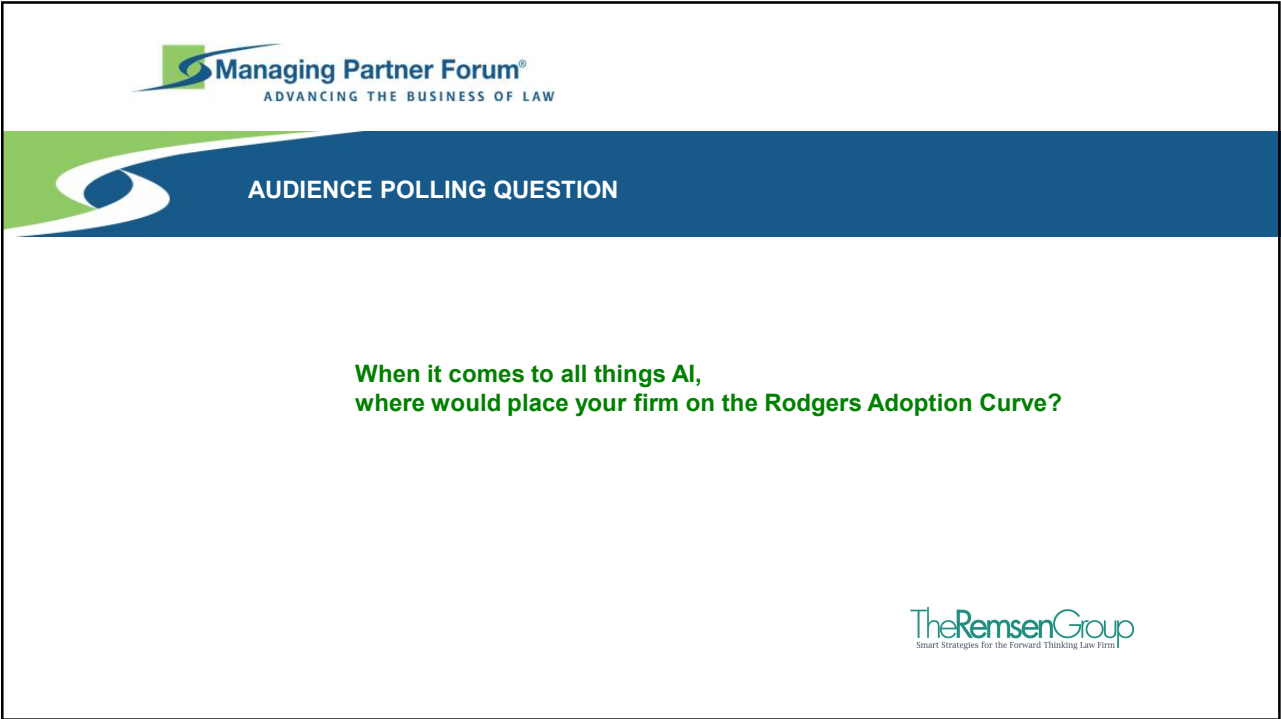
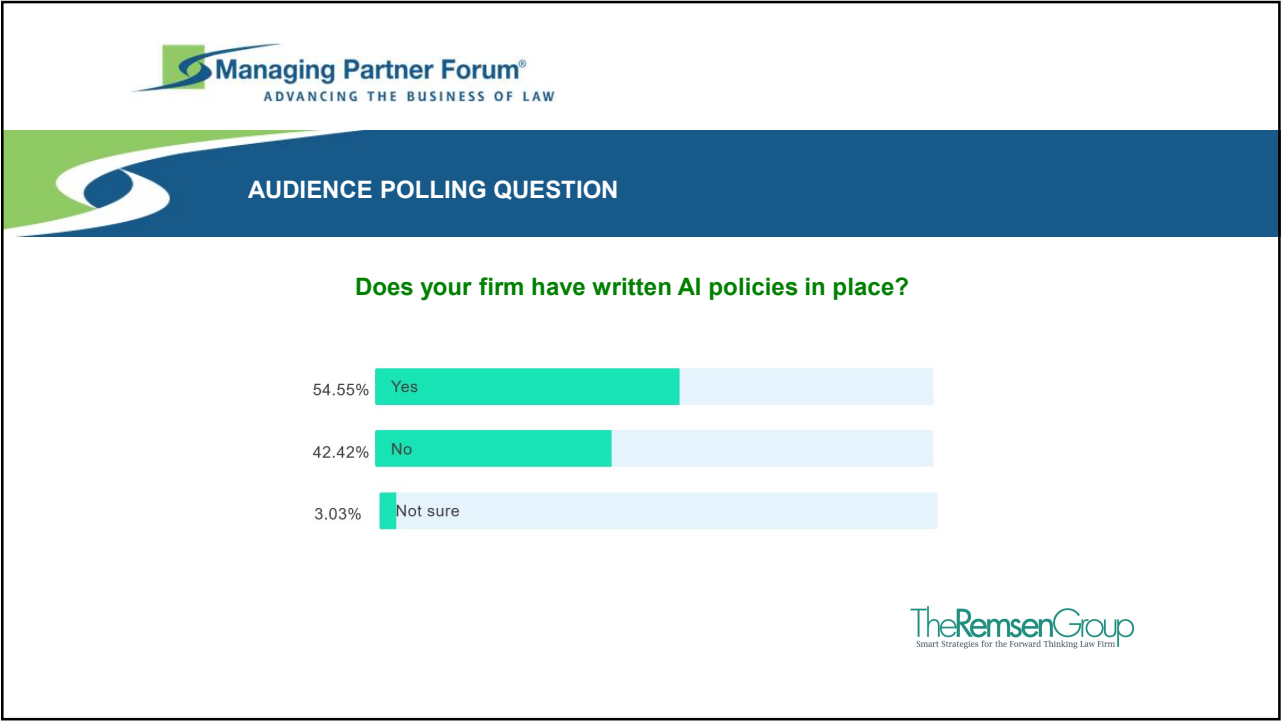
**From the list below, which generative AI tools
is your firm currently using on a regular basis?**
(Click all that apply.)



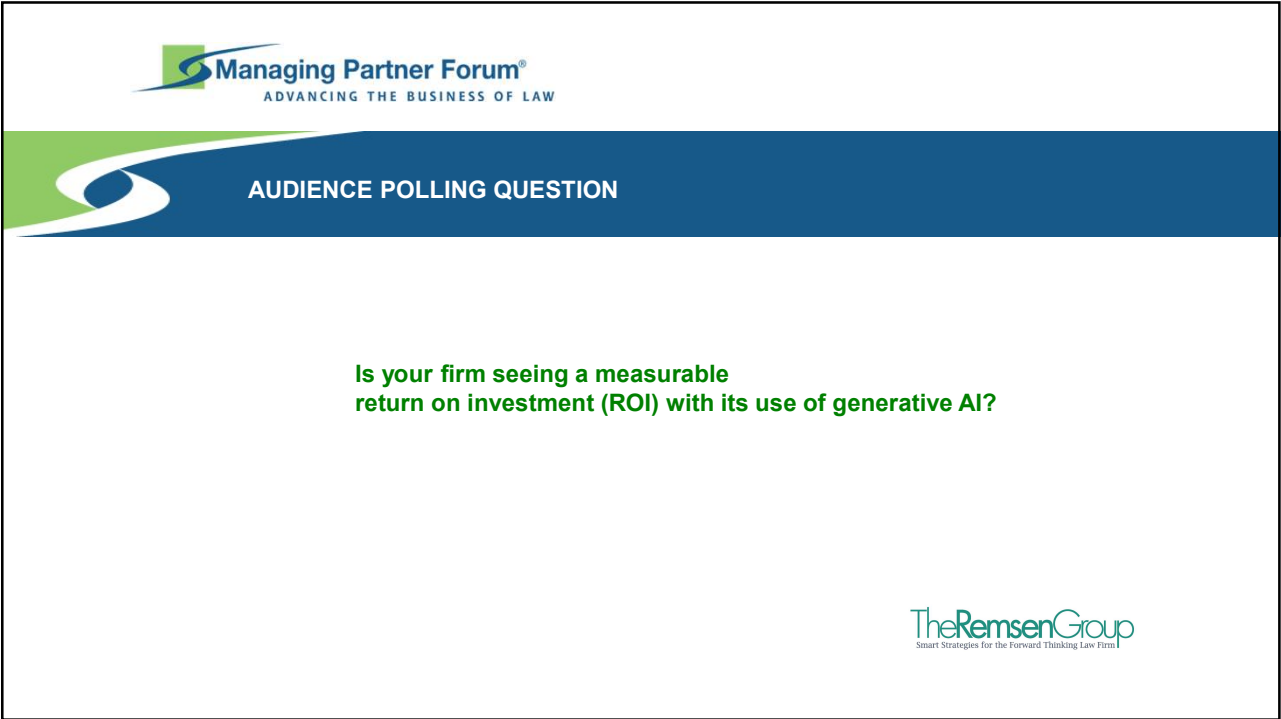
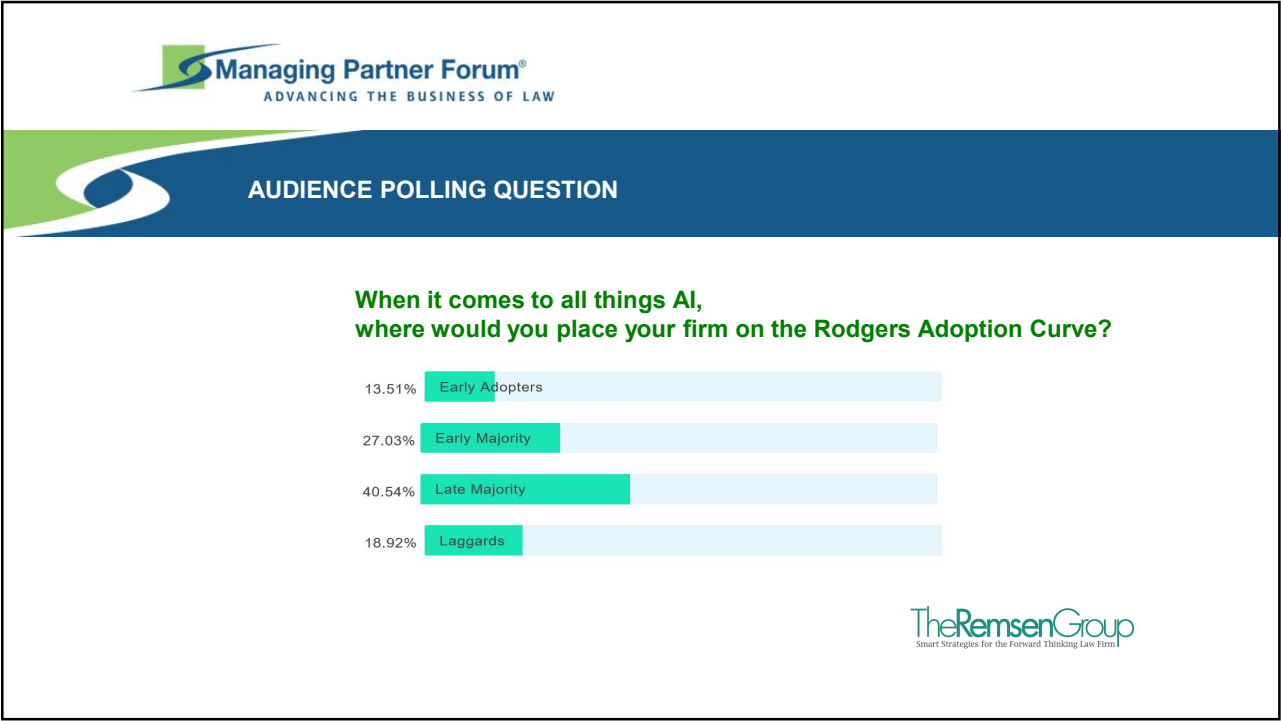
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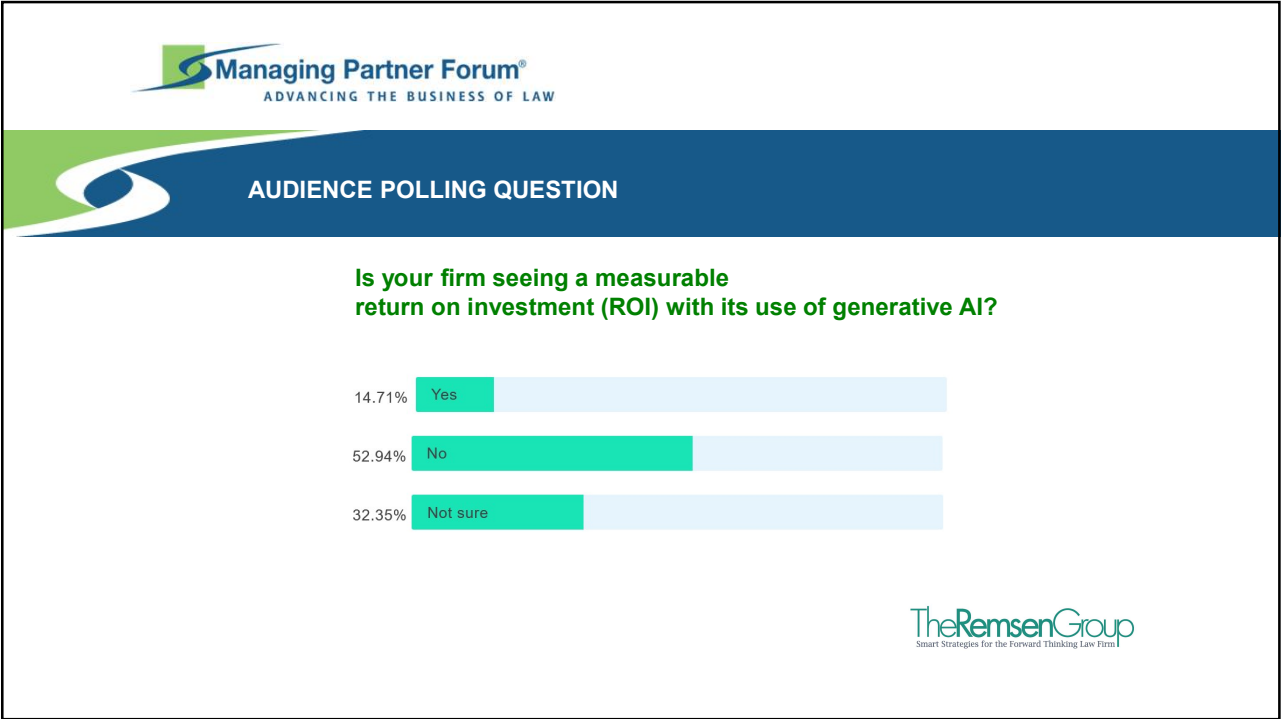
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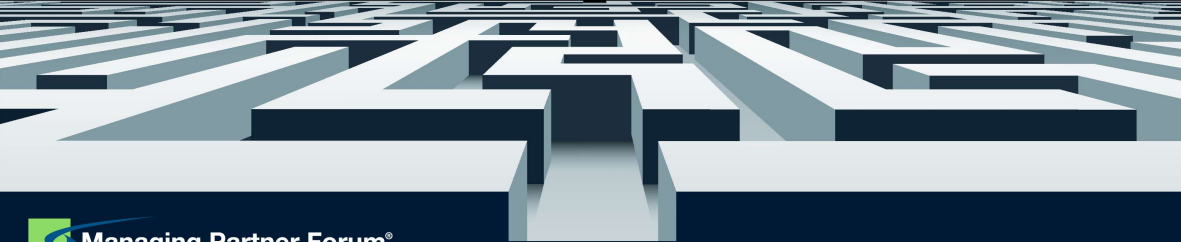


MPF GUIDANCE

- Lean Into It!
- Form an AI Committee/Task Force
- Get Policy in Place
- Train Your People
- Think Long-Term Implications
- Join our New MPF AI Community



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CONTACT US

Anthony DeSimone – 716.912.1982; tony@youretheexpertnow.com

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Ethical Considerations Integrating Generative AI into Your Law Firm

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September 12, 2024 – 2:00-3:00pm ET



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ETHICAL CONSIDERATIONS IN THE USE OF GENERATIVE AI TOOLS IN LEGAL PRACTICE

AN OVERVIEW OF ABA FORMAL OPINION 512
ISSUED BY THE ABA ON JULY 29, 2024





Model Rule 1.1 - Competence

- Lawyers must provide competent representation, including understanding GAI tools.
- Requires reasonable understanding of GAI capabilities and risks.
- Continuous learning and consulting experts may be necessary.



Model Rule 3.3 - Candor Toward the Tribunal

- Lawyers must not submit false information generated by GAI tools.
- Review all GAI outputs before presenting them to a tribunal.



Model Rule 1.6 - Confidentiality of Information

- Lawyers must safeguard client information when using GAI.
- Informed consent is required before inputting client-related information.
- Review Terms of Use and privacy policies of GAI tools.



Model Rule 8.4(c) - Misconduct

- Do not use GAI tools in a way that could be misleading or deceptive.
- Verify the authenticity of citations and legal arguments generated by GAI.



Model Rule 1.4 - Communication

- Lawyers may need to disclose the use of GAI tools to clients.
- Important when GAI outputs influence significant decisions.
- Client expectations and engagement terms must be considered.



Model Rule 5.1 - Responsibilities of Supervisory Lawyers

- Establish clear policies for GAI use within the firm.
- Ensure proper training on ethical and practical use of GAI tools.



Model Rule 5.3 - Responsibilities Regarding Nonlawyer Assistance

- Lawyers must supervise nonlawyers using GAI tools to ensure compliance.
- Conduct due diligence on GAI providers and third-party services.



Model Rule 1.5 - Fees

- Fees must remain reasonable even with GAI efficiency gains.
- Communicate any GAI-related costs clearly to clients.
- Lawyers cannot charge for time spent learning GAI tools unless requested by the client.

CONCLUSION

- GAI tools offer significant benefits but require careful ethical consideration.
- Adherence to the ABA Model Rules is crucial to protect clients and maintain professional standards.
- Continuous learning and vigilance are key to using GAI tools responsibly in legal practice.

[The ABA's Formal Opinion 512](#) discusses several Model Rules of Professional Conduct, which are ethical guidelines that lawyers in the United States must follow. Below is a detailed explanation of each Model Rule as it relates to the use of Generative Artificial Intelligence (GAI) tools in legal practice, based on the opinion.

1. Model Rule 1.1 - Competence

Overview: Lawyers are required to provide competent representation to their clients. This means they must possess the legal knowledge, skills, thoroughness, and preparation necessary for the representation.

Application to GAI:

- Lawyers using GAI tools must understand the capabilities and limitations of these tools to provide competent legal services. This does not require them to become GAI experts but to have a reasonable understanding of how these tools function.
- Lawyers should stay informed about technological advancements and may need to consult with experts or engage in continuing education to maintain their competence in using GAI tools.
- Competent use of GAI involves not only knowing how to use the tools but also recognizing their risks, such as producing inaccurate or biased outputs.

2. Model Rule 1.6 - Confidentiality of Information

Overview: Lawyers must keep information relating to the representation of a client confidential unless the client gives informed consent, the disclosure is impliedly authorized, or it falls under specific exceptions.

Application to GAI:

- Lawyers must carefully assess the risk of disclosing client information when using GAI tools, particularly self-learning tools that may retain and use inputted data in future outputs.
- Informed consent is required before inputting any client-related information into a GAI tool that might disclose it to third parties or even within the same firm.
- Lawyers must read and understand the Terms of Use and privacy policies of GAI tools to ensure compliance with confidentiality obligations.

3. Model Rule 1.4 - Communication

Overview: Lawyers must keep clients reasonably informed about the status of their matter and explain matters to the extent reasonably necessary to allow the client to make informed decisions about the representation.

Application to GAI:

- Lawyers may need to disclose their use of GAI tools to clients, particularly if the output of the tool influences significant decisions in the case or if the client specifically requests such information.
- Even if Rule 1.6 does not require informed consent, Rule 1.4 may require the lawyer to discuss the use of GAI tools with the client, especially if it affects the client's objectives or how legal services are delivered.

4. Model Rule 3.1 - Meritorious Claims and Contentions

Overview: A lawyer must not bring or defend a proceeding or assert or controvert an issue unless there is a basis in law and fact for doing so that is not frivolous.

Application to GAI:

- Lawyers must ensure that any legal claims or defenses based on GAI-generated outputs are grounded in fact and law. They must critically evaluate the accuracy and reliability of GAI outputs before using them in litigation to avoid asserting frivolous claims or defenses.

5. Model Rule 3.3 - Candor Toward the Tribunal

Overview: Lawyers must not knowingly make false statements of fact or law to a tribunal or fail to correct false statements previously made.

Application to GAI:

- Before submitting any materials generated by GAI tools to a court, lawyers must thoroughly review them to ensure they do not contain false information or misrepresentations.
- This rule also requires lawyers to correct any inaccuracies in GAI-generated content that is submitted to a tribunal.

6. Model Rule 8.4(c) - Misconduct

Overview: It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Application to GAI:

- Lawyers must avoid using GAI-generated content in a way that could be considered deceptive or misleading. This includes verifying the authenticity of citations, legal authorities, or factual statements produced by GAI tools to ensure they are accurate and truthful.

7. Model Rule 5.1 - Responsibilities of Partners, Managers, and Supervisory Lawyers

Overview: Lawyers with managerial authority in a law firm must make reasonable efforts to ensure that the firm has measures in place for all lawyers to conform to the Model Rules of Professional Conduct.

Application to GAI:

- Partners and supervisory lawyers must establish clear policies regarding the use of GAI tools within the firm and ensure that all lawyers, including non-lawyers who might use these tools, understand their ethical obligations.
- Supervisory lawyers are responsible for ensuring that appropriate training is provided on the ethical and practical use of GAI tools.

8. Model Rule 5.3 - Responsibilities Regarding Nonlawyer Assistance

Overview: Lawyers must make reasonable efforts to ensure that the conduct of nonlawyers employed or retained by them is compatible with the professional obligations of the lawyer.

Application to GAI:

- If nonlawyers or third-party providers use GAI tools in connection with legal work, the lawyer must ensure that these parties adhere to the same ethical standards, particularly regarding confidentiality, competence, and reasonable fees.
- This includes conducting due diligence on GAI providers, such as reviewing their security policies, training procedures, and potential conflicts of interest.

9. Model Rule 1.5 - Fees

Overview: Lawyers must charge reasonable fees and explain the basis for fees and expenses to their clients.

Application to GAI:

- When using GAI tools, lawyers must ensure that their fees remain reasonable. For instance, if GAI tools enable a task to be completed more quickly, it may be unreasonable to charge the same fee as if the work were done manually.
- Lawyers must not charge clients for the time they spend learning to use GAI tools unless the client specifically requests the use of a tool that the lawyer is unfamiliar with.
- Any charges related to GAI tools, whether as fees or expenses, should be communicated clearly to the client, and should reflect the actual time and cost involved.

Conclusion:

The ABA's Formal Opinion 512 emphasizes that while GAI tools can significantly enhance the efficiency and quality of legal services, lawyers must navigate their use carefully to comply with ethical obligations. This includes understanding and managing the risks associated with GAI, maintaining technological competence, ensuring client confidentiality, charging reasonable fees, and upholding the standards of the legal profession.

OPINIONS AND GUIDELINES ON GENERATIVE ARTIFICIAL INTELLIGENCE

	New York (NYSBA)	Pennsylvania (PBA)	California (CalBar)	Florida (FlaBar)	New Jersey (NJSBA)	ABA (Opinion 512)
Release Date	April 2024	May 2024	November 2023	January 2024	May 2024	July 2024
Confidentiality	Lawyers must ensure AI does not expose client data. Transparency with clients about AI use is advised.	Strong focus on safeguarding client info. AI systems must adhere to confidentiality protocols, and lawyers should avoid sharing sensitive data on AI platforms lacking security.	Lawyers must ensure client information is anonymized or has adequate protections before entering it into AI platforms.	AI platforms must not compromise client confidentiality. Lawyers must consult IT experts to ensure adequate protections.	Strict confidentiality measures must be maintained, including careful scrutiny of AI providers' data policies and client data protection standards	Lawyers must safeguard client information and obtain informed consent before inputting client data into AI systems.
Competence	Lawyers must understand AI's capabilities and limitations, ensuring outputs are verified and accurate.	Competence is central; lawyers must understand AI, check citations, and keep up-to-date with technological developments.	Lawyers must remain informed about AI's benefits and risks, exercising independent professional judgment.	Lawyers must maintain competence in AI use and understand how it affects client outcomes.	Lawyers need to stay updated on AI's capabilities and risks, verifying AI outputs and consulting experts as needed to ensure proper use.	Lawyers must understand AI capabilities and risks, continuously learning and consulting experts when needed.
Bias and Hallucinations	NY highlights risks of AI bias and hallucinations, stressing accuracy checks.	PA emphasizes the risk of AI hallucinations and biases, requiring critical assessment to avoid discriminatory or false outcomes.	CA addresses hallucinations and stresses that lawyers cannot solely rely on AI outputs without verifying them.	FL acknowledges the risk of AI-generated errors and warns against over-reliance.	AI outputs should be checked to avoid false or biased information, as AI can generate incorrect data that appears plausible (hallucinations).	ABA stresses avoiding misleading or biased AI outputs and reviewing all AI-generated citations for authenticity.
Supervision	Lawyers must supervise AI use, ensuring it adheres to professional standards.	Supervisory lawyers must ensure AI tools conform to ethical rules just like human assistants.	Lawyers are responsible for overseeing AI's application and must ensure compliance with ethical obligations.	Lawyers are responsible for the outcomes of AI-generated content, ensuring accuracy and proper supervision.	Lawyers must oversee AI use to ensure it meets ethical and professional standards, just as they would with human assistants.	Lawyers must supervise nonlawyers using AI and ensure compliance with ethical standards.
Client Communication	NY lawyers should disclose AI use and explain its implications to clients.	PA requires clear communication with clients about AI's role, obtaining informed consent where necessary.	CA encourages client communication regarding AI use, especially if AI will handle sensitive information.	FL suggests informing clients when AI is used, with emphasis on transparency and obtaining consent.	Lawyers should inform clients about AI use, especially when it impacts their case, and seek informed consent when necessary.	Lawyers may need to disclose AI use to clients, especially when it influences major decisions.
Billing Practices	AI should not be used to inflate billable hours; time saved through AI must be passed to clients.	AI-related billing must reflect actual efficiency gains, and any AI-related expenses must be disclosed to clients.	Lawyers cannot charge clients for time saved by AI but may pass on reasonable AI-related costs.	FL emphasizes accurate billing for AI use, ensuring any efficiency gains are reflected in client costs.	Time saved through AI must benefit clients, with clear communication about any AI-related costs to ensure fair billing.	Fees must remain reasonable with AI efficiency gains. Lawyers must clearly communicate any AI-related costs.
Candor to the Tribunal	NY stresses the need to verify all AI-generated legal citations and ensure their accuracy.	PA requires verification of AI-generated outputs before submission to avoid false evidence or claims.	CA insists lawyers must critically analyze AI outputs and correct any inaccuracies in court submissions.	FL warns against using AI-generated false information in filings and mandates verification.	Lawyers must verify all AI-generated data before submission to avoid presenting false or misleading information in court.	Lawyers must review AI-generated outputs to ensure they are not submitting false information to the tribunal.