

GenAI in Legal Practice: Ethics, Efficiency and Emerging Trends

Summary

Nicole Black is one of the legal industry's top thought leaders exploring the crossroads of law and technology.

During her solo talk, Black will examine the latest practical applications of generative AI that lawyers can use to enhance every stage of the client journey—from attracting new clients to delivering quality legal services to streamlining marketing and client communications.

This will be followed by an interactive town hall discussion with Black and the Commission's Chief Counsel Mark Palmer, during which they will continue the conversation with attendees, weighing the risks and benefits of generative AI technology in the legal profession while exploring its impact and what is to come.

Learning Objectives

Participants will gain:

- 1) Understanding GenAI Basics and Legal Applications:
 - a. Familiarize themselves with GenAI and its increasing relevance in the legal field.
 - b. Recognize how GenAI tools like ChatGPT can be utilized in legal practice.
- 2) Preparation and Ethical Considerations:
 - a. Understand the importance of maintaining confidentiality by avoiding the use of client data for training GenAI tools.
 - b. Gain awareness of ethical obligations related to confidentiality and transparency when using GenAI.
- 3) Effective Use of GenAI Outputs:
 - a. Learn to verify GenAI-generated outputs for accuracy and legal soundness.
 - b. Understand the need for reviewing citations, factual assertions, and logical consistency in documents.
- 4) Practical Applications of GenAI in Law:
 - a. Identify specific uses of GenAI in summarizing legal concepts, cases, and transcripts.
 - b. Recognize GenAI's role in document creation, contract analysis, litigation analysis, and legal research.
- 5) Ethical Discussions and Future Directions:

- a. Engage with ethical considerations such as bias, transparency, and billing practices related to GenAI use.
- b. Consider future directions and best practices for integrating GenAI into legal work while maintaining ethical standards.

Talk Outline

- **Overview of GenAI**
 - **Context:** Briefly introduce the topic of GenAI and its growing importance in the legal field.
 - **Objective:** Explain that the talk aims to explore how lawyers can effectively and ethically use GenAI tools like ChatGPT in their practice.
- **Preparation Before Use**
 - **Training Data:** Discuss the importance of toggling off the allowance for GenAI tools to train with your data. This is crucial for maintaining confidentiality and preventing unauthorized use of client information.
 - **Paid Version:** Advise that the paid version of GenAI tools provides better quality output and availability. This can ensure more reliable results and access to advanced features.
- **Confidentiality**
 - **Confidential Information:** Emphasize the importance of not uploading or mentioning any confidential client information, including names or personal details. However, court-filed materials are generally acceptable.
 - **Ethical Considerations:** Highlight the ethical obligations outlined by the Illinois Rules of Professional Conduct when using GenAI tools. [*Will discuss more in town hall portion.*]
 - Competency
 - Candor to the Tribunal
 - Communication
 - Confidentiality
 - Fees
 - Supervision
- **Output Review**
 - **Citation Verification:** Stress that every citation must be independently verified against primary sources. Attorneys must review content to confirm the existence and accuracy of case law, statutes, etc.
 - **Factual Assertion Review:** Explain the need to cross-reference all factual claims with reliable sources. This can include external facts, such as historical events, and case-specific facts from clients.
 - **Logical Consistency Check:** Discuss reviewing documents for logical consistency to avoid contradictions or unsupported conclusions.

- **Best Practice: Pre-Submission Checklist:** Suggest creating a formal checklist to ensure these steps are completed before filing or relying on any document.
- **Specific Case Uses**
 - **Summarize a Legal Concept:** Describe how GenAI can summarize legal concepts, such as treatises or statutes.
 - **Summarize Cases:** Explain how GenAI can summarize cases, even in real-time court situations.
 - **Summarize Transcripts:** Discuss using GenAI to analyze transcripts, build timelines, and identify discrepancies.
 - **Direct/Cross Examination and Voir Dire Ideas:** Highlight GenAI's role in generating ideas for direct/cross-examination and voir dire.
 - **Document Creation:** Mention GenAI's ability to help draft documents, be it completeness of terms or change in tone:
 - Client intake forms
 - Retainer agreements
 - Client correspondence
 - Pleadings
- **Other Ways Lawyers Use GenAI**
 - **Contract Analysis:** Explain how GenAI can efficiently assess contract terms, identify crucial clauses, and predict legal issues.
 - **Litigation Analysis:** Discuss GenAI's potential in litigation for tasks like document review and legal research.
 - **Document Management:** Describe how GenAI can streamline document organization and retrieval.
 - **Contract Management:** Highlight GenAI's role in tasks like redlining and contract data migration.
 - **Legal Research:** Emphasize GenAI's ability to expedite legal research by quickly identifying relevant information.
 - **eDiscovery:** Explain how GenAI can enhance the efficiency and accuracy of document review in eDiscovery processes.
- **Summarize and Look Ahead**
 - **Summary:** Recap the key points covered in the talk including “public tools” vs. “legal industry tools.”
 - **Future Outlook:** Encourage lawyers to embrace GenAI as a complementary tool to enhance their practice, while emphasizing the importance of ethical considerations and output verification.

Town Hall Outline

- **Ethical Considerations to Cover**
 - **Confidentiality and Data Privacy:**
 - Discuss the risks of sharing confidential information with GenAI tools and the importance of ensuring these tools have adequate security measures.
 - **Competence and Verification:**
 - Emphasize the necessity for lawyers to understand how GenAI tools work and their limitations; Rule 1.1, C. 8.
 - Stress the importance of verifying GenAI-generated outputs to ensure accuracy and legal soundness.
 - **Bias and Fairness:**
 - Address concerns about algorithmic bias in GenAI outputs and its potential impact on legal decisions.
 - Discuss strategies for mitigating bias, such as diverse training data and Retrieval-Augmented Generation (RAG).
 - **Transparency and Communication:**
 - Examine the necessity of informing clients about the use of GenAI in their representation.
 - Recommend err on the side of transparency, especially where use of AI could affect confidentiality, fees, or case outcomes.
 - Proactive disclosure, such as in engagement letters, can help manage client expectations.
 - Discuss the importance of transparency in billing practices related to GenAI use – Savings from practice efficiencies must be passed along to clients.
 - **Reasonableness of Fees:**
 - **IRPC 1.5:** Explain that fees must be reasonable, considering factors like time and labor required, novelty and difficulty of the questions, and skill needed to perform the service properly.
 - **Avoiding Inflated Billing:** Discuss how GenAI's efficiency should not lead to falsely inflated claims of time spent on tasks.
 - **Costs and Expenses:**
 - **Overhead vs. Billable Expenses:** Explain that costs associated with GenAI tools should be considered as overhead unless specifically agreed upon with the client as a billable expense.
 - **Avoiding Duplicative Charges:** Warn against duplicating charges or inflating fees due to AI efficiency.
- **Takeaways**
 - **Summary of Key Points:** Recap the main GenAI use efficiencies and ethical considerations discussed during the town hall.

- **Future Directions:** Encourage attendees to continue exploring ethical best practices as GenAI evolves in legal practice.

Supplementary Resources

- Mark C. Palmer, [Getting Started With ChatGPT for Lawyers](#), Illinois Supreme Court Commission on Professionalism (2023).
- Mark C. Palmer, [The Rise of ChatGPT: Ethical Considerations for Legal Professionals](#), Illinois Supreme Court Commission on Professionalism (2023).
- Mark C. Palmer, [3 Things Lawyers Should Be Doing Now with Generative AI](#), Illinois Supreme Court Commission on Professionalism (2024).
- Mark C. Palmer, [How Lawyers Can Overcome Fear and Embrace AI in 2025](#), Illinois Supreme Court Commission on Professionalism (2024).
- [Beyond Traditional Tools: Leveraging AI for efficient law practice management](#), Niki Black, ABA Journal (PDF included)
- [2024 Year in Review: Integrated legal AI and more effective case management](#), Niki Black, ABA Journal (PDF included)
- [The Path To AI Adoption For Your Law Firm](#), Niki Black, Above The Law (PDF included)
- A Lawyer's Guide to Ethical Use of AI, Niki Black, MyCase Blog (PDF included)

Beyond Traditional Tools: Leveraging AI for efficient law practice management

 abajournal.com/columns/article/beyond-traditional-tools-leveraging-ai-for-efficient-law-practice-management

Practice Technology

By Nicole Black

July 26, 2024, 10:12 am CDT



Nicole Black.

For many law firms, law practice management software is the backbone of their business. It streamlines workflows, reduces administrative burdens and facilitates efficient billing processes—increasing productivity and profitability. From lead intake and case tracking to managing deadlines and handling payments, law practice management tools ensure effective collaboration and efficient firm operations.

When artificial intelligence functionality is added to law practice management software, the potential for newfound efficiency increases exponentially.

AI features can automate routine tasks, such as document creation and editing, document summarization, text translation and case status summaries. Automating routine and tedious tasks saves time, allowing legal professionals to focus on higher-level tasks, such as case analysis and client communications.

Over the past year, many leading law practice management companies have announced AI plans, ranging from roadmaps and beta releases to public releases of AI functionality into their platforms. Companies have approached AI implementation differently, with features, functionality and pricing varying widely.

Below, we'll review AI announcements and releases from many companies and provide an overview of their offerings, including pricing when available. But first, let's review the issues that you should consider when adopting AI tools into your firm.

Choosing AI tools for law practice management

First and foremost, because AI tools are typically cloud-based, you'll entrust your firm's confidential client data to a third party. Ethical rules require you to thoroughly vet the cloud provider hosting and storing your firm's data. This duty includes a thorough understanding of how that company will handle the data; where the servers on which the data will be stored are located; who will have access to it; and how often and when it will be backed up, among other things.

When considering AI tools for your firm, vetting providers requires asking about accuracy rates, how the company will protect your data, and whether your team's data inputs are used to train AI models to improve responses. To assist you with the provider-vetting process, you can find a list of suggested questions to ask cloud and AI providers [here](#).

If your firm is new to LPM software, take advantage of free trials and demos of the LPM software and available AI features before investing in a tool. If your firm is already using an LPM platform that has begun to roll out new AI features, ensure that you fully understand how the company handles AI data input before allowing the use of those features in your firm.

With that advice in mind, let's look at the AI landscape for LPM software. We'll round up many of the companies that have announced AI development plans and features and share pricing information, if available.

Publicly released generative AI LPM tools

[Leap's](#) AI features were [announced in July](#) and include a legal assistant tool supported by humans on the back end, AI-assisted document generation, and the ability to ask questions about case-related data and obtain insights.

The website indicates that the AI legal assistant is “included with your Leap subscription at no extra cost in select states and matter types,” but the cost of the other AI features is not provided. Leap’s pricing for its LPM system is also not available on the website.

Next, MyCase’s AI tool, MyCase IQ, was released in beta in January. Since then, MyCase, an AffiniPay company (note that I am employed by AffiniPay), has publicly released generative AI text editing, which allows users to improve their writing or change the tone of text to formal, assertive, persuasive, empathetic or advisory.

Another AI feature recently rolled out publicly is the translation functionality, which allows text to be converted from English to Spanish or vice versa. Additional languages will be added in the near future.

There are plans to add case and matter summaries to the AI roadmap, as well, and AI functionality will also be rolled into other company products, including Casepeer, Docketwise and LawPay. The AI features are currently provided at no additional cost in the pro and advanced tiers, and pricing is available on the website.

Finally, Filevine offers an LPM legal assistant, SidebarAI, which provides customer service support to help navigate the Filevine platform.

It also assists in creating workflows and summarizing the status of the last seven days of a case. It is included in the base tier, but pricing for this tier is unavailable on the website.

For an additional but unstated cost, Filevine also offers LeadsAI, an add-on to its Lead Docket software, and AI-enhanced summaries and analysis as part of the Document Assembly add-on. Stand-alone AI tools include DemandsAI for creating demand letters, which can be integrated with its LPM, and AIFields, which summarizes and extracts information from uploaded documents.

LPM AI tools announced but not yet available or currently in beta

Clio announced its vision for AI, Clio Duo, in October 2023. No information about Clio Duo is available on its website, and it has not yet been released.

The announcement indicated that it will be accessible in Clio Manage once released, with plans to integrate it into other Clio software products, as well. Features are expected to include matter overview summaries, document summarization and generation of simple documents, and reminder prompts for overdue tasks or invoices. Pricing information has not been made available.

Smokeball’s AI features were released in beta in March and have not been released publicly. The beta tools include reviewing and summarizing legal matter documents, drafting emails and correspondence in Outlook, obtaining answers to questions about matters, and

generating intake forms.

Smokeball AI intake features are available in [LeadPro](#) (intake), and the matter management AI assistant is available as an add-on with two Smokeball tier levels. Pricing for the AI add-ons is not provided on the website.

In [September 2023](#), [Caret Legal](#) announced the beta release of its AI document summarization feature, which can extract and summarize clauses and information obtained from legal documents. This functionality is included at no additional cost in every tier except the entry-level tier. Pricing for all plans is available on the website.

Is your firm ready?

If you're considering investing in AI tools in the near future, you may have to look no further than the LPM that your firm already uses. While many companies are initially releasing a few basic AI features, AI integration into practice management software will become increasingly sophisticated, given the rapid technological advancement. This will undoubtedly happen more quickly than expected, so the earlier that your firm adapts to these changes, the better.

AI-enhanced practice management software will soon be necessary for firms seeking to set themselves apart in an increasingly competitive marketplace. Is your firm ready for the next stage of computing? If not, there's no better time than now to research your options and invest in the future success of your firm.

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This column reflects the opinions of the author and not necessarily the views of the ABA Journal—or the American Bar Association.

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2024 Year in Review: Integrated legal AI and more effective case management


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Year in Review

By [Nicole Black](#)

November 22, 2024, 2:09 pm CST

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Nicole Black.

This year was one of confounding contradictions. Technology advanced quickly—faster than ever before—with legal technology companies updating their software at rates never before seen in a race to include generative artificial intelligence capabilities. However, despite the rapid deployments, the integration of AI was often surface-level, with deeper integrations planned but not yet achieved.

Development hurdles were numerous. One challenge was overcoming the significant complexities involved in leveraging accessible data to provide in-depth analytics. Another issue was the high costs associated with relying on mainstream generative AI models, such as OpenAI and Anthropic's Claude, especially when performing complicated data analyses.

Last year, legal professionals and law firms initially implemented AI at a pace that far surpassed the adoption rates of the technologies that preceded it, such as social media, mobile computing and cloud computing. However, study after study showed that in 2024, usage numbers stabilized, although interest in the potential of generative AI remained high.

The initial uptick in usage happened despite the many ethical challenges presented by AI, including confidentiality, biases, "hallucinations" and more. In response, state bars took notice and issued AI guidance at a record pace in an attempt to assist lawyers with navigating the many roadblocks encountered when using these tools in their firms.

Throughout it all, I tracked AI software trends and offered advice on choosing legal software, most of which was AI-enabled. Traditional legal software categories were also updated, providing legal professionals with new features designed to streamline practice and matter management and automate document creation. Each month I offered an overview of a software tool, so if you're in the market for new tech for your firm, there's a good chance one of my 2024 roundups includes the information you need.

January: Legal tech survey results

The legal industry saw rapid changes in 2024, driven by fast-moving advancements in tech, including generative AI. In January, I covered the LawPay and MyCase Legal Industry Report 2024, which offers valuable insights into how firms are adapting, covering key topics, such as AI adoption, common technology implementation challenges, and the software relied on to improve efficiency and profitability. The data showed that in late 2023, 27% of respondents reported that they personally used generative AI tools for work-related purposes, and 24% shared that their firms had adopted legal-specific generative AI software. More than half of those surveyed (53%) reported that it increased efficiency somewhat, and for 24%, it increased significantly. Other topics covered included common tech implementation challenges and the software relied on to improve efficiency and profitability. Whether you're a solo lawyer or managing a large firm, this report provides practical advice on outsourcing, payment flexibility and streamlining operations.

February: Document automation software

If your firm's practice areas are document-intensive, recent advancements in document automation are worth exploring. As I explained in [February's article](#), this software has evolved significantly—now offering faster, simpler document assembly. Additionally, strategic acquisitions by legal tech companies have integrated advanced automation features into law practice management platforms, making it easier than ever to streamline document creation workflows. Looking ahead, generative AI will further improve document assembly by analyzing legal language and the subtle nuances in context, simplifying drafting and reducing the need for manual editing. By automating the routine tasks involved in creating complex documents, these advancements will save time and increase productivity.

March: AI-powered legal research

Generative AI has dramatically impacted legal research, with tools such as GPT-4 now playing a prominent role. When I last covered legal research tools [in 2019](#), AI was being used to refine search results, but generative AI was not yet available. Today, it's embedded in most legal research platforms, offering an extremely intuitive interface with enhanced capabilities. However, it is not without its challenges, including hallucination risks. My [article from March](#) explores some of the top legal research products that include generative AI features. Whether you're a seasoned lawyer or new to AI, this guide will help you choose the right AI-enhanced legal research platform for your firm.

April: Matter management tools for in-house teams

With in-house legal teams facing increasing demands, efficient workflows are essential. [In April](#), I discussed how matter management software addresses this need by streamlining processes from case intake to resolution while improving collaboration with internal teams and outside counsel. The right platform can enhance efficiency, mitigate risks and optimize operations, but selecting the right tool for your team's unique needs isn't always easy. This article provides an overview of matter management software for small-size to medium-size legal departments, highlighting key features, such as e-billing, workflow automation, contract management and AI capabilities.

May: AI brief drafting and analysis tools

Brief drafting and analysis is another area impacted by generative AI. Many brief writing platforms now include features to assist with editing, summarizing and drafting documents, and they also enable the analysis of lengthy materials, such as trial transcripts or appellate briefs. These tools are particularly useful for litigators, helping them focus on more complex tasks, such as developing legal strategies and crafting arguments. [May's article](#) focuses on AI-powered brief writing and analysis software developed for solo and small firms. In it, I

outline key features to look for, explore available tools, and discuss the importance of integration with a firm's existing document creation software to ensure a seamless transition and uninterrupted workflows.

June: AI-supported pretrial litigation

Pretrial litigation often involves repetitive and time-consuming tasks, especially during the discovery phase. AI tools, particularly those that incorporate generative AI, are beginning to address these inefficiencies. By streamlining the drafting and analysis of pleadings, discovery requests and responses, these tools help reduce the time spent on routine work, allowing litigators to focus on high-impact, strategic work. This [article from June](#) reviews AI tools for managing pretrial discovery and offers guidance on selecting the right software for your firm. Issues to consider include identifying workflow challenges, assessing the capabilities of existing tools, and considering integration options with current systems.

July: Leveraging AI in law practice management software

Law practice management platforms serve as the business foundation for many firms, streamlining workflows, reducing administrative tasks, and improving productivity and profitability. Adding generative AI features to LPM tools enhances efficiency by automating routine tasks, such as time tracking, invoicing, document drafting, summarization and case updates, freeing legal professionals to focus on higher-value work. In [July's article](#), I review recent AI advancements in LPM software, including key announcements and feature releases from leading providers. I also offer guidance on factors to consider when adopting AI tools, such as functionality, pricing and the importance of user-friendly integrations with existing systems.

August: ILTACON 2024's AI hard sell

This year's ILTACON in Nashville, Tennessee, offered flashy but unproven promises. Generative AI dominated the conversation, with vendors discussing ambitious visions of the future but often showcasing tools in beta or early development mode via controlled demos. Overall, however, as I [explained in August](#), it was an innovative showcase of legal tech potential with several key themes emerging that suggest where the industry is headed. First, generative AI is quickly becoming the new interface for legal tech, greatly improving how professionals interact with their firm's software and data. Also, competition among vendors was fierce, driving innovation and new features. While much of the AI implementation remained surface-level, the promise of robust, impactful AI development was on the horizon.

September: AI-enabled deposition summaries and analysis

Deposition summarization and analysis is another area in which generative AI is changing the way that legal professionals interact with their software. AI deposition tools use advanced algorithms to review transcripts, identify critical themes, flag inconsistencies and extract key insights. By automating these time-consuming tasks, this software enables attorneys to focus on strategic trial preparation, rather than on mundane, time-consuming transcript review. This [September article](#) explores the benefits of these tools and offers guidance on selecting the right software for your litigation needs.

October: The next generation of litigation analytics

Finally, in [last month's article](#), I cover how litigation analytics software has evolved significantly since I last [wrote about it in 2020](#). By analyzing court records and decisions, filings and other datasets, this software provides insights into judges, case outcomes, attorneys and more, enabling litigators to develop informed, data-backed strategies. Some companies have rolled out generative AI integrations that offer an intuitive conversational interface that enhances analytics functions, generating summaries, predicting outcomes and offering strategic recommendations based on historical trends. Using this information, legal teams can identify patterns in rulings, forecast motion success and optimize case strategies.

Reflecting on 2024, looking ahead

Reflecting on the past year, legal tech's rapid evolution was driven by the integration of generative AI combined with the steady refinement of core practice management tools. This year had remarkable innovation and significant growing pains, as firms balanced the appeal of cutting-edge technologies with the realities of ethical implementation.

Looking ahead, the momentum from 2024 offers a strong foundation for further innovation. Forward-thinking legal professionals who approach emerging technologies with strategic planning and an open mindset will be best positioned to thrive. Whether through AI-driven analytics, enhanced case management systems or a blend of both, the opportunities to streamline workflows and provide superior client service have never been greater.

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This column reflects the opinions of the author and not necessarily the views of the ABA Journal—or the American Bar Association.

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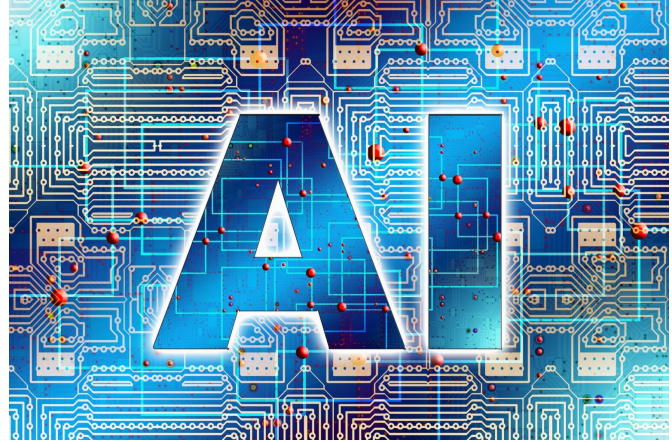
The Path To AI Adoption For Your Law Firm

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March 6, 2025

By now, generative artificial intelligence (AI) is undoubtedly on your radar. You've heard about the benefits it offers but have also seen headlines about false case citations. You're curious about its potential but aren't sure how and when to jump on the bandwagon. Should you adopt it soon or wait until it matures? If you decide now is the time, how do you ensure ethical implementation in your law firm?



Learning About Generative AI Is Part Of Your Competence Obligations

AI is advancing quickly and your ethical duties require you to stay on top of technology changes and make educated decisions about its adoption. Ignorance is not a shield, and compliance with competence obligations requires you to learn about new tools like generative AI and use them when appropriate.

The challenge then becomes staying abreast of rapid changes without getting left behind and successfully implementing AI in your law firm when the time is right. The good news is that the path to successful AI adoption isn't as difficult as it might seem.

Step 1: Familiarize Yourself With Generative AI

First, choose one or two consumer-grade tools, such as ChatGPT, Claude, or Perplexity, and sign up for a paid monthly account. The typical fee is approximately \$20 per month, and you can cancel at any time.

Paid accounts allow you to adjust the settings so that your inputted data does not train the AI model — make sure to do that right away. Then, use the tool daily for the next week or two for both professional and personal purposes. Avoid entering any confidential or privileged information. Think of the chatbot as a very intelligent, accommodating assistant who also happens to be a pathological liar.

Whenever you encounter a task that you want to put off because it's too tedious or unpleasant, consider whether generative AI can handle it for you. More often than not, it can. Whether it's drafting an email to a difficult client, identifying how to approach a challenging

conversation with an employee, brainstorming questions to ask for a particular issue on voir dire, or determining a wine that will go with your meal, your chatbot can almost certainly come to the rescue.

You'll be surprised at how useful it can be and how quickly it responds. But always ensure that you review the output for errors. Remember that its goal is to be compliant and provide you with helpful responses, even if it has to make them up. It's your responsibility to ensure the response is accurate before you rely on it.

Step 2: Determine How Generative AI Can Benefit Your Firm

Once you've familiarized yourself with generative AI, establish your objectives and determine how AI can enhance efficiency and productivity.

Evaluate your firm's daily operations and engage key stakeholders to identify the biggest challenges. Pinpoint areas in your workflows that need improvement.

Key questions to consider:

1. How will generative AI integrate into your firm's processes?
2. What are your firm's most significant challenges?
3. Which tasks consume the most time?
4. How can generative AI automate mundane and routine work?

By clearly defining your objectives, you'll be better equipped to select the generative AI tools that best fit your firm's needs.

Step 3: Choose Legal Generative AI Providers

Start by evaluating legal providers. These software companies are often the best choice because they understand law firm workflows and compliance needs.

Review the tools your firm currently uses, such as software for document management, law practice management, legal billing, e-discovery, or contract analytics. Enhancing existing legal tools with AI features can help maintain workflow consistency while minimizing disruption and shortening onboarding time.

Consider whether current tools include generative AI features, or if AI development part of their product roadmap. Are there integrations with those products that provide the functionality you need? If your current providers are enhancing their AI capabilities, adopting those updates or integrations may be more efficient than switching to a new platform.

Key stakeholders in your firm should be consulted. Make sure their voices are heard and give their opinions weight. They'll be using generative AI, too, and keeping them involved ensures they'll be on board during the implementation process.

Lastly, whenever possible, take advantage of free trials or demos to assess usability and ensure the platform aligns with your firm's needs.

Step 4: Vet Legal Generative AI Providers

Once you've identified a product that is a good fit, you'll need to vet the provider, even if it's a tool your firm is already using. When your firm uses cloud-based generative AI tools, you are entrusting a third party with sensitive client data. Ethical obligations require a thorough vetting of the provider about both cloud and AI issues, including an assessment of data security measures, storage locations, access controls, and backup policies to ensure compliance with professional responsibilities.

You'll also need to carefully evaluate the accuracy of AI-generated outputs, understand how user data is protected, and determine whether queries are used to train AI models.

Here's [a list of questions](#) to ask providers that will assist in vetting cloud computing issues and issues specific to AI adoption.

The Time To Learn AI Is Now

Generative AI is here, and its impact on the legal profession is only growing. Keeping your head in the sand and waiting for the technology to "mature" isn't a strategy, it's a risk. Your ethical obligations require you to stay informed, and the best way to do that is by engaging with AI tools now.

Start small, experiment, and determine where AI fits into your firm's workflow. The sooner you familiarize yourself with its capabilities and limitations, the better positioned you'll be to implement it effectively and ethically. Technology is evolving rapidly — don't get left behind.

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A Lawyer's Guide to Ethical Use of AI

You've heard about how generative artificial intelligence (GAI) can dramatically streamline your workflows, saving your firm time and money. The promises of immediate efficiency gains are intriguing, and you'd like to give this popular new technology a test run. But you're concerned about ethics. How do you take advantage of all that AI has to offer while ensuring compliant implementation?

It's an important and timely question. GAI is a relatively new technology, but it's making inroads quickly. Because of increasing interest in [AI in the legal industry](#) over the past two years, more than twelve state bars have issued ethical guidance on GAI adoption. The approach is similar across jurisdictions, with state-specific variation on issues like client consent and supervision.

In this article, we'll discuss the ethical rules to consider when using [legal AI tools](#), how certain jurisdictions (including the American Bar Association) have addressed these issues, and core ethical principles for AI adoption.

A GAI Ethics Deep Dive

The American Bar Association's [Formal Opinion 512](#), handed down in July 2024, mirrors a range of ethical issues addressed in guidance from other jurisdictions. This opinion's roadmap for AI adoption offers a helpful overview of considerations to keep in mind when implementing AI in your firm.

First, the Committee emphasizes the importance of staying abreast of technology changes. The duty of professional competence requires that lawyers learn about emerging technologies, including GAI, ensuring they make educated GAI implementation decisions. This obligation includes fully understanding the benefits and risks of adoption: "Lawyers need not become GAI experts. Rather, lawyers must have a reasonable understanding of the capabilities and limitations of the specific GAI technology that the lawyer might use."

The Committee focuses on confidentiality, warning lawyers to protect client data when entering information into GAI tools. Lawyers must fully comprehend how the GAI system handles and stores data, which includes ensuring that it doesn't inadvertently expose sensitive information: "Before lawyers input information relating to the representation of a client into a GAI tool, they must evaluate the risks of disclosure."

Importantly, the Committee advises lawyers to obtain informed consent from clients before inputting information related to their representation into GAI tools. However, not all jurisdictions have this requirement, so it's important to carefully review available guidance from your jurisdiction on this issue.

The ABA opinion includes guidance on supervisory obligations, indicating that lawyers are responsible for ensuring that all staff using GAI are adequately trained and supervised. Policies and procedures should be established and disseminated throughout the firm. Additionally, the accuracy of all GAI tool outputs, including those provided by staff, should be confirmed. Lawyers should assume that GAI output contains errors and should, therefore, carefully review all GAI-created content for errors.

Candor toward the tribunal is also addressed. The Committee confirmed that lawyers have an ethical duty to carefully review all GAI-generated work product: “Duties to the tribunal likewise require lawyers, before submitting materials to a court, to review these outputs, including analysis and citations to authority, and to correct errors, including misstatements of law and fact, a failure to include controlling legal authority, and misleading arguments.”

Finally, the ABA tackled the ethical issues encountered when billing clients for time spent using GAI tools. According to the opinion, billing should reflect the actual time and effort spent working on a matter. Clients should not be billed for the time saved as a result of using GAI. Accordingly, lawyers may need to adjust their fee structures or advise clients when GAI is used to ensure that billing is clear and fair.

Core Ethical GAI Principles

While the ABA’s opinion is only advisory, it provides an overview of the ethical issues that lawyers must consider when adopting GAI. Guidance issued in other jurisdictions follows a similar analytical framework. The details may differ somewhat but the essential principles remain the same: when considering GAI tools for their firms, lawyers must fully understand the who, what, when, where, and how of its adoption.

To that end, five key issues are consistently addressed in the ethics guidance provided by state bars:

Five Key Issues in Ethics Guidance

1

Maintain Competence:

Lawyers must understand how AI tools function, including their capabilities and limitations, to ensure they are used appropriately and do not compromise legal work.

2

Protect Confidentiality:

Lawyers have a duty to safeguard client information. They should not input confidential data into GAI systems unless they are certain the data will remain secure and not be used to train GAI models. Client consent may be required if there's any risk to confidentiality.

3

Supervise Use of GAI:

Lawyers are responsible for supervising both attorneys and staff in their use of GAI tools, ensuring that all outputs meet ethical and professional standards.

4

Verify AI Outputs:

GAI-generated content must be thoroughly reviewed to prevent reliance on inaccurate, misleading, or fabricated information.

5

Ethical Billing for GAI Use:

Lawyers must ensure billing practices reflect the actual time and effort involved in using GAI tools. Charging clients for time saved may be unethical.

Jurisdiction-Specific Guidance

Although some general ethics principles apply universally, GAI guidance varies across jurisdictions. For example, some require client consent, while others do not. Additionally, delegation of certain GAI-related tasks to non-lawyers or vendors is permitted in some jurisdictions, while others emphasize direct lawyer oversight for any GAI-generated work. Specific GAI-related cybersecurity protocols are mandated in some opinions, but others suggest general cybersecurity procedures are sufficient. There are also variances regarding specific disclosure requirements when billing clients for work performed using GAI tools.

The many differences mean that it is essential to understand how the Rules of Professional Conduct are interpreted in your jurisdiction. The jurisdictions listed below have addressed the ethics of using GAI in law firms. If your state is not listed, you'll have to apply the general GAI ethics principles above and interpret them narrowly. When your license is on the line, you're better safe than sorry.

If your jurisdiction has weighed in, you're one of the lucky ones with a clear roadmap for GAI adoption. Locate your jurisdiction in the chart below and then carefully review the applicable guidance.

Jurisdiction-Specific Guidance

Jurisdiction	Opinion Title/Number	Date Issued
ABA	Formal Opinion 512	July 2024
California	Practical Guidance	November 2023
D.C. Bar	Ethics Opinion 388	September 2024
Florida	Advisory Opinion 24-1	January 2024
Kentucky	Ethics Opinion KBA E-457	March 2024
New Jersey Supreme Court	Preliminary Guidelines	January 2024
New York City Bar	Formal Opinion 2024-5	August 2024
New York State Bar	Task Force Report	April 2024
North Carolina	Formal Ethics Opinion 2024-1	November 2024
Pennsylvania & Philadelphia Bars	Joint Opinion 2024-200	June 2024
Texas	Opinion 705	February 2025
USPTO	Practice Guidance (2023-2024)	April 2024
Virginia	AI Guidance Update	August 2024

The Path to Ethical GAI Adoption

As GAI technology continues to gain traction in the legal field, more jurisdictions will undoubtedly issue additional guidance to address emerging ethical concerns. Staying informed and adaptable will ensure your firm remains compliant while maximizing the many advantages GAI has to offer.

With this in mind, it's clear that GAI offers powerful tools to streamline workflows, improve efficiency, and reduce costs, making it an invaluable asset for modern law firms. By thoughtfully adopting GAI within ethical boundaries—maintaining competence, protecting confidentiality, and verifying outputs—firms can harness these benefits without compromising professional responsibilities.

When considering GAI software, it may give you peace of mind to partner with a company that has developed a tool built with lawyers and their specific needs in mind.

For example, MyCase IQ is a responsible GAI that can be embedded throughout your practice management software. It empowers you to work faster and smarter with intelligent text editing, [AI-powered document](#) summaries, and translation capabilities. Learn more about MyCase IQ and what your firm can accomplish with it [here](#).

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Niki Black is an attorney, author, journalist, and Principal Legal Insight Strategist at AffiniPay. She regularly writes and speaks about the intersection of law and emerging technology. She is an ABA Legal Rebel and is listed on the Fastcase 50 and ABA LTRC Women in Legal Tech.

