How to Use Generative AI in Your Legal Practice: A Guide for Lawyers and Staff

A summary of the firm's Generative AI Use Policy and best practices for using Gen AI tools responsibly and effectively

What is Generative AI and Why Use It?

Generative AI (Gen AI) is a type of artificial intelligence that can create new content, such as text, images, or audio, based on some input or prompt. Gen AI can help lawyers and staff with various tasks, such as drafting, document review, research and communication. Gen AI can improve the quality and efficiency of your work by:

- Generating ideas and suggestions for your writing

- Summarizing complex or lengthy documents

- Identifying relevant legal issues and arguments

- Proofreading and editing your documents

- Creating engaging and informative content for social media or marketing

However, Gen AI is not a magic solution that can do everything for you. It has limitations and potential risks that you need to be aware of and manage. For example, Gen AI may:

- Produce inaccurate, misleading or biased information

- Violate confidentiality, privacy or intellectual property rights

- Generate content that is inappropriate, unethical or illegal

Therefore, it is essential that you use Gen AI tools responsibly, ethically and effectively. This guide will help you understand the firm's Acceptable Use Policy and best practices for using Gen AI in your legal practice.

The Firm's Acceptable Use Policy for Gen AI

The firm has introduced Gen AI tools to assist our lawyers and staff in their daily work. However, we also have a duty to comply with the Rules of the Law Society of Alberta, the Code of Conduct, and the court directives concerning the use of Gen AI. The firm's Acceptable Use Policy outlines the rules and expectations for using Gen AI tools in our work. The policy applies to all lawyers, employees, and other individuals acting on behalf of the firm or using the firm's property.

Liability: Lawyers are ultimately responsible for the work they produce and the advice they provide. The use of Gen AI tools does not absolve them from professional responsibility or potential liability. It is crucial to exercise professional judgment and maintain a high standard of care when using these tools. When in doubt, seek out a second opinion from colleagues or supervisors.

Training: Before using any Gen AI tool, you must undergo mandatory training that will cover the basics of Gen AI technology, its capabilities and limitations, ethical considerations, data security and privacy, and examples of appropriate and prohibited uses. You must also keep up with changes as these tools are updated and improved.

Examples of Permitted Uses: With proper disclosure, Gen AI may be used to facilitate drafting, document review, research, communication and other internal uses. For example, you may use Gen AI to:

- Analyze and summarize cases or documents

- Prepare summaries of legal research

- Write emails or memos for internal use

- Proofread documents

- Draft routine correspondence or internal memos

- Summarize transcripts

- Identify relevant legal issues and arguments

- Assist in legal research and document analysis

Examples of High Risk Uses: Use of Gen AI for high-risk tasks or those that have significant consequences should be done with extreme caution. Such tasks may include:

- Conducting legal research

- Using content that may violate copyright or other intellectual property rights

Examples of Prohibited Uses: The use of Gen AI tools for the following purposes is strictly prohibited:

- Drafting briefs or documents for submission to the court or the opposing counsel or party without human oversight and review

- Generating false or misleading information

- Engaging in unauthorized surveillance or data collection activities

- Facilitating any form of harassment, discrimination or unethical behavior

- Creating deepfake, or digitally altered, content or impersonating others

- Conducting unauthorized research on clients or opposing parties

- Automating work that requires professional judgment without appropriate supervision and review

- Engaging in any activity that violates professional conduct rules, ethical guidelines, or the firm's policies

- Using unauthorized data, content, or information as inputs

- Relying on Gen AI for legal advice

- Representing AI-generated content as human-generated

Confidentiality, Data Security and Privacy: Gen AI tools use your data to train and improve themselves and there is no guarantee that they keep that information confidential. Even though some Gen AI tools let you opt out of your data being used for training purposes, given Gen AI's rapidly developing capabilities and variations in their Terms of Use, you should never input any confidential, personal or private information into a Gen AI prompt, including in documents you may upload. You must also adhere to the firm's data handling policies and follow best practices to protect client confidentiality and maintain data security. Every effort must be made to anonymize client information and omit any specifics that may identify individuals.

Disclosure and Fees: Be clear with the firm's clients about when you use Gen AI. Let them know that you use it, what you use it for, the reasons why, as well as its benefits and limitations. Client fee agreements should explain the basis for all fees and costs, including those associated with Gen AI. While fees for the use of Gen AI may be billed to the client, you cannot charge your clients for the time saved by using Gen AI. Similarly, time spent on Gen AI training cannot be charged to the client. If Gen AI is used in research provided to another member of the firm, it must be disclosed to the appropriate individual(s) receiving such research. Guidance on citing AI-generated materials can be found on [The University of British Columbia Library website](#).

Verification and Human Oversight: Trust but verify. Gen AI products sometimes provide incorrect information. You should never assume the output of the product is correct. Thoroughly review and verify any content generated by Gen AI before sharing it with clients, submitting it to a government agency or a court, or relying on it in any professional capacity. It is essential to ensure that the generated content is accurate, relevant and complies with all applicable laws and ethical standards.

Dealings with the Court: If Gen AI is used to create or generate new content in preparing a document filed with the court, consider whether you should disclose that fact in your submissions. If in doubt, speak to [name]. Some courts require such disclosure. Disclosure may look like: "Declaration: Artificial intelligence (AI) was used to generate content in this document."

Audit and Tracking: To ensure compliance, you should maintain a comprehensive record of the prompts you submit to the tool, the AI-generated output, and its subsequent review and verification.

Monitoring: The firm reserves the right to monitor the use of Gen AI tools to ensure compliance with the policy. The firm may conduct periodic audits of AI tool usage, implement access controls and log user activity, conduct period reviews of AI-generated content for quality assurance, and provide regular training and updates on policy compliance.

Compliance: Failure to comply with the policy may result in disciplinary action, up to and including termination of employment for just cause.

Updates and Amendments to this Policy: This policy may be updated or amended periodically to reflect changes in technology, legal requirements or best practices. You will be notified of any significant changes and may be required to undergo additional training as needed. We will also solicit feedback from users to identify areas for improvement and to determine best practices.

Conclusion

The responsible use of Gen AI tools can enhance the quality and efficiency of our work. By adhering to this policy, we can ensure that we are using these powerful technologies ethically and effectively while minimizing potential risks. If you have any questions or feedback about Gen AI or this policy, please contact [name]. We hope you enjoy using Gen AI tools and benefit from their capabilities.

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