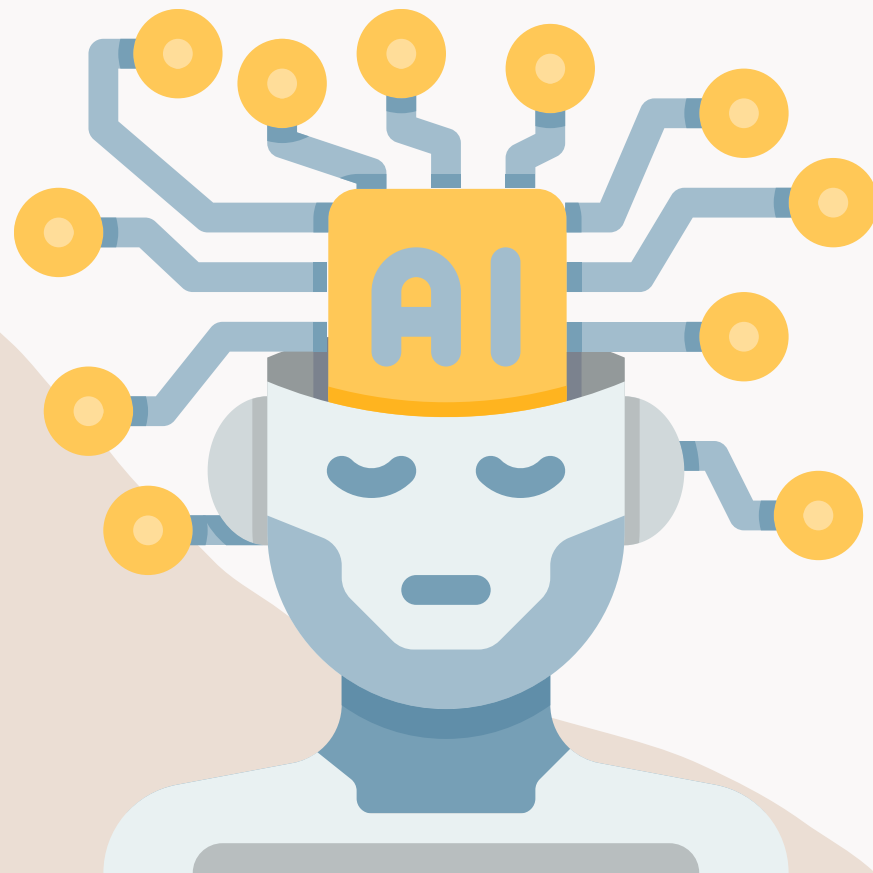


# AI USAGE IN LEGAL CASES

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## FLORIDA LAWYERS' NETWORK SOUTH MIAMI CHAPTER

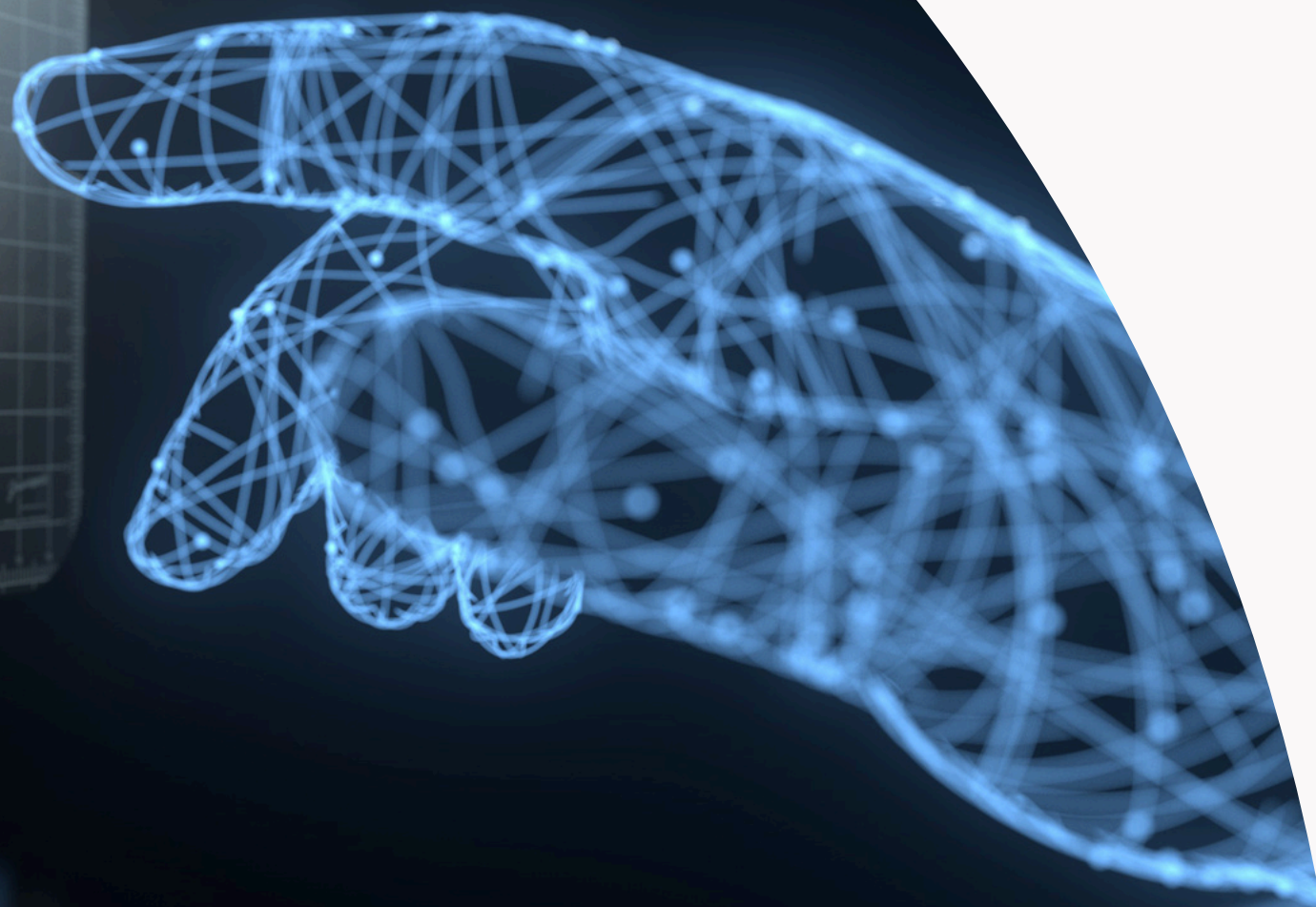
JUNE 7, 2024



BY ANNA FERNANDEZ



AI



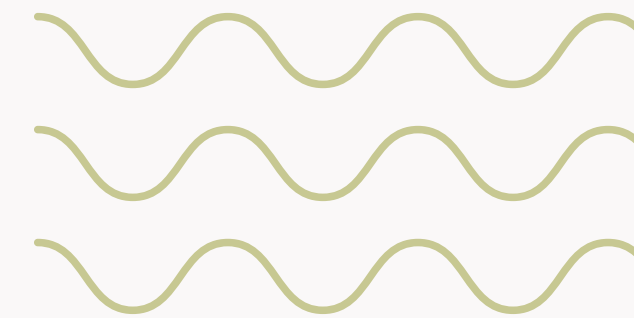
# Understanding AI in Legal Practice

**Definition:** AI refers to computer systems capable of performing tasks typically requiring human intelligence, such as decision-making and problem-solving.



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# ➤ Ethical Considerations



Competence and Informed Consent



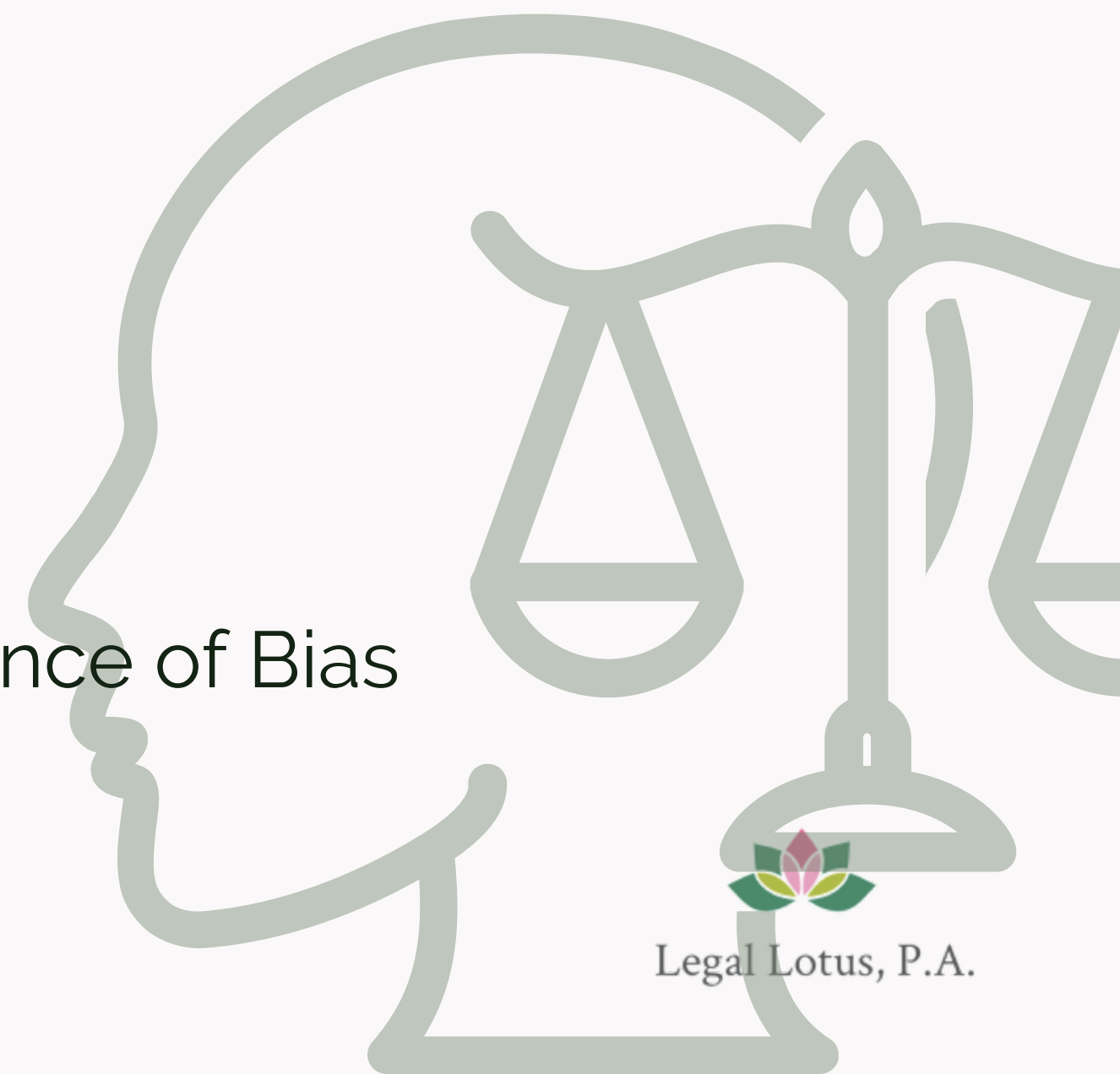
Confidentiality



Supervision



Avoidance of Bias



# ➤ Competence and Informed Consent



**Rule Reference:** Florida Bar Rule 4-1.1 (Competence)  
Other citations: Florida Bar News

**Explanation:** Lawyers must stay updated on AI technologies to ensure competent representation.

Lawyers must understand the functionalities and limitations of generative AI tools to competently use them in legal practice.

for self-learning AI, the system continues to evolve its responses by integrating new data inputs into its parameters. This process raises significant ethical concerns as it might store client information and potentially disclose it in future responses to other users.





# Confidentiality



**Rule Reference:** Florida Bar Rule 4-1.6  
(Confidentiality of Information)

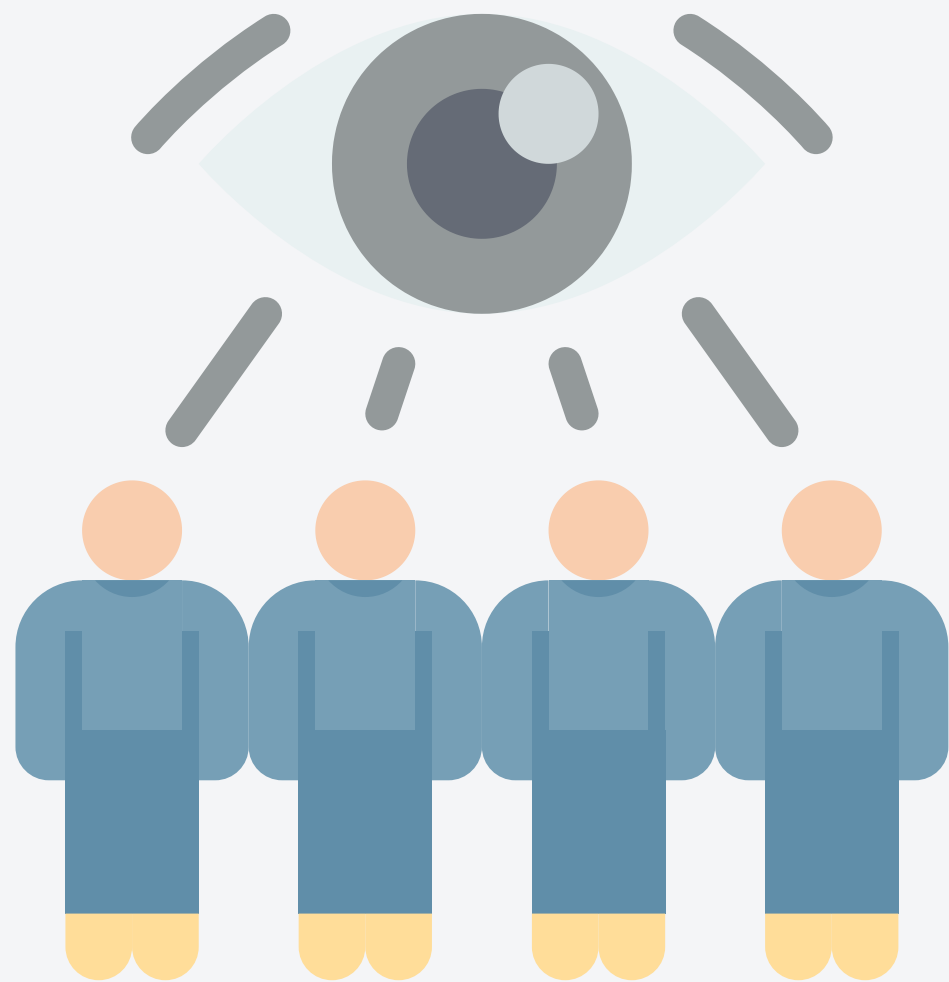
**Explanation:** AI tools may pose risks to client confidentiality.

**Example:** Before using AI to analyze client data, ensure the AI provider adheres to strict confidentiality protocols.

**Citations:** Florida Bar, Advisory Opinion 24-1.



# ➤ Supervision



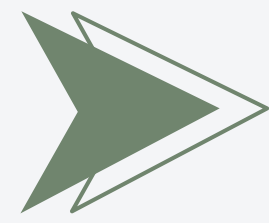
**Rule Reference:** Florida Bar Rule 4-5.3  
(Responsibilities Regarding Nonlawyer Assistants)

**Explanation:** Ensure proper oversight of AI tools, akin to supervising non-lawyer assistants

**Example:** Regularly review AI-generated documents for accuracy before submission to ensure they meet legal standards.

**Citations:** Florida Bar News





# Avoidance of Bias



● **Rule Reference:** ABA Model Rule 8.4(g)  
(Maintaining the Integrity of the Profession)

● **Explanation:** Be aware of potential biases in AI algorithms.

● **Example:** If using AI for predictive policing, review and adjust algorithms to prevent racial or socioeconomic bias.

● **Citations:** New York Bar Task Force on AI and Law.



# Florida's Leadership

## Guidelines on AI

### GUIDELINES

- ✓
- ✓
- ✓
- ✓
- ✓

The Florida Bar has been proactive in setting guidelines for the ethical use of AI in legal practice. These guidelines emphasize the importance of understanding the technology, ensuring client confidentiality, and obtaining informed consent from clients when AI tools are used.





# Informed Consent

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Lawyers are required to inform clients about the use of AI tools in their cases. This includes explaining the technology's capabilities, limitations, and any risks involved, ensuring that clients can make informed decisions about their representation.

If the use of a generative AI program does not involve the disclosure of confidential information to a third party, a lawyer is not required to obtain a client's informed consent pursuant to Rule 4-1.6.

**Example:** A lawyer using AI for legal research must explain to the client how the AI works, the type of data it processes, and the potential for any inaccuracies.

**Citations:** Florida Bar: Proposed Advisory Opinion 24-1



# Practical Steps for Lawyers

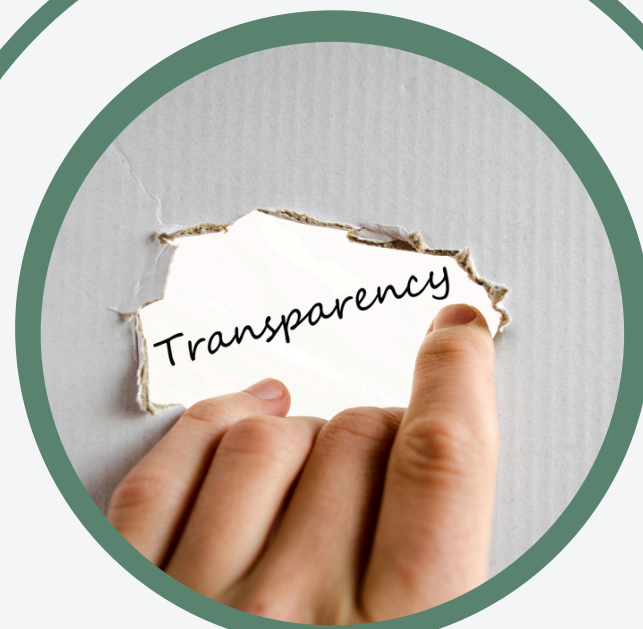
Education



Risk Management



Transparency



Regular Review



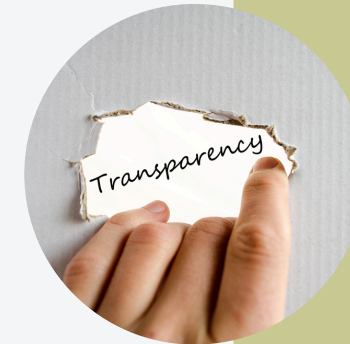
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## EDUCATION

Continuously educate yourself on AI developments.

**Example:** Attend workshops and webinars on AI in law.



## TRANSPARENCY

Clearly communicate AI usage to clients.

**Example:** Include an AI usage clause in client agreements.



## RISK MANAGEMENT

Implement strong data protection measures.

**Example:** Use encrypted AI tools to analyze client information.



## REGULAR REVIEW

Periodically audit AI tools for compliance and effectiveness.


**Example:** Schedule monthly reviews of AI tool outputs for quality assurance.





# Conclusion

Ethical AI usage involves competence, confidentiality, supervision, and addressing bias.



**Let's commit to staying informed and vigilant about AI's role in our practice!**



*Thank You!*

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# References



- Florida Bar News: Florida leads ethical AI adoption
- JDSupra: "My AI Did It!" Is No Excuse for Unethical Conduct
- ABA: Model Rule 8.4(g) Misconduct
- ABA Journal: Ethics opinion on AI
- New York Bar: Task Force on AI and Law
- Florida Bar: Advisory Opinion 24-1
- Florida Bar: Rule 4-1.1 (Competence)
- Florida Bar: Rule 4-1.6 (Confidentiality of Information)
- Florida Bar: Rule 4-5.3 (Responsibilities Regarding Nonlawyer Assistants)

