Appendix 2:

Sample Artificial Intelligence and Generative Artificial Intelligence Use Policy

1. Purpose

This policy establishes guidelines for the ethical, responsible, and efficient use of Artificial Intelligence (AI) and Generative Artificial Intelligence (GAI) technologies within the law firm. It aims to ensure compliance with legal and ethical standards, safeguard client confidentiality and uphold the highest level of professional conduct while harnessing the benefits of AI and GAI tools.

2. Scope

This policy applies to all individuals who currently use or plan to use AI and GAI tools to support the practice of law, including employees, partners, associates, contractors, vendors, finance and accounting professionals, billing companies and law firm staff members.

Note: To comply with RPC 1.1, attorneys must reasonably understand the technology they use, including its risks and proper usage. They must also diligently protect confidentiality and privilege. When considering AI tools and services, attorneys should only use credible vendors that provide adequate safeguards to fulfill their professional responsibilities under the RPCs.

3. Definitions

3.1. Artificial Intelligence (AI): Computer systems simulate human intelligence processes, including learning, reasoning, and self-correction ("Artificial Intelligence | NIST," 2024).

3.2. Generative Artificial Intelligence (GAI): A subset of AI focused on creating new content, such as text, images, or audio, based on patterns learned from training data ("Artificial Intelligence | NIST," 2024).

4. Approval and Oversight

4.1. Any use of AI or GAI tools must receive approval from the firm's designated AI Oversight Committee before implementation.

4.2. The AI Oversight Committee is responsible for evaluating each AI or GAI tool's potential benefits, risks, and ethical implications and determining its suitability for firm-wide use.

4.3. The AI Oversight Committee conducts regular audits and assessments of AI and GAI tools to ensure ongoing compliance with this policy and relevant laws and regulations.

4.4 List the Firm's AI Oversight Committee members here:

5. Ethical and Legal Compliance

5.1. All usage of AI and GAI tools must adhere to applicable laws, regulations and professional ethical standards, including the Rules of Professional Conduct (RPCs) governing client confidentiality, data protection and intellectual property.

5.2. AI and GAI tools shall not be used to engage in or promote discriminatory, biased or unethical practices.

5.3. The firm shall maintain transparency with clients when using AI and GAI tools on their matters and obtain informed consent when necessary.

5.4. Only GAI or AI tools designed explicitly for legal matters and with sufficient client data protection should be used for specific legal issues. No public-purposed AI tools should be used for specific legal matters, and no client or other sensitive or regulated data should be shared with public-purposed AI tools.

6. Data Protection and Confidentiality

6.1. Any data used for training or operating AI and GAI tools must be appropriately secured and protected by the firm's data protection policies and relevant laws and regulations.

6.2. Strict access controls require only authorized personnel to use AI and GAI tools and access associated data. While ensuring this does not happen in today's remote work environment is complex, a strict compliance model and proper use of standard security technology like VPNs will provide incentives for correct usage and consequences for policy violation.

6.3. Necessary technical and organizational measures are implemented to prevent unauthorized disclosure or exposure of confidential client information through AI and GAI tools.

7. Human Oversight and Review

7.1. All outputs generated by or with the assistance of AI and GAI tools must undergo review and validation by qualified human professionals before use in any legal matter (every review is cataloged for audit purposes).

7.2. AI and GAI tools augment and support human expertise, but do not replace it. Human professionals must make all final decisions and judgments.

7.3. Clear protocols are established for escalating issues or concerns related to AI and GAI tool outputs to the appropriate supervisory authority.

8. Training and Education

8.1. All personnel using AI and GAI tools must receive comprehensive training on their proper use, limitations and potential risks before using them for any firm matter or activity.

8.2. Ongoing education and resources are provided to ensure personnel stay informed about AI and GAI technologies' developments and best practices in the legal profession.

9. Intellectual Property and Ownership:

9.1. The firm respects third parties' intellectual property rights in developing, training and using AI and GAI tools.

9.2. AI or GAI models, algorithms or outputs developed using the firm's resources or data are considered the firm's intellectual property unless otherwise agreed upon.

10. Monitoring and Review

10.1. The AI Oversight Committee continuously monitors AI and GAI tools' use and performance to identify potential issues, biases or errors.

10.2. The AI Oversight Committee regularly reviews and updates this policy to ensure continued relevance and effectiveness amid evolving technologies, legal standards and ethical norms.

10.3. Audits of work products created with GAI or AI are regularly performed to ensure accuracy, and the human review record is checked as part of this process.

11. Enforcement and Reporting

11.1. Violations of this policy may result in disciplinary action, including termination of employment or position in the firm, regardless of what the level of that position may be.

11.2. All personnel must report suspected policy violations or concerns regarding the usage of AI and GAI tools to the AI Oversight Committee or firm management.

12. Acceptance

As AI becomes more common, it will become increasingly important to understand its place in an expanded system of practice. It is important to note that this technology may change significantly and often. As such, it is the shared responsibility of all employees to maintain an understanding of the latest developments, risks and best use cases AI can provide.

By implementing an AI and GAI use policy, the law firm underscores its commitment to the ethical, responsible and compliant use of these technologies while using their potential to enhance the quality and efficiency of legal services provided to clients.