SAMPLE AI ACCEPTABLE USE POLICY

Purpose

This AI Acceptable Use Policy outlines the guidelines for the use of Artificial Intelligence ("AI") tools by [Law Firm Name] ("Firm"). It applies to all attorneys, staff, contractors, and affiliates ("Users") who have access to the Firm's systems and data. The purpose of this policy is to protect client confidentiality, ensure ethical compliance, and maintain professional standards.

Scope

This policy applies to all AI tools used for client service, administrative operations, or legal functions. AI tools may be proprietary, third-party, or integrated into software the Firm already uses. "AI Tools" refers to any software that generates content in response to a prompt, including, but not limited to images, text, code, video, or other content.

Ethical Standards

All Users must comply with the North Carolina State Bar Rules of Professional Conduct including but not limited to Rule 1.1 (Competence), Rule 1.4 (Communication), Rule 1.5 (Fees), and Rule 1.6 (Confidentiality), along with 2024 Formal Ethics Opinion 1 (Use of AI in a Law Practice) and 2011 Formal Ethics Opinion 6 (Subscribing to Software as a Service).

Acceptable Use Standards

To ensure Users meet ethical compliance and professional standards, the following guidelines must be followed:

- **Vendor Approval**. Only vendors vetted and approved by the Firm may be used. Personal AI accounts and AI tools not approved by the Firm are prohibited from use for Firm or client work.
- **Confidentiality**. AI Tools may only be used as approved by the vendor approval process. AI tools must comply with data privacy laws and confidentiality requirements before any data that is confidential, proprietary, or otherwise protected is shared with the AI.
- **Client Consent**. The Firm discloses AI use to clients by including language in its standard terms of engagement, as follows: [Insert Firm Language Here] (Sample language options are included with this guide.)
- **Professional Judgment**. Attorneys are solely responsible for the final work product. AI outputs must be reviewed by an attorney to apply professional judgment and make critical decisions on any client matter.
- **Accuracy and Verification**. All content generated by AI Tools must be reviewed by an attorney and verified to be accurate and acceptable before use in client matters.
- **Training and Communication**. Attorneys and staff must receive training on ethical use of AI, including benefits, risks, and best practices. The Firm encourages attorneys and staff to discuss any concerns or issues they encounter when using AI tools.

Prohibited Uses

The following uses are prohibited:

- Sharing confidential, proprietary, or otherwise protected information with an unapproved tool.
- Inputting any confidential, proprietary, or otherwise protected information into any consumer or free-tier AI tool, including personal accounts.
- Generating legal advice, case analysis, or filings without the oversight of an attorney's professional judgment.

- Presenting any AI-generated output regarding a client matter without completing verification protocols to ensure accuracy.
- Using AI for an adverse decision regarding a person. Such decisions require professional judgment. Any AI output on the subject must be reviewed for bias, accuracy, and compliance with laws, regulations, and the rules of professional conduct.
- Any use that violates this policy, the client's engagement terms, or outside counsel guidelines.
- Any use that violates local, state, federal, or international laws or professional ethical rules.

Verification Process

Any document containing AI-generated content that will be submitted to a court, arbitrator, or other tribunal is subject to the following verification process before submission, filing, or delivery.

- **Citations**. Verify every legal citation against a primary source. This includes case names, reporters, docket numbers, statutes, rules, and regulatory references.
- **Jurisdiction**. AI often misrepresents the jurisdiction of cited authorities in summaries. Confirm the jurisdiction of cited authorities.
- **Quotes**. Verify every quotation to a cited authority is accurate to the cited authority.
- **Holdings and procedural posture**. Confirm each cited case against the primary source for the court's ruling, reasoning, and procedural posture. Do not rely on the AI's summary.
- **Doctrinal reasoning**. AI-generated reasoning often sounds rational while applying the wrong doctrinal frame. Confirm that the legal tests, elements, or standard applied is correct and that the conclusion follows from it.
- **Bias and characterization**. Review cited authorities to ensure that there is no selective omission of unfavorable court rulings, no overstatements, and no omissions of controlling adverse authority.
- **Formatting and procedural rules**. Ensure any filings adhere to the court requirements, including any judge-specific procedural rules. This includes but is not limited to page and word limits, font type and spacing, caption formatting, and signature block formatting.
- **Attorney approval**. The responsible attorney must sign and date the verification form when completed. The form will be retained in the case file.

Billing Procedures

The Firm bills AI-assisted work in accordance with the North Carolina State Bar Rules of Professional Conduct, specifically Rule 1.5 regarding Fees and 2024 Formal Ethics Opinion 1 (Use of AI in a Law Practice). Generally:

- Operating expenses. AI that is integrated into existing programs should be treated as overhead and not billed to clients.
- Incurred expenses. The firm will identify AI platforms individually and determine whether charging per use is allowable and determine for each platform whether to bill as incurred expenses and at what cost.
- Hourly fee agreements. Firm will follow ethics rules for billing for actual time expended, including time spent prompting and reviewing output. Time saved will not be billed as part of hourly billing.
- Flat fee or contingent fee agreements. Firm will follow ethics rules for billing and will evaluate how to include efficiencies gained through working with AI tools into value billing, subscription billing, flat fees or contingent fee agreements. The responsible attorney shall review whether the agreed-upon rate remains reasonable when AI has been used to produce the work.

Incident Response

AI-related incidents or misuse must be promptly reported to the managing attorney immediately.

An AI incident includes:

- Inadvertent exposure of confidential, proprietary, or other protected information into an unapproved tool.
- Disclosure of confidential, proprietary, or other protected information through an AI tool's output.
- Submission of AI-generated content to a client, opposing counsel, court, or other third party that includes misstatements or other fabrications.
- Any provider breach, outage, or service disruption affecting firm data privacy.

AI-related incidents will follow the Firm's established data breach protocols.

Policy Updates

The Firm may review and update this policy to reflect changes in law, technology, or best practices. Users will be notified of any changes to the policy. Additional training may be required.

Acknowledgement

I acknowledge that I have read, understand, and agree to comply with this Policy. I understand that failure to adhere to this Policy may result in disciplinary action up to and including termination.

Signature: _____

Date: _____