

iapp

Courts

Clients

Professional  
judgment and  
responsibility

Attorney-client  
privilege

Client  
communication

Technological  
competence

# Professional and Ethical Considerations for AI Use in Legal Practice

Billing  
transparency

Accuracy and  
reliability

Confidentiality,  
privacy and data  
protection

Bias and  
fairness

Organizational  
accountability

Legislators

Regulators

| Domain                                              | Key challenges                                                                                                                                                                                                          | Considerations                                                                                                                                                                                           |
|-----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Professional judgment and responsibility</b>     | While AI can assist legal professionals, its use brings about new obligations with respect to competence, supervision, accuracy, transparency, governance and risk management.                                          | Legal analyses, decisions and conclusions may be informed by support from AI systems, but responsibility for them remains solely with legal professionals.                                               |
| <b>Technological competence</b>                     | Effective use of AI in the delivery of legal services requires an understanding of how AI systems function, including their capabilities, limitations and risks.                                                        | The growing use of autonomous and agentic AI systems introduces additional considerations regarding oversight and risk management.                                                                       |
| <b>Client communication</b>                         | Client expectations concerning the use of AI by legal professionals may vary depending on the nature and sensitivity of the matter, applicable legal requirements and organizational practices.                         | Transparency regarding the use of AI can play an important role in fostering trust in legal professionals and maintaining effective client relationships.                                                |
| <b>Attorney-client privilege</b>                    | The application of attorney-client privilege in the context of AI use is an evolving, unsettled field of law.                                                                                                           | Contractual terms, data handling practices, confidentiality protections and evolving judicial interpretations may all influence the applicability of attorney-client privilege in the context of AI use. |
| <b>Billing transparency</b>                         | AI can affect the efficiency, cost and delivery of legal services, which may influence how fees, expenses and value are assessed and communicated.                                                                      | As billing practices, fee structures and cost recovery approaches related to AI use continue to evolve, transparency may help to align client expectations with legal professionals' practices.          |
| <b>Confidentiality, privacy and data protection</b> | When evaluating AI tools, it is important to consider how data is collected, stored, processed, retained, deleted, shared and used for model development.                                                               | Organizations and legal professionals may use anonymization, deidentification and data minimization to reduce the amount of sensitive information processed by AI systems.                               |
| <b>Accuracy and reliability</b>                     | AI systems can hallucinate and generate inaccurate, incomplete or fabricated citations, quotations, legal authorities, factual assertions and legal analyses.                                                           | Organizations may implement review, validation and quality assurance processes to evaluate AI-generated work before it is relied upon or incorporated into legal workflows.                              |
| <b>Bias and fairness</b>                            | AI systems may reflect, reinforce or amplify biases present in training data, system design, deployment contexts or user interactions — all of which may affect the outputs upon which legal recommendations are based. | High-impact uses of AI, including those affecting rights, opportunities and access to legal services, may warrant additional scrutiny, testing, monitoring and human involvement.                        |
| <b>Organizational accountability</b>                | Reflecting the multidisciplinary nature of AI-related risks and opportunities, effective AI deployment can require coordination across legal, privacy, security, compliance, technology and business functions.         | Ongoing monitoring, evaluation and governance processes can help organizations adapt to evolving AI capabilities and emerging risks.                                                                     |