



### **Florida is the First State in the Country to Publish an Ethics Opinion on Lawyers' Use of Generative AI**

Others will soon follow (and in November 2023, California's Standing Committee on Professional Responsibility and Conduct published its "[Practical Guidance for the Use of Generative Artificial Intelligence in the Practice of Law](#)"), but for now, Florida is the first state to publish an ethics opinion devoted to the topic: [Florida Bar Ethics Opinion 24-1](#).

There's a lot of information in Florida's opinion: it covers confidentiality, competence, billing, and advertising. In short, lawyers are responsible for their work and should develop practices to ensure that the use of generative AI is consistent with existing ethical obligations. That means that there's nothing new here – it's just a new tool that lawyers are required to use within the bounds of the existing rules of professional conduct.

The opinion summarizes its guidance:

In sum, a lawyer may ethically utilize generative AI technologies but only to the extent that the lawyer can reasonable guarantee compliance with the lawyer's ethical obligations. These obligations include the duties of confidentiality, avoidance of frivolous claims and contentions, candor to the tribunal, truthfulness in statements to others, avoidance of clearly excessive fees and costs, and compliance with restrictions on advertising for legal services. Lawyers should be cognizant that generative AI is still in its infancy and that these ethical concerns should not be treated as an exhaustive list. Rather, lawyers should continue to develop competency in their use of new technologies and the risks and benefits inherent in those technologies.

If you have specific questions about AI, or wish to have some guidance in establishing AI strategies for your firm, please contact ARM counsel [Attorneys Risk Management](#).



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