

Generative AI: Your quick-start checklist

Generative artificial intelligence (AI) offers immense opportunities for lawyers and paralegals to expand their practice and enhance their service delivery to clients. But how do licensees wield the power of AI responsibly and in accordance with their professional obligations? This checklist provides a clear roadmap, offering practical steps and recommendations for integrating AI into legal workflows. Whether you are exploring the potential of generative AI, already using it, or seeking to optimize its usage, this checklist offers a structured approach from initial consideration to implementation of generative AI tools. By following these recommendations, you can effectively manage potential risks, protect your clients' interests, and ensure the responsible integration of generative AI in your law or legal services practice.

Note: Depending on the risks and safeguards related to different generative AI tools, you may not need to follow every recommendation listed. Licensees should exercise their own judgement in determining what steps are required in the specific circumstances of each situation.

BEFORE USING AI

Perform vendor due diligence

- Assess the generative AI vendor's experience, reputation, reliability, financial stability, and compliance with legal standards including data security and privacy laws
- Consider creating or utilizing a checklist or questionnaire to gather essential information during your evaluation process

Review the terms of service

- Thoroughly review the terms of service for the AI tool and identify potential conflicts with your professional obligations
- Understand the vendor's responsibilities in the case of data breaches, cyberattacks, or other risks of inadvertent disclosure

Identify limits and capabilities

- Conduct thorough research and experiment with the AI tool to gain a comprehensive understanding of its capabilities and limitations
- Consider how easily the AI tool integrates with your existing systems or software

Conduct testing and validation

- Determine [how the AI tool was trained](#)* (e.g., ask the vendor for information regarding the source of the dataset, how the data was labelled and validated, and what algorithms were used to train the AI tool)
- Use this information to identify and mitigate data biases and other risks

Assess competency and establish guidelines

- Evaluate your knowledge and proficiency in using the AI tool as well as your understanding of its advantages and potential risks
- Establish guidelines for utilizing the AI tool, ensuring that you and your employees have the requisite skills and information to navigate the tool competently and ethically

Develop communication protocols

- Identify scenarios where transparent communication about AI tool usage with a client is required to manage expectations and mitigate risk. Specify instances in which informed client consent should be obtained
- Establish clear and well-defined communication protocols for discussing AI usage with clients

Implement data safeguards

- Understand how the data you input into the AI tool is handled, stored, and protected
- Determine what security measures the vendor has in place to protect the AI tool from unauthorized access
- If necessary, establish additional protocols to protect confidential client information from inadvertent disclosure

Evaluate billing practices for AI usage

- Decide whether to pass on charges related to AI usage to clients. If so, ensure the fee charged is fair, reasonable, and promptly disclosed to the client
- Any arrangement related to passing on AI usage charges should be clearly documented in writing and explained to the client

WHEN USING AI

Incorporate a human verification process

- Integrate a [system or process](#)* of human verification to review AI-generated results and ensure their accuracy and reliability
- Identify tasks or legal processes where human judgment is critical, and the AI tool should **not** be employed

Maintain an audit trail

- Establish a systematic process for recording all prompts and inputs you or your employees provide to the AI tool
- Regularly review the audit trails to identify potential risks, anomalies, or other issues and take proactive steps to mitigate same

Prioritize client confidentiality

- Instruct AI users not to input prompts that could identify clients or specific legal matters
- Establish clear protocols for anonymizing or removing sensitive data used as prompts

Provide ongoing training and solicit feedback

- Offer continuous training to AI users to ensure they utilize the tool in a manner consistent with your legal and professional obligations
- Gather regular feedback on the AI tool's performance, usability, and areas that require refinement or improvement

Supervise AI usage by employees

- Educate AI users on appropriate prompts, including specifying which prompts to avoid. Emphasize the importance of maintaining confidentiality in all interactions with the AI tool
- Regularly monitor employee AI usage and consider implementing user permissions and access controls to limit input

Avoid copyright infringement

- Ask the AI vendor about whether the tool was trained with any restricted copyrighted content and if so, review the terms of use relating to such content
- Exercise your own judgement when dealing with AI-generated content and ensure you contribute your own expertise and insights to the outcome

AFTER USING AI

Evaluate performance and effectiveness

- Based on use, testing, and feedback, assess the impact of the AI tool on efficiency, accuracy, and productivity

Document AI-generated outcomes

- Maintain a record of the outcomes generated by the AI tool making sure to record instances where the AI recommendations were hallucinations or based on false or fabricated data

Conduct audit and compliance checks

- Conduct periodic compliance, ethical, and security audits to identify and address any vulnerabilities and to ensure ongoing compliance with your legal and professional obligations

Stay current on AI developments

- Keep up with the latest developments in AI to ensure compliance with evolving legal regulations, ethical responsibilities, guidelines, and standards

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