

Best Practices for Attorneys for Ethically Implementing Artificial Intelligence into Practice Using the ASPEN Framework*

Awareness and Education

1. **Continuous Learning:** Emphasize the importance of staying abreast of the latest developments in AI technology, with a focus on understanding evolving capabilities, limitations, and the legal landscape surrounding AI use in practice. This includes participating in ongoing legal education courses, workshops, and seminars dedicated to AI ethics and law.
2. **Comprehensive Understanding:** Encourage a deep dive into the operational mechanics of generative AI, including how LLMs are trained, their data sources, and inherent biases. This knowledge is crucial for identifying when and how to utilize these tools responsibly in legal practice.

Strategies and Protocols

3. **AI Usage Framework:** Develop a detailed framework for AI application within legal practices, addressing ethical considerations, data protection, and the balance between AI-generated insights and human judgment. This framework should include protocols for evaluating new AI tools before integration into practice.
4. **Ethical Decision-Making Protocols:** Formulate protocols that guide ethical decision-making when using AI, ensuring these tools are used in a manner that respects client confidentiality, privacy, and the pursuit of justice.

Preparation and Practice

5. **Guided Implementation:** Advocate for a structured approach to incorporating AI into practice, with emphasis on supervised use where human professionals evaluate AI suggestions for accuracy, relevance, and ethical compliance before application.
6. **Scenario-Based Training:** Implement training programs that simulate real-life scenarios where AI tools are employed, helping legal professionals to understand the nuances of AI interaction and its practical implications in varied contexts.

Education Again

7. **Ongoing Training and Development:** Stress the necessity of continuous education for all team members on the evolving nature of AI technologies, ethical

considerations, and best practices for responsible use, ensuring that the firm or legal department remains at the forefront of ethical AI application in law.

8. Professional Community Engagement: Encourage active participation in the broader legal and technological communities to facilitate the exchange of insights, experiences, and strategies for addressing AI ethics in law, promoting a culture of openness and continuous improvement.

Notice and Transparency

9. Transparent Client Relations: Ensure clear communication with clients regarding the use of AI in their cases, including an explanation of how AI tools assist, the benefits and risks involved, and the measures taken to safeguard their interests and data.
10. Ethical Disclosure Practices: Advocate for transparency in the use of AI, including the disclosure of AI involvement in legal advice, documentation, and strategy to clients, opposing parties, and courts as ethically appropriate, fostering trust and integrity in legal practice.

Key Takeaway

Reinforce that while AI offers transformative potential for legal practice, its use must be carefully managed to uphold ethical standards, professional responsibility, and the commitment to justice. The ASPEN approach offers a structured pathway to navigate these challenges, ensuring that AI tools enhance, rather than compromise, the quality and integrity of legal services.