



KEY POINTS TO CONSIDER BEFORE AGREEING TO ALLOW AI/ASR NOTETAKING APPS IN DEPOSITIONS

- **Disclosure and consent are crucial:**

Videoconferencing platforms normally have a setting to deliver a consent request before a meeting can be recorded. However, third-party AI notetakers and ASR transcribers generally do not. Wiretap statutes vary from state to state. For this reason, the consent of all participants should be obtained through other means, such as orally, before deploying the notetaking app. “Requiring explicit consent from all meeting participants before enabling transcription services may serve as a risk mitigator.” [Perkins Coie](#), [Jackson Lewis](#)

- **Data privacy:**

Zoom and other AI/ASR companies claim not to use your confidential meeting data to train their AI models. “When an unlicensed AI notetaker or transcriber is used, the meeting recording and output from the technology are often retained in the AI’s own cloud environment and used by developers to further train the AI engine.” [McLane Middleton](#)

- **Accuracy limitations:**

AI notetaker companions often do not accurately capture the nuances of a conversation, so review summaries carefully before relying upon them.

- **Check your company policies:**

Just like any other application, note-taking apps can be vulnerable to malware, including spyware, ransomware, or other malicious software. Consult your company's IT department or legal counsel for clarification. “Downloading unknown or unsolicited programs or files can be dangerous because they may contain viruses, malware, or content that could harm your computer, compromise your personal data, or lead to potential security risks.” [UC Santa Clara](#)

- **AI notetaker apps are sneaky:**

Many AI notetaker apps can bypass the waiting room even though participants cannot, so they are harder to catch. They can supersede your Zoom recording and essentially steal it. “Be aware that even if you mute yourself, some AI apps can override your mute and listen to and transcribe what you say while muted.” [University of Wisconsin - Madison](#)

- **Liability for data loss or inaccuracies:**

The ABA's [Formal Opinion 512](#) states, “regardless of the level of review the lawyer selects, the lawyer is fully responsible for the work on behalf of the client.” Use of AI and ASR notetaking apps is inherently risky. Review all user agreements carefully and consider whether apps and third parties can be trusted with your clients' sensitive data.

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