

Legal Technology Advisory Committee
Subcommittee on AI and Legal Professionals
Expanded Outline prepared in advance of 3.12.2026 Meeting

Expanded Outline

Note: Many of these sub-topics overlap and will implicate similar issues, guidance and discussion. Feel free to consolidate and/or add sub-topics as appropriate.

1. Rules/guidelines/policies to address the risk of misuse and the risk of inaccurate or biased outputs.
 - a. Identify the categories of professionals subject to the policy.
 - b. Should absolute limits exist? AI for sentencing, jury selection.
 - c. Use case categorization
 - d. What minimum review of work product must be undertaken to meet these standards; what guidelines for addressing those who do not meet this standard?
 - e. Secure client confidential information
 - f. Transparency and disclosure guidelines or standards
 - g. Auditing and monitoring AI usage - hard and soft controls
 - i. For court staff: standards for requiring AI use reporting to supervisor/reporting accidental AI use.
2. Recommendations for legal professional education on use of AI tools: technological competence, skills/habits to avoid overreliance, best practices for producing accurate and unbiased outputs, duty to supervise, bias awareness
 - a. Should CLE standards be adjusted?
3. Best practices for designing and developing AI for legal professionals in order to minimize inaccurate or biased outputs.

4. Quality control standards for legal AI tools targeted to legal professionals, including protection of confidential client information.
5. Vendor requirements, or guidance on vetting or testing legal AI tools for security, privacy, accuracy, bias, ownership of information, and training on client data
6. Confidentiality:
 - a. Should rules address whether privilege attaches to AI workproduct/communications with AI tools?
 - i. Open vs. closed, paid vs. free AI applications.
 - ii. Court/county provided vs outside vendor applications.
 - iii. What is subject to CORA/PAIR requests?
 - b. May legal professionals require clients to execute waivers of confidentiality in their client agreement documents (to address the ToS of their AI tools)?