GENERATIVE AI IN LEGAL PRACTICE:
OPPORTUNITIES, RISKS, AND BEST PRACTICES
TOOLKIT INSTRUCTIONS

TOOLKIT INSTRUCTIONS

This toolkit introduces practical guidance on the Rules of Professional Conduct and the implications when using Generative Artificial Intelligence (GAI). This one-hour course provides attorneys with a foundational understanding of GAI and its growing role in the practice of law. Participants will explore how AI-driven tools can enhance efficiency in areas such as document automation, contract analysis, and litigation support, while also addressing ethical considerations, including confidentiality, bias, and professional accountability. Through real-world examples, the course will equip attorneys with practical strategies for integrating AI responsibly, ensuring compliance with the Rules of Professional Conduct, and making informed decisions about AI adoption in their legal work. This toolkit is designed as a one-hour technology MCLE that can be taught to your organization's membership online or in person. It includes a lesson plan, a PowerPoint presentation, interactive polling questions, and course handouts, including a detailed outline with additional citations to accompany the slides for the participants. This toolkit was prepared by the State Bar of California's Office of Professional Competence. The information and resources provided in this PowerPoint presentation and accompanying lesson plan are for educational purposes only and do not constitute advice on any legal or attorney professional responsibility issue addressed herein.

TEACHING ATTORNEYS

We recommend that the faculty acknowledge that many in attendance have attended trainings about the Rules of Professional Conduct. This course is intended to build on knowledge of existing professional responsibility obligations and give attendees an opportunity to explore how GAI intersects with existing professional responsibility obligations.

In teaching a preventive curriculum, it is easy to slip into creating an atmosphere based on fear; that the licensee will get disciplined for something improper. We encourage you to avoid any inferences that the idea behind this course is to avoid discipline. Discussion should concern the rationale for rules and their importance, as well as the importance of maintaining professional standards. In sum, this course is designed to help licensees navigate the ethical considerations of using GAI in the practice of law. It equips attorneys with the knowledge to assess when and how AI tools can be used responsibly while ensuring compliance with their professional obligations, including client confidentiality, competence, and avoiding bias.

GIVING CLEAR ANSWERS

Answer questions as they arise rather than leaving them outstanding. At the beginning of the course, indicate you will not take practice-specific questions; instead, advise participants to contact the State Bar Ethics Hotline at 800-238-4427. When referring participants to the Ethics Hotline, please remind them that is a research service, and the Hotline cannot provide legal advice. If you don't know the answer, model what a licensee should do to attempt to answer the question. For example, refer to the Rules of Professional Conduct and the course handouts when guiding discussions. Walk participants

through the ethical analysis by examining key factors such as the duty of competence, confidentiality, and the potential risks associated with the use of GAI. Encourage attendees to assess real-world scenarios, considering issues like reliability, bias, and the appropriate level of human oversight. Sometimes, demonstrating the reasoning process helps attorneys develop a deeper understanding of how to apply ethical principles in practice.

LEARNING OBJECTIVES

By the end of the course, the licensee should be able to:

- Understand the Basics of GAI: Participants will gain foundational knowledge of GAI technologies, including key concepts and the types of GAI models that are most relevant to the legal field.
- Identify GAI Use Cases in Legal Practice: Participants will learn about specific use cases, including document automation, contract review, and litigation support, and understand how these tools can enhance efficiency and accuracy.
- Recognize the Benefits of GAI in Law: Participants will be able to list the major benefits of integrating GAI into legal practices, such as improved efficiency, reduced costs, and enhanced decision-making capabilities.
- Assess Risks and Ethical Considerations: Participants will explore potential risks associated with using GAI in legal settings, such as issues of bias, privacy, and accountability, and discuss the ethical implications of deploying AI tools.
- Apply Best Practices for AI Implementation: Participants will learn best practices for implementing AI technology in a legal environment, including how to choose the right tools, involve stakeholders in ethical considerations, and ensure compliance with legal standards.

COURSE DESCRIPTION

This one-hour course offers attorneys a concise introduction to generative artificial intelligence (GAI) and its implications for legal practice. Attendees will gain foundational knowledge of AI technologies, including GAI, learn practical use cases that can create efficiencies, and explore ways to implement GAI use in their legal practice.

The course will also cover the potential risks associated with GAI use, such as bias and confidentiality issues, and provide a framework for ethical GAI use in legal settings. Designed for attorneys looking to stay ahead in a rapidly evolving field, this course provides essential insights into the benefits and challenges of GAI in law, preparing participants to make informed decisions about AI adoption.

HYPOTHETICAL SITUATIONS

In this course, we teach the participants a general rule or principle, and then provide hypothetical situations to work through specific aspects of the rule or principle. The polling questions can be entered as Zoom polls or through another online presentation platform after the related hypothetical. Alternatively, you can ask these questions during the course and have participants respond in the chat or as part of an in-person discussion. Depending on the size of the group, you may want to debrief as a large group discussion by asking participants why they selected their answer.

POLLING QUESTIONS FOR GENAI IN LEGAL PRACTICE: OPPORTUNITIES, RISKS AND BEST PRACTICES

- [Instructions for creating polls using Zoom polls](#)
- [Instructions for creating polls using Teams polls](#)

*The correct answers are **highlighted and bold***.

[Slide 3] Polling Question:
Are you currently using generative AI in your legal practice?

(A) Yes
(B) No

Answer:
Either choice is correct. This provides faculty with an idea of the participants level of knowledge and primes the participant to begin thinking about their use of generative AI.

[Slide 15] Polling Question:
What is an ethical consideration Maria faces in this scenario?

(A) Ensuring the AI tool's data is up-to-date and relevant to her client's case.
(B) Deciding whether to inform her client about the source of her advice (the AI tool).
(C) Evaluating if the lower settlement range truly reflects her client's best interests.
(D) All of the above.

[Slide 27] Polling Question:
What ethical consideration did Larry fail to adequately address when using the generative AI tool?

(A) Ensuring the AI tool's outputs were free from technical errors.
(B) Verifying the legal accuracy and applicability of the AI-generated document.
(C) Maintaining confidentiality of the client's information used by the AI tool.
(D) Communicating the use of AI to the client and discussing potential risks.