

Law-Firm AI Policy Template

Mapped to ABA Formal Opinion 512 (July 29, 2024)

Opinion 512 places several professional duties on the lawyer, not the vendor: competence, confidentiality, communication, supervision, candor, and fees. This template groups those duties into four practical policy areas a small firm can actually maintain, with plain commitments under each.

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How to use this template

Replace the fields in [brackets], delete what does not apply to your firm, and have counsel review the result before you adopt it. Opinion 512 does not ban AI; it makes the lawyer responsible for the output.

Scope and definitions

1. “AI” means generative AI tools (general chat assistants, drafting and research tools) and AI features built into software the firm already uses.
2. Applies to everyone who touches firm or client work: attorneys, paralegals, staff, contractors, and temporary personnel.
3. Owner: [AI Governance Lead or Managing Partner]. Effective date: [date]. Review cadence: at least [quarterly].

POLICY AREA 01

Competence and Supervision

ABA 512 · Model Rules 1.1, 5.1, 5.3

The firm treats AI output as a draft prepared by a non-lawyer. A responsible lawyer reviews it before it leaves the firm, and the review is visible.

What 512 asks: technological competence now includes understanding the AI tools you use, and a supervising lawyer remains accountable for the result, not the vendor.

1. Everyone using AI for firm work keeps a working understanding of what the tool does, where it fails, and what it does with the information entered. The firm provides [annual] training and a short onboarding for each new tool.
2. A supervising lawyer reviews all AI-assisted work product for accuracy, completeness, and judgment before it reaches a client, an opposing party, or a tribunal. The reviewer, not the tool, is accountable.
3. For matters where AI materially shaped the work product, the firm keeps a brief review record: who reviewed, what was checked, and the date. See the supervision log in Appendix A.
4. [Name or role] owns AI governance for the firm and is the contact for questions, new-tool requests, and incidents.

POLICY AREA 02

Confidentiality

ABA 512 · Model Rule 1.6

Client information only enters tools the firm has approved and understands. Consumer-grade tools are not a place for client data.

What 512 asks: protect client information when using AI, which means knowing whether a tool trains on your inputs, who can access them, and where they are stored before any client data goes in.

1. Only tools on the firm's approved list (Appendix A) may touch client-identifying or matter information. [List the approved tools and their tier.]
2. No client confidential information is entered into a consumer or free-tier tool, or any tool whose terms permit training on inputs, without the client's informed consent. Business or enterprise tiers with a no-training, confidentiality-preserving posture are the default for client data.
3. Before approving a tool, the firm confirms in writing how it handles data: whether inputs train the model, where data is stored, who can access it, and how long it is kept.
4. Where a matter or client agreement requires it, the firm obtains client consent before using AI on that matter.

5. Incident response: if client information reaches an unapproved tool or an AI-related confidentiality incident occurs, [role] is notified the same day, the firm follows the steps in Appendix A, and affected clients are notified where required.

POLICY AREA 03

Communication, Drafting, and Candor

ABA 512 · Model Rules 1.4, 1.2, 3.3

Clients and courts get accurate work and, where it matters, an honest account of how it was made.

What 512 asks: verify AI output and be candid. Fabricated citations are the failure that produces sanctions, and several courts now require certifications about AI use.

1. No AI-generated citation, quotation, or factual assertion is filed or sent until a person has verified it against the primary source. Fabricated authority is the firm's highest-risk failure and is treated as such.
2. AI-assisted intake, drafting, and client communications are reviewed and approved by the responsible lawyer before they reach a client or a file.
3. Client disclosure: the firm discloses its use of AI when [a client asks, when AI use is material to the representation or the fee, or when the engagement or a court requires it]. Disclosure rules vary by jurisdiction; set this line to your state's requirement.
4. Candor to tribunals: the firm follows every applicable court standing order on AI use and certification, and verifies AI-assisted filings accordingly.

POLICY AREA 04

Fees and Operating Discipline

ABA 512 · Model Rule 1.5

Efficiency from AI is passed through honestly. The firm does not bill for time it did not spend.

What 512 asks: fees stay reasonable. Time saved by AI is not time worked, and costs charged for AI tools must be disclosed and reasonable.

1. The firm does not bill a client for time saved by AI as though it was worked. Billing reflects time and value actually delivered.
2. Where AI materially changes how a task is priced or staffed, the approach is [disclosed to the client or reflected in the fee agreement].
3. Any AI-tool costs charged to clients are reasonable, disclosed, and limited to what the client agreement permits.
4. At least [annually], the firm reviews whether its AI use is improving outcomes and margin, and adjusts.

SECTION 05

Governance and Recordkeeping

Operating discipline across all four policy areas

The policy is only real if it is maintained and the firm can show its work.

1. Approved-tool register: the firm keeps a current list of approved AI tools, each tool's tier, its data posture, and its owner. New tools are approved by [role] before use.
2. Supervision log: for matters where AI materially shaped the work product, the firm keeps the brief review record from Policy Area 01.
3. Training: all personnel complete AI-use training on adoption of this policy and [annually] after; records are kept.
4. Policy maintenance: [role] reviews this policy at least [quarterly] and whenever a material change in the rules, the tools, or a court order warrants it. Material changes trigger re-acknowledgment.
5. Acknowledgment: everyone bound by this policy signs Appendix B on adoption and on each material revision.

APPENDIX A

The documentation Opinion 512 rewards

Artifacts a firm should be able to produce on request. Keep them current.

- ☐ Written AI use policy (this document, adapted and adopted)
- ☐ Approved-tool register, with each tool's data-handling posture
- ☐ Vendor or data-processing terms on file for each approved tool
- ☐ Supervision and review log for AI-assisted work product
- ☐ Incident response procedure for AI-related confidentiality events
- ☐ Client disclosure stance, set to your jurisdiction's requirements
- ☐ Training records and signed acknowledgments
- ☐ A named AI governance owner

APPENDIX B

Acknowledgment

I have read the [Firm Name] AI Use Policy and agree to follow it. I understand that I am responsible for reviewing AI-assisted work and for keeping client information out of tools the firm has not approved.

Name: _____ Role: _____

Signature: _____ Date: _____

See where your firm stands. The free ABA 512 self-audit at efficient.esq/aba-512 scores your operating model against these policy areas in about four minutes. Educational, not legal advice.