

The Ethics of Artificial Intelligence

Presented by



Brielle Hunt, Phelan Petty

Ashley Davoli, Sands Anderson

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12-1 PM

1 hour CLE (Ethics) pending

Artificial intelligence is rapidly becoming part of everyday legal practice—but the ethical rules governing its use continue to evolve. For Virginia litigators, the questions are no longer simply whether AI can be used, but how, when, and under what circumstances its use creates professional responsibility concerns.

This one-hour, interactive program examines the ethical implications of AI in Virginia legal practice through a plaintiff/defense point-counterpoint format. Presenters will cover Virginia LEO 1901 concerning reasonable fees and AI-assisted work, proposed LEO 1902 addressing an attorney's obligations when opposing counsel's filings contain suspected AI-generated hallucinations, and the increasingly complex patchwork of Virginia state and federal court requirements concerning AI disclosure, certification, and verification.

The session includes interactive hypotheticals addressing real ethical dilemmas litigators face when integrating AI into billing, research, and court filings. Presenters will consider where the ethical lines may fall differently depending on whether you represent the plaintiff or the defense—and where the obligations are the same for every Virginia lawyer.

Who Should Attend: This program is designed for Virginia attorneys and paralegals who use, supervise, or encounter artificial intelligence in litigation practice.

AGENDA

1. AI Is Here—Now What Are Our Ethical Obligations?

- How AI is currently being used in litigation practice: research, drafting, discovery, billing, client communications, and trial preparation
- Rules of professional conduct still matter when technology changes

2. AI-Assisted Work & The Reasonable Fee Question: LEO 1901

- What constitutes a reasonable fee when AI contributes to legal work?
- Can a lawyer bill a client for AI-assisted work?
- What must the lawyer disclose to the client, if anything?
- How should attorneys account for AI-related costs?
- If AI allows a lawyer to accomplish in 15 minutes what previously took an hour, what—if anything—can the lawyer ethically bill the client? Does the answer change depending on the type of matter or fee arrangement?

3. When Opposing Counsel's Brief Doesn't Look Quite Right: Proposed LEO 1902

- Identifying potential fabricated cases, quotations, citations, or factual assertions
- What happens when an attorney suspects opposing counsel has submitted AI-generated hallucinations?
- When does an ethical obligation arise to bring suspected AI-generated errors to the court's attention?
- Professionalism and the danger of turning AI mistakes into a litigation weapon
- Is it zealous advocacy to expose opposing counsel's AI mistake—or does the duty of professionalism require something more?

4. AI & The Courtroom: Disclosure, Certification & Verification

- Virginia court requirements and emerging guidance
- Federal court rules, local requirements, and judge-specific AI policies
- When attorneys may be required to disclose AI use
- Certification requirements and representations made to the court
- The difference between using AI as a research/drafting tool and submitting AI-generated content
- What "reasonable verification" should look like in practice
- If an attorney independently verifies an AI-generated brief, does the attorney still need to disclose that AI was used?

5. Interactive Hypotheticals: AI Ethical Dilemmas in the Real World

Attendees will be presented with short scenarios and asked to determine “Ethical,” “Not Ethical,” or “It Depends.”