**Friday, 6 December 2024**

**AI guidance to safeguard consumers of legal services**

**Legal profession regulators from across the three Uniform Law states have jointly issued a statement to guide lawyers in their responsible and ethical use of artificial intelligence (AI).**

The Law Society of NSW, the Legal Practice Board of Western Australia, and the Victorian Legal Services Board and Commissioner, have put forward a set of common principles. The aim is to help to protect clients from risk, ensure the technology is used for their benefit, and preserve the proper administration of justice.

The statement applies to solicitors in NSW and to solicitors and barristers in Victoria and WA, and is based on the ethical conduct rules and duties to which practitioners are legally bound.

President of the Law Society of NSW Brett McGrath said the adoption of the statement reflects the need and willingness of lawyers to adapt to changing technology to better serve their clients and the law.

“In more than 200 years of legal practice in Australia, technology has evolved from parchment and quill to digital communication, remote working and most recently, the widespread availability of AI. This statement reflects lawyers’ commitment to upholding the rule of law, protecting individual rights and freedoms and promoting access to justice,” Mr McGrath said.

“I’m particularly pleased to be able to launch this statement, in partnership with legal profession regulators in Victoria and Western Australia, given assisting the solicitor profession with the challenges and benefits of AI is one of my President’s Priorities for my term leading the Law Society of NSW this year.”

Victorian Legal Services Board CEO and Commissioner Fiona McLeay said AI presents opportunities and risks not only for the profession, but also for consumers of legal services.

“Understanding the capabilities and limitations of AI tools is important for lawyers, not only because they may use it themselves, but also so they can provide trusted guidance to their clients,” Ms McLeay said.

“As the legal profession and the wider community adapt to the rapidly changing digital landscape, consumers will need a reliable source of advice – both on how they can lawfully use AI, and defend their interests if they have been adversely affected by a third party using these technologies.”

Chairman of the Legal Practice Board of Western Australia Matthew Howard SC said the joint statement clarifies the expectations legal profession regulators have of lawyers when they use AI tools in their legal work.

“The ethical standards and professional obligations of lawyers, as set out in the *Legal Profession Uniform Law* and conduct rules, apply equally to the use of AI as to any aspect of a practitioner’s work. They must continue to maintain these high standards when using AI or any other legal technology,” Mr Howard said.

“As AI continues to evolve, regulators in the Uniform Law jurisdictions have committed to regularly review and update our guidance on AI for lawyers.”

The *Statement on the use of artificial intelligence in Australian legal practice* applies to the use of AI tools, and lawyers’ existing ethical obligations to:

* Maintain client confidentiality;
* Provide independent advice;
* Be honest, and deliver legal services competently and diligently;
* Charge costs that are fair, reasonable and proportionate.

The statement also notes that lawyers who are using AI should consider:

* developing clear, risk-based policies to minimise data and security breaches;
* limiting the use of AI tools in their practice to lower-risk tasks, such as an initial draft of an email, and not using AI for higher risk tasks, like translating legal advice into another language; and
* being transparent about their use of AI, and disclosing to their clients and the court when and how they have used the technology – where necessary or mandated by the rules of court.

You can access the full statement [here](https://lsbc.vic.gov.au/news-updates/news).

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