

AI FOR LAWYERS ACADEMY

FREE CHECKLIST

ABA Formal Opinion 512 Compliance Checklist

Turning the six duties for generative AI into practical steps for
lawyers and firms

ABA Formal Opinion 512 (July 29, 2024) explains how the ABA Model Rules apply to lawyers' use of generative AI. It is persuasive guidance; your obligations come from the rules of the jurisdictions where you practise, and some have added requirements (for example Colorado's 2026 rule amendments, New York's Part 161 and California's SB 574, effective January 1, 2027). Use this checklist alongside your local rules.

1. Competence (Rule 1.1)

- ☐ I understand how each AI tool I use works, including whether it is grounded in a legal database.
- ☐ I know the tool's main limitations, including its tendency to produce plausible but false content.
- ☐ I have set a verification standard for each type of task (brainstorming, drafting, research, filings).
- ☐ I verify AI output to an appropriate degree before relying on it.
- ☐ I keep up to date with developments in the tools I use.

2. Confidentiality (Rules 1.6, 1.9(c), 1.18(b))

- ☐ I have read, or had someone qualified review, each tool's terms of use, privacy policy and data-retention terms.
- ☐ Client work is done only on approved tools whose terms prohibit training on our data.
- ☐ No one uses personal or free AI accounts for client matters.
- ☐ I input only the information the task requires and anonymise where possible.
- ☐ Before inputting confidential information into a tool that may learn from it, I obtain the client's informed consent (not boilerplate in an engagement letter).

3. Communication (Rule 1.4)

- ☐ I tell clients about AI use when they ask.
- ☐ I follow engagement terms and client instructions (including outside counsel guidelines) on AI.
- ☐ I disclose AI use where informed consent is needed.
- ☐ I disclose AI use where its output will influence a significant decision in the representation.
- ☐ Our engagement letter describes our approach to AI.

4. Meritorious claims and candor (Rules 3.1, 3.3, 8.4(c))

- ☐ Every citation and quotation in a filing is personally read and verified.
- ☐ AI-assisted filings are checked for misstatements of law or fact and omitted controlling authority.
- ☐ I check statutes, court rules and standing orders on AI use or disclosure for every court I appear in.
- ☐ If an error is discovered, I correct it promptly and candidly.

5. Supervision (Rules 5.1, 5.3)

- ☐ The firm has a written AI use policy.
- ☐ There is a register of approved tools and permitted uses.
- ☐ Lawyers and staff are trained on approved tools, confidentiality and verification.
- ☐ Vendors are vetted for security, data handling and contractual protections.
- ☐ Supervisors know how their teams use AI.

6. Fees (Rule 1.5)

- ☐ On hourly matters, we bill only actual time, including review and verification.
- ☐ Flat fees are reviewed to ensure they remain reasonable where AI increases efficiency.
- ☐ We do not charge clients for time learning general AI tools.
- ☐ General-purpose AI costs are treated as overhead.
- ☐ Any matter-specific AI expense is reasonable and agreed in advance.

Training and supervision log

Date	Name	Training or review	Tools covered	Signed off by

Resources

Free tools: AI Use Policy Generator, Client AI Disclosure Clause Generator, AI Citation Checker and State Bar AI Guidance Navigator at <https://www.aiforlawyersacademy.com/tools/>. Full guide: <https://www.aiforlawyersacademy.com/blog/aba-formal-opinion-512-explained/>