POLICY ON USE OF ARTIFICAL INTELLIGENCE

First Adopted July 24, 2024
Updated April 30, 2026

POLICY OBJECTIVES:

The purpose of this policy is to establish a framework for responsible and effective use of artificial intelligence (AI) technologies within **Dunlap Law PLC**. This policy aligns with the Firm's commitment to client service, data privacy, confidentiality, and legal ethics. This policy applies to all employees, contractors, and any other individuals who have access to the Firm's systems, software, and hardware.

The term "AI" generally refers to Large Language Models, generative programs, and related tools that perform algorithmic functions on a particular data set. The technology develops responses intended to mimic human thought and expression.

AI technology is advancing rapidly, and use of these tools in law practice is increasingly prevalent. Although AI can enhance productivity in some instances, responsible use of AI is essential to protect client confidentiality, maintain high standards of legal service, and avoid potential risks unique to the technology.

Improper use of or reliance on AI can result in (a) the risk that AI will introduce or reproduce false or misleading content, (b) increased potential for disclosure of confidential or proprietary information, including materials subject to copyright protection or work product privilege, and (c) privacy risks related to potential exposure of data.

This policy sets forth guidelines toward achieving the following objectives:

1. To promote the safe and effective use of AI tools, including those designed for legal use.
2. To mitigate the risks that AI could generate false or misleading outputs.
3. To maintain the confidentiality and integrity of firm and client data.
4. To comply with emerging laws, regulations, and guidelines concerning AI.
5. To stay informed about developments in AI as these technologies evolve.
6. To encourage informed communication with clients and within the firm about AI use.

This policy is intended to inform the Firm's lawyers and other staff of generally accepted practices to help minimize the risks of AI usage and to ensure Dunlap Law's compliance with the Virginia State Bar's Rules of Professional Conduct.

POLICY RULES:

1. **Training and Education:** Dunlap Law will continually and regularly train lawyers and staff on effective and responsible use of AI tools. This includes understanding the limitations, risks, and uses for each tool or program, with particular emphasis on the limits of appropriate use in the legal profession. If you have not received training on effective AI use in the firm, ask for it. See Rule 1.1.
2. **Legal AI in Decision Making:** Even specialized legal AI tools should not be the sole basis for making critical decisions, especially when interpreting legal matters, drafting legal memoranda, or offering legal advice. AI outputs should serve as supportive tools for your work rather than definitive information or advice. You must perform independent verification of legal theories, factual assertions, supporting research, and conclusions. See Rules 1.3, 5.1, and 5.3.
3. **Confidentiality:** Many AI tools store information that users enter, and that information may be disclosed in response to future prompts from other users of that tool in the public domain. Therefore, in most cases, with exceptions for AI tools designed to comply with legal ethics rules, disclosure of information to an AI tool should be considered public disclosure of that information. Do not upload or share to an AI tool any data that is confidential, proprietary, or otherwise protected unless use of the AI tool is subject to appropriate contracts safeguarding the confidential nature of the input and the AI tool has been assessed and approved for such use so that the firm's and client's data are not in the public domain. This includes, but is not limited to, client data, internal documents, meeting recordings, and financial information. AI tools without appropriate safeguards may inadvertently distribute this information, jeopardizing client trust and firm operations. In no circumstance should any client's personally identifiable information be shared or disclosed in an open AI environment. See Rule 1.6.
4. **Validation and Oversight:** AI technologies are known to create errors and fabrications ("hallucinations") in the absence of human judgment. Any content generated by AI technology must be considered an initial draft only. Always cross-check with reliable sources to validate AI outputs, including citations. Especially in the legal domain, the stakes are high, and results generated by AI should never be accepted without human verification. Even AI tools designed for legal work can misinterpret context or overlook nuances. Also, never assume that content generated by AI is free from copyright or other protections as it could have been wrongfully or mistakenly shared into the AI's learning environment. See Rules 1.3, 5.1, and 5.3.
5. **Authorization for Use of AI Tools – Firm Authorization:** AI tools and usage must meet the legal profession's ethics rules regarding the management, protection, and storage of confidential data. Before approving any AI tool for use, the firm will conduct due diligence to assess its safety, compliance standards, and relevance to the firm's needs. Lawyers should refrain from knowingly installing or accessing AI-assisted plugins or tools without authorization from the firm's managing partner or IT specialist. AI tools should be subject to appropriate contractual terms regarding confidentiality of inputs, and these terms must be reviewed carefully and approved before acceptance. See Rules 1.3, 5.1, and 5.3.

6. **Open Communication:** The firm encourages open communication about the use of AI and aims to foster a culture where lawyers and staff feel comfortable discussing any concerns and reporting any issues they encounter with AI tools. This will allow the firm to address potential problems proactively for the best outcomes.
7. **Authorization for Use of AI Tools – Client Authorization:** The firm has included language anticipating AI use in its standard terms of engagement, as set forth here:

> **Consent to Use of Technology.** The Firm employs various technologies to assist in providing our services to our clients. These may include digital onsite and cloud-based systems for the storage, handling and transmission of client materials and data. They may also include digital legal research services such as Westlaw or LexisNexis and generative or artificial intelligence platforms (as approved by the Firm) to conduct research, develop work product or otherwise assist in providing services. The Firm employs reasonable measures to protect against the improper disclosure of client confidential information when using these technologies. The Firm conducts training on proper and effective use of these technologies, engages knowledgeable technology contractors, and employs protective adjacent technologies such as firewalls, encryption and malware screening. Recognizing that there are risks in any method of storage, transmission and management of client materials and data, the client consents to the Firm's use of these technologies and acknowledges that the Firm is taking reasonable precautions comparable to those of similarly situated law firms and according to any applicable advisory opinions published by the Virginia State Bar governing the use of such technologies.
>
> See Rules 1.4, 1.6, and 7.1.