Supreme Court

STATE OF LOUISIANA
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New Orleans
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CHIEF JUSTICE
JOHN L. WEIMER

JUDICIAL ADMINISTRATOR
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January 22, 2024

By email to shayna@vernonbice.com
Shayna Sonnier
Louisiana State Bar Association, President
601 St. Charles Ave.
New Orleans, LA 70130

Re: The Emergence of Artificial Intelligence

Dear Ms. Sonnier:

Happy 2024! This new year is certain to present both challenges and opportunities to Louisiana's legal practitioners, and one of the more challenging and presenting a significant opportunity is the emergence of artificial intelligence (AI) technology and the use of this technology in the legal profession. Accordingly, the Justices have asked me to share the following comments with you.

As with any developing technology, AI appears to present both opportunities and concerns, and the use of such technology raises a host of possible issues from an ethics and professionalism standpoint. Although many applications of AI technology in the legal profession are new, the rules governing the bench and the Bar are not new and have been in place for decades. At the present time, the ethical and professional rules governing the bench and the Bar are robust and broad enough to cover the landscape of issues presented by AI in its current forms.

Regardless of the use of AI, attorneys practicing in Louisiana have always been ultimately responsible for their work-product and the pleadings they file in court, maintaining competence in technology, and protecting confidential client information and have a duty to avoid making misrepresentations of fact or law. *See, e.g.,* Rules of Professional Conduct 1.1, 1.3, 1.4, 1.6, 1.15, 3.1, 3.3, and 5.3; Louisiana Code of Civil Procedure articles 371 and 863. These obligations remain unchanged or unaffected by the availability of AI. Likewise, judges have always been ultimately responsible for their opinions and decisions, for maintaining

professional competence in judicial administration (which includes maintaining competence in technology), and for protecting confidential information. *See, e.g.*, Canons 1, 2A, 2B, 3A(1), 3A(4), 3A(7), and 3B(1) of the Code of Judicial Conduct.

Many applications of AI technology in the legal profession are in their nascent stages but are rapidly developing, and the applications and software currently being used (and the attendant ethical and professional issues) may look very different with the passage of even a short amount of time. The Louisiana Supreme Court Justices and staff will continue to monitor the development of this technology and its impact on the legal profession to determine what future action or rule changes may be necessary or appropriate. In particular, the Court's Technology Commission and Rules Committee are well-positioned to keep the Justices abreast of new developments and the potential need for any future Court action.

The Justices sincerely appreciate the work and leadership of the Louisiana State Bar Association. We note that the cover of the recently published Bar Journal had an article which addressed AI. Please share this communication with your members, and we ask that Bar leadership stay attuned to any developing issues associated with the emergence of AI technology in the legal profession as we navigate this new realm. We look forward to continuing to work with the Bar Association.

Sincerely,

David Becker

David Becker
General Counsel

Cc: All Justices
Judge Scott U. Schlegel, Louisiana Supreme Court Technology Commission Chair
Patricia Reeves Floyd, Louisiana Supreme Court Rules Committee Chair
Loretta Larsen, LSBA Executive Director