AI ETHICS QUICK REFERENCE

Florida Practice · Print, fold, keep on the desk

SIX CORE DUTIES

1. Competence *Rule 4-1.1*

Know what your tools can and cannot do. Don't assume confident output is correct output.

2. Confidentiality *Rule 4-1.6*

Recommended operating safeguard: do not enter client-confidential information into any AI tool unless the firm has approved the tool, reviewed its data retention, sharing, and self-learning/training terms, and obtained informed client consent when the use would disclose confidential information to a third-party AI provider. Additional due diligence on security, breach-notice, and IP ownership is good practice under Rule 4-1.1 competence obligations.

3. Oversight *Rule 4-5.3*

Use Rule 4-5.3 as the supervision model: treat AI output like work from an inexperienced nonlawyer assistant: review, verify, and keep legal judgment with the lawyer.

4. Candor / Filing Representation *Rules 4-3.3 and 2.515(d)(2), eff. June 15, 2026*

Verify every cited authority before filing. The signer represents that the legal authorities identified exist and are accurately cited. The court may impose sanctions for any filing inconsistent with that representation, after notice and an opportunity to be heard: reprimand, contempt, striking the document, dismissal, costs, attorney's fees. Failing to verify can violate Rules 4-1.1, 4-3.1, 4-3.3 and 4-4.1. Knowledge is not required for all of them.

5. Fees and Costs *Rule 4-1.5*

Do not inflate time because AI made the work faster. Charge only reasonable fees and costs. For hourly work, do not bill for time not actually spent. For flat-fee or contingent matters, make sure the fee remains reasonable. Before charging AI costs, inform the client, preferably in writing, of the intent to charge the actual client-specific cost. Do not prorate general subscriptions; treat them as overhead unless the actual matter-specific cost can be determined. Do not bill a client for your own learning curve on a tool.

6. Advertising and Client Intake *Subchapter 4-7, Rules 4-7.13 and 4-1.18*

AI chatbots communicating with clients or third parties must comply with applicable lawyer-advertising restrictions and clearly identify themselves as AI. Such chatbots must not be deceptive or misleading, and must clearly disclose that they are an AI program, not a lawyer or a firm employee. A chatbot that invites information can create a prospective-client relationship without anyone at the firm knowing.

BEFORE YOU HIT FILE

Verification checklist

- Every cited authority verified against the official source or a reliable legal research platform, with the text reviewed by the lawyer
- Each holding read in full, not just summarized
- Each authority checked in a reliable citator; negative or limiting treatment evaluated
- Every factual statement matched to source documents
- Florida state court: no separate AI disclosure or certification is required. Rule 2.515(d)(2) is the statewide standard
- Federal court and out-of-state matters: judge-specific AI orders still apply. Check them
- AI use documented when required by firm policy, client agreement, court order, or risk-management procedure

Stop and ask the supervising lawyer, managing partner, or AI lead if...

- You're using a tool not on the Approved Tools List
- You're about to paste client-identifiable data anywhere
- An AI output "feels off" but you cannot say why
- A judge's order requires AI disclosure. In Florida state court that order should no longer exist: escalate it. In federal court, follow it.
- An incident may have already happened

Three failure modes. None require a malicious vendor. All can be reduced with controls, supervision, and verification.

Hallucinated citation: verify every cited authority. | **Leaked intake**: never enter client data into unapproved tools. | **Brief that looked too good**: verify every source, quote, proposition, and factual assertion before filing.

Florida has the case. Capital Standard, LLC v. U.S. Bank National Association, No. 2D2024-1392, 2026 WL 2450571 (Fla. 2d DCA Aug. 21, 2026): 46 fabricated or unsupported citations across two briefs drew fines, liability for opposing counsel's fees, and a referral to The Florida Bar.

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Anchored to Florida Bar Ethics Opinion 24-1 (Jan. 19, 2024), Rule 2.515(d)(2) (eff. June 15, 2026) and AOSC26-12. Verify against current rules before relying on this card.

Book a free 15-minute assessment call to discuss (https://actionableai.s.gy/9Ei2uw)

Actionable AI

Download the free Florida AI Starter Playbook.

Eight practical resources for managing partners and firm administrators: a readiness checklist, five pilot workflows, a tool-approval scorecard, a lawyer verification checklist, and a 90-day plan. It is free, and the button below downloads it directly.

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Want a second set of eyes on which workflow to pick?