RICHMOND

CHAMBERS

AI Governance Guide

Effective 28 May 2025

1. Introduction & Purpose

This AI Governance Guide provides a framework for members of Richmond Chambers (Chambers") regarding the responsible, ethical, and professional use of Artificial Intelligence ("AI") tools in their legal practices.

Richmond Chambers acknowledges the increasing prevalence and potential benefits of AI in legal services while recognising the paramount importance of upholding our professional obligations, maintaining client confidentiality, and ensuring the integrity of our legal advice and representation.

This guide is designed to be a "living document". It aims to support our members, who operate as independent barristers, in navigating the evolving landscape of AI. It provides principles and practical guidance to help members make informed decisions about AI adoption and use, ensuring that such use aligns with their duties under the New Zealand Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008 ("RCCC"), the Privacy Act 2020, and other relevant legal and ethical standards.

The purpose is not to mandate specific tools or stifle innovation, but to foster a culture of responsible AI utilisation that enhances the quality of our legal services while mitigating potential risks. It seeks to balance the independence of individual practices with a collective commitment to best practice.

2. Core Principles for AI Use

Members of Richmond Chambers should adhere to the following core principles when considering or using AI tools:

- **Lawyer responsibility and accountability:** The individual barrister remains ultimately responsible and accountable for all work produced, advice given, and actions taken, irrespective of AI tool usage. AI is a tool to augment, not replace, professional judgment and expertise.
- **Competence and due diligence:** Barristers must ensure they have the necessary understanding and competence to use any AI tool appropriately and effectively. This includes understanding its capabilities, limitations, potential biases, and the terms of service (especially regarding data use and confidentiality). Diligence in selecting, vetting, and understanding the terms of AI tools is crucial.

- **Client confidentiality, data security, and consent:** Protecting client confidentiality and ensuring data security are paramount. When using AI tools, especially those involving third-party providers, members must:
  - Conduct thorough due diligence on the provider's data handling practices, security measures, and terms of use, similar to processes used for other third-party services like cloud storage.
  - Obtain informed client consent before using AI tools with their confidential or privileged information, particularly if the tool is external or processes data in a way that might otherwise not be anticipated by the client. Explain the implications, including how and where their data might be used or stored.
  - Prioritise AI tools and configurations that offer strong data protection and confidentiality assurances.
- **Accuracy and verification:** All AI-generated content or outputs must be critically reviewed, verified for accuracy and completeness, and independently validated by the barrister before use or reliance. Be aware of the potential for AI "hallucinations" or biases.
- **Transparency and client communication:** Beyond initial consent, maintain transparency with clients about the use of AI in their matters, particularly if it significantly impacts costs, data handling, or the nature of the service. Transparency in billing practices related to AI tool use is also important.
- **Ethical considerations and professional standards:** AI use must align with all professional ethical obligations, including the duty to the court, the duty to act in a client's best interests, and the duty to avoid misleading conduct. AI should not be used in a way that could bring the profession into disrepute.
- **Avoiding bias and discrimination:** Members should be mindful of the potential for AI tools to perpetuate or amplify biases. Efforts should be made to use AI in a way that is fair and non-discriminatory.
- **Continuous learning and adaptation:** The field of AI is rapidly evolving. Members are encouraged to stay informed about AI developments, emerging risks, and best practices relevant to legal practice.

3. Guidance on AI tool selection and use

When selecting and using AI tools, members should consider the following:

- **Needs assessment:** Identify the specific task or problem the AI tool is intended to address and evaluate whether it offers a genuine benefit in terms of efficiency, accuracy, or service enhancement.
- **Vendor scrutiny and terms of service:** For third-party AI tools, thoroughly vet the provider and carefully review their terms of service. Consider their reputation,

security certifications, data retention policies, and how they use data (e.g., for model training). Ensure these terms are compatible with your professional obligations and any client consents obtained.

- **Data input management and client consent:**
  - Before inputting any client information into an AI tool, ensure you have the client's informed consent for that specific use and tool, unless the use is internal and poses no risk to confidentiality or data security beyond existing approved systems.
  - Clearly understand the AI tool's policy on how input data is used. Where possible, opt for services that commit not to use client data for broader model training or purposes beyond providing the direct service to you.
  - Anonymise or pseudonymise data for general research or drafting exploration where client-specific data is not necessary.
- **Pilot projects and phased adoption:** If considering significant AI tools, start with small-scale pilot projects to assess effectiveness and risks before wider adoption in your practice.
- **Security measures:** Ensure any AI tool used meets high security standards to protect against data breaches, consistent with standards expected for handling confidential client information.
- **Intellectual property:** Be mindful of the intellectual property rights associated with AI-generated content and ensure that the use of AI tools does not infringe on third-party IP rights.

4. Data privacy and confidentiality: New Zealand context

The use of AI tools, particularly those hosted or processed by overseas third parties, has implications under the Privacy Act 2020. Client consent plays a key role in navigating these.

- **Privacy Act 2020:** Governs the collection, storage, use, and disclosure of personal information.
- **Information Privacy Principle 12 (IPP 12) – Disclosure outside New Zealand:**
  - Before disclosing personal information to an AI service provider based overseas (or one that may store or process data overseas), members must ensure that the overseas provider is subject to privacy safeguards comparable to those in New Zealand.
  - if comparable safeguards are not in place, or if there is any doubt, the member must obtain the express authorisation (informed consent) of the individual concerned for that disclosure, after informing them that their information may not be protected by comparable safeguards overseas. This is

a critical step when relying on client consent.

- **Client confidentiality (RCCC Chapter 8):** This ethical duty is absolute. The use of AI tools, and any associated client consent, must be managed in a way that upholds this duty. Informed consent should detail how confidentiality will be maintained by the AI tool.
- **Privacy impact assessments (PIAs):** Consider conducting a PIA before adopting AI tools that will process personal or confidential information to identify and mitigate privacy risks, and to inform the client consent process.

5. Barrister's responsibilities (aligned with RCCC & NZLS Guidance)

- Understand the AI tool's functions, limitations, and risks. Ensure its use is appropriate for the task, that you can competently supervise its application, verify its outputs, and explain its use to clients as part of obtaining consent.
- If AI impacts service delivery or timelines, this should be managed appropriately and communicated.
- Ensure clients are adequately informed about the use of AI in their matters, consistent with the information provided when obtaining consent.
- Ensure AI-generated information is accurate and not misleading before relying on it or presenting it to clients, courts, or third parties.
- If any staff or junior barristers under your guidance use AI tools, ensure they are adequately trained and supervised, and that their use complies with this guidance, your professional obligations, and the parameters of any client consent.
- Ensure any AI-assisted submissions or research presented to the court are accurate, complete, and not misleading. Cite primary sources appropriately.

6. Chambers' role in supporting responsible AI adoption

Richmond Chambers aims to support its members in the responsible adoption and use of AI by:

- **Education and awareness:**
  - Facilitating access to information, resources, and training on AI developments, ethical considerations (including effective client consent practices), and best practices in the legal context.
  - Circulating updates from the New Zealand Law Society, the NZ Bar Association, and other relevant bodies.

- **Developing and maintaining this guidance:** Regularly reviewing and updating this AI Governance Guide to reflect new developments and feedback from members.

- **Promoting a culture of shared learning:**

  - **Voluntary register of AI tools:** Establishing an internal, voluntary register where members can share information about AI tools they are using or exploring, along with their experiences (positive or negative). This is for informational purposes only and to foster collaborative learning, not for direct oversight.
  - **Self-assessment checklists:** Providing simple self-assessment checklists based on this guide to help members evaluate their AI usage against key principles and obligations, including client consent protocols.
  - **Facilitating peer discussions:** Organising informal opportunities (e.g., occasional lunchtime sessions) for members to discuss AI applications, challenges, consent strategies, and ethical dilemmas in a confidential and supportive environment.

Important note on independence: This guidance and any supportive measures from Chambers are provided to assist members. Each barrister remains independent and is solely responsible for their own practice, including their decisions regarding AI adoption and use, for obtaining necessary client consents, and for ensuring full compliance with all professional and legal obligations.

7. Continuous learning and review

The landscape of AI in law is dynamic. Members are encouraged to:

- Stay updated on AI technologies and their application to legal practice.
- Regularly review their use of AI tools against this guidance and evolving best practices, including approaches to client consent.
- Share insights and concerns with colleagues and Chambers to contribute to our collective understanding and responsible approach.

Chambers will review this AI Governance Guide periodically (e.g., annually or as significant developments arise) to ensure it remains relevant and fit for purpose.

Disclaimer: This document provides general guidance and does not constitute legal advice. Members should exercise their own professional judgment and seek specific advice if required when making decisions about the use of AI tools in their practice, including the adequacy of any client consent obtained.