

AI and Ethics for Real Estate Lawyers

NAVIGATING THE FUTURE OF THE PROFESSION IN MISSISSIPPI

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Topics to be Covered

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1. AI's Growing Role in Real Estate Law
2. Ethical Considerations & Governing Frameworks
3. Duty of Competence and Confidentiality
4. Transparency and Fee Structures
5. Risk Management and Implementation
6. The Path Forward for Mississippi Lawyers

AI's Growing Role in Real Estate Law

AI IS HERE TO STAY

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AI Is Here to Stay

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- Industry Trends
 - Automated document analysis
 - Smart property valuations and analytics
 - Advanced contract drafting
- Why it Matters
 - Efficiency and cost savings
 - Improved client satisfaction

Ethical Considerations & Governing Frameworks

RELEVANT AUTHORITIES

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Ethical Framework & References

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- **Relevant Authorities**

- ABA MRPC
- MRPC (paralleling the ABA)
- Florida Bar Opinion 24-1 (2024)
- ABA Formal Opinion 512 (2024)
- State Bar of California Guidance (2024)

- **Key Takeaways**

- Confidentiality (Rule 1.6)
- Competence (Rule 1.1)
- Supervision (Rules 5.1 & 5.3)
- Communication (Rule 1.4)

Duty of Competence and Confidentiality

COMPETENCE REQUIRES TECHNOLOGICAL LITERACY

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Competence Requires Technological Literacy

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- Rule 1.1 & Comment 8
 - Duty to understand “benefits and risks” of technology
- Practical Steps
 - Know how your chosen AI tool processes and stores data
 - Verify and validate AI outputs (“human in the loop”)
 - Attend CLEs on technology; consult IT/cybersecurity experts

Protecting Client Confidentiality

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- Risks in AI Adoption
 - Data retention & “self-learning” AI
 - Potential for inadvertent disclosure
- Key Safeguards
 - Review Terms of Service and data policies
 - De-identify or anonymize information
 - Obtain informed client consent for sensitive data

Transparency and Fee Structures

TRANSPARENCY, DISCLOSURE, AND COMMUNICATION

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Transparency, Disclosure, and Communication

- Model Rule 1.4
 - Discuss “means” of representation if it significantly affects the case
- When to Disclose
 - If AI output meaningfully impacts strategies or fees
 - If the client specifically inquires
- Chatbots & Client Interaction
 - Clear disclaimers
 - Avoid giving impression that AI is an attorney

Reasonable Fees and Costs

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- ABA Formal Opinion 512 on Fees
 - Bill only for the actual attorney time spent
 - Be transparent if AI usage lowers total billable hours
- Expenses vs. Overhead
 - Some AI subscription fees may be overhead
 - Specialized AI tools for large-scale data analysis could be itemized

Risk Management and Implementation

ACCURACY, CANDOR, AND THE "HUMAN IN THE LOOP"

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Accuracy, Candor, and the "Human in the Loop"

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- Risks of “Hallucination”
 - Fabricated case law, inaccurate data
- Attorney’s Ultimate Responsibility
 - Review AI’s output for legal/factual errors
 - Maintain candor to the tribunal (Rule 3.3)
- Practical Tips
 - Double-check citations
 - Cross-verify data against primary sources

Implementing Internal Oversight

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- Rules 5.1 & 5.3
 - Supervision of subordinate lawyers and nonlawyers
- Practical Policy Steps
 - Written guidelines on AI usage
 - Mandatory training sessions on data security
 - Vetting outside AI vendors thoroughly

The Path Forward for Mississippi Lawyers

ONGOING EDUCATION

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The Road Ahead for Mississippi Real Estate Lawyers

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- Ongoing Education
 - CLEs on AI and emerging technology
- Advising Clients on AI
 - Potential for better service, cost savings
 - Ethical duty to mitigate risks
- Staying Engaged
 - Monitor future Mississippi Bar guidance
 - Keep tabs on new case law, bar opinions

THANK
YOU!

Have Questions?

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