



# The State Bar of California

Administrative Advisory No. 23-04

## ATTACHMENT B

Date: June 20, 2023

To: All State Bar Staff

From: Steve Mazer, Chief Administrative Officer

Subject: Administrative Advisory No. 23-04  
Interim Guidelines for Use of Generative Artificial Intelligence (AI)

### **PART 1: INTRODUCTION**

Generative AI is a relatively new technology that leverages large volumes of data and machine learning techniques to produce content based on inputs from users, known as prompts. The new content can be written (e.g., ChatGPT or Bard), or visual (e.g., Dall-E). There is great potential value in the use of Generative AI, but there are also risks, many of which will not be apparent or fully understood immediately, while this new technology is still rapidly evolving.

The State Bar's goal is to facilitate responsible experimentation with AI, to try out many new tools, understand their potential, and learn from each other as we incorporate this exciting new technology into our work. It is important that we also maintain control and understanding of the use of these new tools, ensuring that rules, policies, and standards of confidentiality, privacy, and security are not violated. To achieve these goals, this document provides interim guidelines on the use of Generative AI at the State Bar. As we learn more about these AI tools and how they are best used for our work, these interim guidelines will be updated and expanded in the coming months, and will eventually be replaced with more formal policies and standards.

### **PART 2: CATEGORIES OF AI TOOLS**

#### **A] Private Generative AI Licensed by the State Bar**

Generative AI is "private" if it is available to State Bar users under a private license between the State Bar and the maker of the tool. We are planning to test several major tools that might have application Bar-wide, such as CoCounsel, which is marketed as an "AI Legal Assistant," and tools from such well-known entities as Westlaw and Lexis/Nexis. We will license these tools for multi-week trial periods and engage a pilot group of employees to test them out and provide feedback. All staff are encouraged to suggest additional tools we should try; see Part 4 below for details about how suggestions will be collected.

Security protocols will be in place for these licensed tools so that they can be used with confidential State Bar information, such as disciplinary records or admissions records; specific instructions and guidelines will be provided for each pilot that we launch and each tool that we ultimately license for Bar-wide use.

## **B] ChatGPT**

ChatGPT is one of the best-known AI tools, used both on its own and as the engine behind many other tools. ChatGPT is “public” in that it is available to anyone on the internet, which makes it easily accessible but also poses concerns about confidentiality and security. To address these concerns, we have set up, under our existing agreements with Microsoft Azure, a secure site for all State Bar employees to use ChatGPT. Often known as a “sandbox” environment, Microsoft Azure calls it a “Chat Playground.” All State Bar employees now have access to this Chat Playground; see Attachment A for instructions on how to access it. The Playground currently uses ChatGPT version 3.5 but should be upgraded to version 4 in the near future.

Because this is a secure site for the State Bar’s use of ChatGPT, the queries, data, or documents that you include in your prompts will not be sent outside the State Bar. They could, however, become visible to other users within the State Bar. Therefore, any information that must remain confidential within your own office (e.g., disciplinary information that cannot be shared outside of OCTC) should not be used in the ChatGPT Playground.

I.T. cannot provide support for your use of the ChatGPT Playground, beyond ensuring access.

## **C] Other Public Generative AI Tools**

Generative AI is “public” if it is available to anyone with an internet connection. Public generative AI includes free services and paid services that usually require ongoing subscription fees (to the extent that such paid services are not provided under a license agreement with the State Bar). Employees are encouraged to research and try out different tools, either individually or, preferably, in coordination with their teams.

As further discussed in Part 3 below, confidential/non-public information should never be used with public AI tools.

Paid services with modest costs may be charged to Pcards for up to a three-month subscription. Please check with your supervisor or manager before charging subscriptions to Pcards, to confirm that costs are reasonable and to determine if team coordination for subscriptions would be more economical or efficient. We will assess all tools in use after three months and will determine if individual subscriptions should be maintained, discontinued, or replaced with licensed versions. Subscription expenses paid by Pcard should be coded to the General Ledger/natural account 54220 – Subscriptions.

I.T. cannot provide support for your independent use of public generative AI tools.

## **PART 3: USAGE GUIDELINES**

### **A] Do not put any non-public data into public AI tools**

All public AI service providers collect and use any data that you provide. They use it to train their models and to generate responses to prompts from other users; and they share it with their affiliates, vendors, and other partners. ***Any information or documents you put into a public AI tool could become public.***

Therefore, it is imperative that you do not use public AI tools with any confidential/non-public State Bar information (disciplinary records, admissions records, attorney-client privileged documents, etc.); with any personally identifiable information about employees, applicants, or licensees, such as names, social security numbers, birthdates, or email and physical addresses; or with account passwords, PINS, or credit card numbers. ***If it is not already publicly available, do not type, copy/paste, or upload it into a public AI tool.***

As described section 2.A above, only those AI tools licensed by the State Bar will have security protocols in place that will allow for use with confidential State Bar information.

#### **B] Fact check and review all content generated by AI**

While generative AI can rapidly produce clear prose, the information and content might be inaccurate, outdated, biased, inappropriate, or simply made up. It is your responsibility to verify that the information is accurate and appropriate by independently researching claims made by the AI tool.

#### **C] In drafts and internal documents, disclose that you have used AI to generate content, and document the prompts that you used**

Disclosure builds trust through transparency; it might help others catch errors; and it will be helpful to your colleagues to understand how you used the tool. At the top of the document, or as footnotes for specific sections, disclose the fact that you used generative AI, include the version and type of tool you used (e.g, Open AI's GPT 3.5 vs Google's Bard), and document the prompts or other information you used.

### **PART 4: COLLECTING FEEDBACK**

An important component of the Bar-wide evaluation of AI tools is collecting information about what tools are being used, how they are being used, and how they might be leveraged for other State Bar functions and offices. An AI Tools "community of practice" Teams site has been created to pool testing information and feedback. Testers can populate the tracking spreadsheet with brief notes on the tools they have tried and their initial assessment of them, and they can upload and link samples in the Teams samples folder. After an initial test period, testers will be invited to knowledge-sharing meetings (in-person as well as hybrid/remote) to demo what they've found, highlight great products, and compare free, low-cost, and more expensive tools.

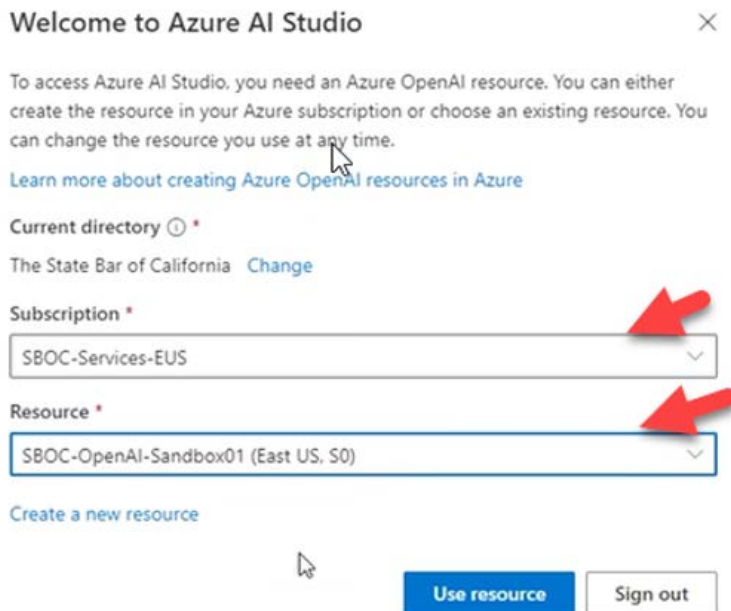
You can access these feedback tools here:

[AI Tools Community of Practice Teams Site](#)

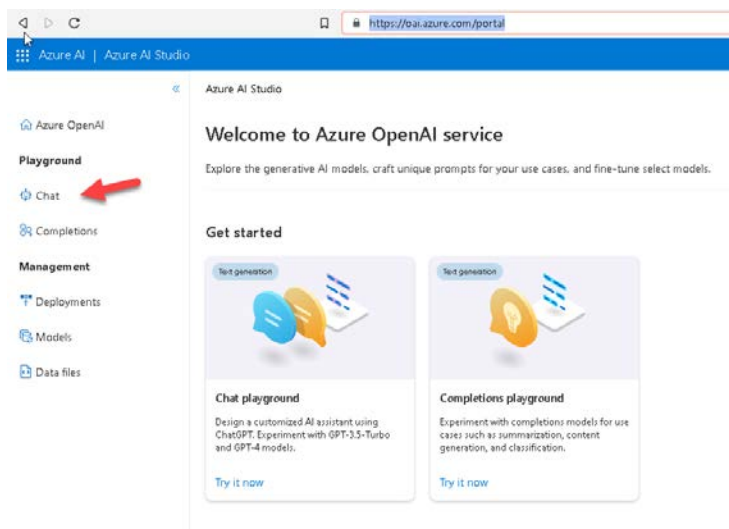
[AI Tools Experience Tracker](#)

## Attachment A How to Access the State Bar's Secure ChatGPT "Playground"

- Access URL <https://oai.azure.com/portal>



- The first time you login, you will be asked to select Subscription and Resources
  - Under Subscription, select **SBOC-Services-EUS**
  - Under Resources, select **SBOC-OpenAI-Sandbox01**
  - Click **Use Resource**
- You will be redirected to the Azure AI Studio Portal



- Under **Playground**, select Chat, and you'll be directed to a new "chat session" page.
- Bookmark that page for future use