

“Ethical Use of Generative AI for Criminal Defense Lawyers” (October 23, 2025)

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Mississippi Bar Ethics Opinion No. 267 (and ABA Formal Opinion 512)

- How is generative AI being used?
- Why bother with this technology?
- Ethical Issues:
 - Competence (Rule 1.1)
 - Supervision (Rules 5.1 and 5.3)
 - Confidentiality (Rule 1.6)
 - Fees (Rule 1.5)
 - Communication (Rule 1.4)
 - Candor to the Court (Rules 3.1 and 3.3)



Cautionary Tales

- 116 U.S. cases in which courts explicitly found (or implied) that lawyers submitted AI produced hallucinated content to courts (www.damiencharlotin.com). Some examples:
 - Federal public defender in E.D. Cal. received a \$1500 sanction and written reprimand for submitting a fictitious case with a fictitious quotes (*United States v. Hayes*)
 - Mississippi cases: *Blake Lewis v. Entergy Mississippi, LLC* (S.D. Miss.); *Kenisha Black v. Mississippi DRS & Howard* (S.D. Miss.)
 - *Johnson v. Dunn* (Butler Snow attorneys in N.D. Ala. Case)
 - *Commv, LLC v. Uprise LLC* (Nevada State Court)
 - 3 other examples (including *Mississippi Association of Educators et al v. Board of Trustees of State Institutions of Higher Learning et al.*), where judges appear to have used AI.
- What lessons should we take from these cases?



AI Tools for Criminal Defense Lawyers

- **Casetext CoCounsel**
 - AI-Powered Legal Research and Drafting (used by Miami-Dade Public Defender's Office)
- **JusticeText**
 - AI-Powered Video and Audio Transcription (used by public defenders in Kentucky and Santa Cruz)
- **Reduct.Video**
 - AI-generated transcriptions and searchable video evidence management (used by Colorado State Public Defender)
- **LegalServer AI Suite**
 - Case Management with AI Integration (widely used by public defenders)
- **SentencingStats**
 - AI-Driven Sentencing Analytics (used by federal public defenders)
- **Westlaw Edge & Lexis+AI**
 - AI-Powered Legal Research
- **Relativity by Justice for Change**
- **MateyAI**



Examples of AI Used in Criminal Justice

- Identification and Surveillance
- Forensic Analysis
- Predictive Policing
- Risk Assessment



2025 Fall OSPD & MPDA Public Defender Conference

Session Five:
Ethical Use of Generative AI for Criminal
Defense Lawyers

Thursday, October 23, 2025
9:35- 10:35 a.m.

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