

Introduction

- A. As a technology-focused law firm, we embrace technology.
- B. As lawyers, we also have a fundamental responsibility to protect client information and provide accurate advice.
- C. We believe Generative AI tools can help us to provide legal advice better and more efficiently, if used in the right way. On the other hand, there are risks that we need to manage.
- D. At HGM, we support the use of Generative AI if these risks are avoided or appropriately mitigated.
- E. This policy provides a framework for how we use Generative AI at HGM. Because Generative AI will evolve rapidly, we will continue to review and update this policy to respond to the latest developments and consider the latest tools.
- F. By making this policy publicly available, we are also providing transparency to our clients and stakeholders about how we will use Generative AI.
- G. This policy reflects our belief that Generative AI tools augment lawyers, but do not replace them. Our humanity, empathy and ability to think strategically have always been – and will continue to be – our key assets, ensuring we deeply understand our clients' needs and objectives.
- H. By regularly monitoring, analysing and (where appropriate) using Generative AI and other similar tools, we will ensure our people can thrive as technology developments change the practice of law.

Principles

At HGM, we will use Generative AI in accordance with these principles:

1. We won't incorporate confidential, sensitive or personal information into a publicly available Generative AI tool.

The current generation of publicly available Generative AI tools do not always provide sufficient security or privacy assurances relating to confidential, sensitive or personal information, particularly in terms of how input data and prompts are used to train the tools (and may be used or reproduced in generating further content).

We also want to contribute to the ongoing development and evolution of Generative AI tools, so we will take a risk-based approach to contribution of data for training purposes.

- (a) We will use publicly available Generative AI tools as long as our use is consistent with this policy and appropriate in the circumstances.
- (b) We won't enter any personal, sensitive or confidential information into a publicly available Generative AI tool unless we have the relevant person or entity's express and informed consent.
- (c) We will make sure the settings of any Generative AI tools we use are managed to safeguard our information (including clients' information) to the extent appropriate. This may include (where appropriate) disabling training from our data. It will always be appropriate to disable training on confidential, sensitive or personal information. If information is anonymous, de-identified or publicly available, we will consider any risks before permitting training, and will permit training unless any risks are identified.
- (d) When we procure or develop any enterprise/private Generative AI tools, we will do appropriate due diligence (including security and privacy impact assessments where relevant) to ensure they are secure, legally compliant and ethically sound.
- (e) We will make sure our people are trained on the use of Generative AI tools, so that we use them in a secure, legally compliant and ethical way.

2. We will check the outputs of Generative AI before using them.

We know the current generation of Generative AI tools can “hallucinate”. This means they can fabricate (or present incorrect information relating to) cases, legislation and other information presented as fact.

A lot is still unknown or uncertain about the way Generative AI tools create content. There are concerns that tools may be built or develop in a way that creates biased, discriminatory or misleading content, or infringes the rights (including copyright) of others.

(a) We will always check the outputs of Generative AI before using them and keep a record of these checks as appropriate.

(b) We will also ensure the outputs are not the only source we use for any work product.

(c) Examples of checking the outputs include:

- Cross checking any case, legislation or other legal references against trusted sources (such as legal databases or legislation websites).
- Researching any assertion of law or fact produced by Generative AI to ensure it is accurate.
- If using Generative AI to provide the starting point for a document, ensuring it is not the only source used (e.g. by referring to firm precedents/templates, databases, or relevant publicly available materials).
- Keeping a record of prompts used for substantive work product, as appropriate.
- If using a substantial part of the output of Generative AI in our work, we will:
 - check the terms of the Generative AI tool to make sure this is permitted;
 - check the content itself to ensure it has not been copied from another source; and
 - ensure the use of Generative AI is appropriately disclosed/referenced in our published work.

3. We will be transparent about our use of Generative AI – with each other and with clients and stakeholders.

(a) We will use approved Generative AI tools on a matter in line with our internal controls as set out in our practice notes. We will always let the senior person on a matter know if, and how, we want to use any other Generative AI tool on that matter. We will do this in advance of any use so we can discuss the implications and agree an approach consistent with this policy.

(b) We will proactively disclose the use of Generative AI tools to our clients, in advance of any use, where we believe there is additional risk involved in the particular use of Generative AI.

(c) We will also let any client know the specifics of our use of Generative AI on their matters if they ask.

4. We will communicate in our own voice.

Generative AI tools can produce content that is clear, concise and well-written. However, the content is based on patterns and probabilities derived from data, so is inherently generic.

It is relatively easy to check for “hallucinations” (clear errors of fact or law). It is harder to check for “generalisations” which may be imprecise or omit key details.

(a) We can use Generative AI as a starting point for developing ideas and arguments, but won't solely rely on it to produce detailed content or advice.

(b) As lawyers, our humanity is one of our key assets. We won't outsource our voice, empathy or strategic thinking to Generative AI.

(c) We will always stand behind our advice, and our use of Generative AI won't affect this.

