



## **Ethical Issues Relating to the Use of AI to Record, Transcribe or Summarize Attorney Conversations with Clients**

Generative AI is changing the practice of law in countless ways. One of those major changes is the documentation of conversations with clients. A recent New York City Bar Association Ethics Opinion addresses this topic: [Formal Opinion 2025-6: Ethical Issues Affecting Use of AI to Record, Transcribe, and Summarize Conversations with Clients](#)

This topic has been addressed in other locations as well, including the ABA's GPSolo eReport article by Gabriel Buehler entitled "[AI and You: Confidentiality Risks of Using Transcription and Note-Taking Software During Meetings](#)," Boston Bar Association's Cameron G. Shilling's and Madison Lightfoot-Kunitake's article "[AI Notetakers: What Must Lawyers Do To Use Them?](#)"; and Attorney Carolyn Elefant's blog post "[Can Lawyers Legally and Ethically Record Conversations With Clients Using Artificial Intelligence?](#)"

The short answer is that using AI to record, transcribe or summarize client conversations is permissible, but requires some additional risk management strategies.

The opinion concludes that an attorney should obtain client consent before recording the call, should consider whether recording, transcribing and summarizing is tactically well-advised in the particular circumstances, including issues of confidentiality and privilege, and should check the work product for accuracy if there is a possibility the transcription or summary will be preserved and potentially relied upon. If an attorney knows that a client is recording a call with an AI tool, the lawyer should advise the client of the disadvantages of doing so.

The NYCB opinion helpfully provides suggestions for engagement agreement language and for protecting against unwanted recording by clients, which raises a whole new set of risks. The short opinion is worth reading in its entirety, if only to understand what is available to decide if it's worth incorporating into your practice.

If you have questions or want to talk in more detail about uses of generative AI in your practice, get in touch with one of our senior risk management counsel at [Attorneys Risk Management](#), and click on the "Request a Risk Management Consultation" button.



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