



PROGRAM MATERIALS

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Beyond the Prompt: How Law Firms Can Use ChatGPT Without Crossing Ethical Lines

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Beyond the Prompt

How Law Firms Can Use ChatGPT
Without Crossing Ethical Lines



2026 UPDATE

ABA FORMAL OPINION 512

CHATGPT + AGENTS

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How is Chat GPT impacting attorneys?

ChatGPT can help lawyers move faster. It can also help them make faster mistakes.

The ethical issue is not “AI is bad.” The issue is uncontrolled use.

The lawyer still owns the judgment, the confidentiality, the bill, and the filing.

Prompt skill matters. Governance matters more.



What changed in 2026?

More powerful models are doing document-heavy legal-adjacent work.

Apps and connectors can pull in email, files, calendars, Slack, SharePoint, Google Drive, and more.

Agent mode can research, navigate sites, fill forms, and interact with files.

Workspace agents can run shared, repeatable workflows inside organizations.



The rapid shift

A practical timeline for lawyers who blinked and missed six product cycles.

**JUL
2024**

ABA Formal Opinion 512



Ethics duties mapped to
GenAI

**JUL
2025**

ChatGPT agent



Research + action, not
just answers

**AUG
2025**

GPT-5



Unified smarter system

**APR
2026**

Workspace agents



Shared workflows across
teams

**APR
2026**

GPT-5.5



Stronger professional
work

Today's map

Four things attorneys need to walk out knowing.

1. What ChatGPT can do in a modern law-firm workflow.
2. Which ethics duties are triggered by everyday use.
3. Why consumer ChatGPT and business workspaces are not ethically interchangeable.
4. How to build a practical firm policy before the chaos builds one for you.



The ethics rules are not new

The technology is new. The duties are not.

1.1 Competence

Understand the tool's capabilities, limits, and risks.

1.6 Confidentiality

Protect client information before it enters the system.

3.3 Candor

Verify citations, facts, and representations to tribunals.

5.3 Supervision

Treat AI like nonlawyer assistance: useful, but supervised.

SECTION ONE

The New ChatGPT Reality

From chatbot to workplace layer

This is the shift lawyers must understand.

Old version: “Ask ChatGPT a question.”

Current version: ChatGPT can see files, use apps, research across sources, remember context, and act through tools.

That turns a prompt into a workflow.

And workflows need rules.



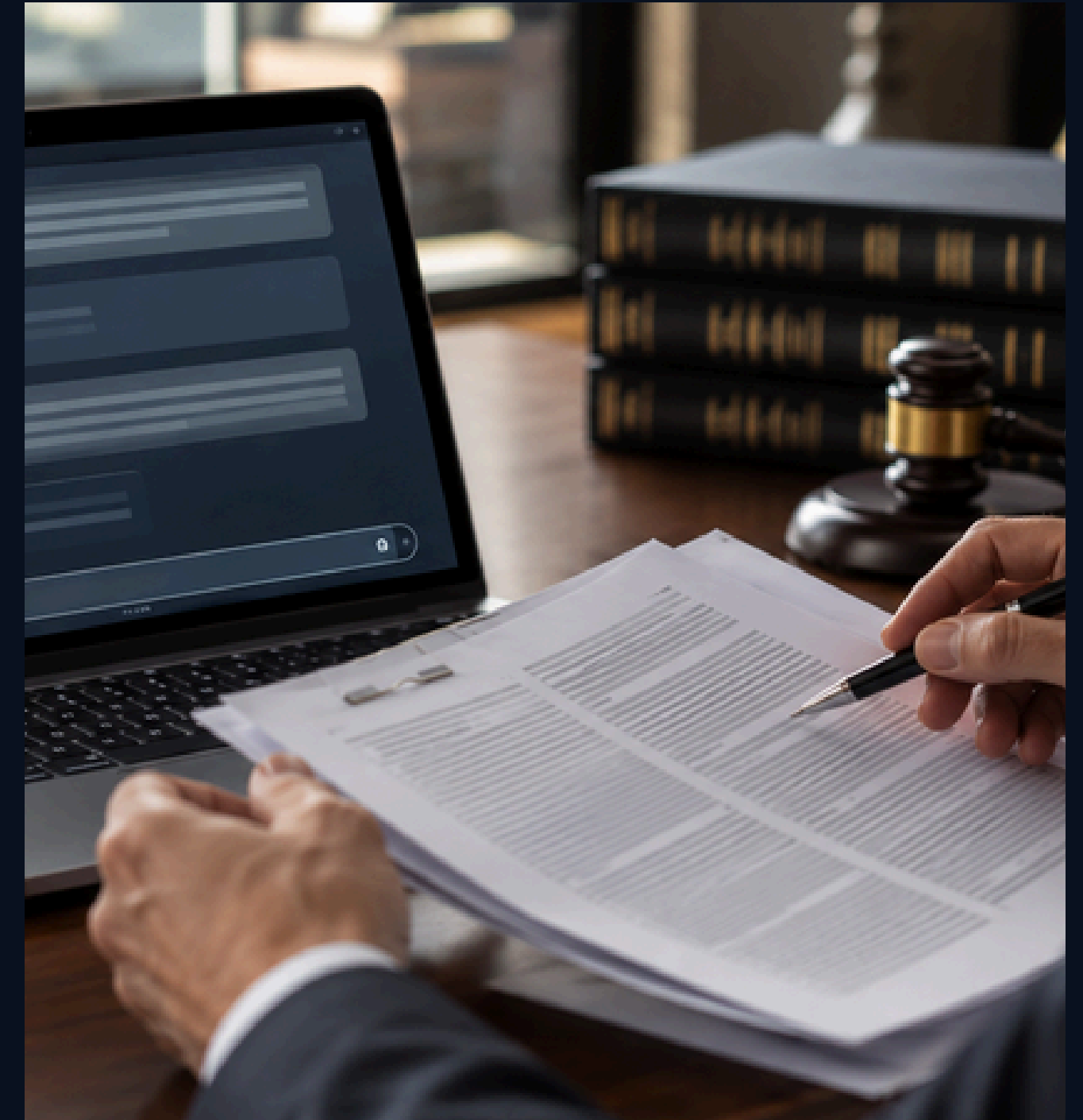
GPT-5.5 raises the stakes

Better output can create worse overconfidence.

OpenAI describes GPT-5.5 as stronger for complex work, research, synthesis, analysis, and document-heavy tasks. That sounds great for lawyers. It also sounds like a shortcut to false confidence.

The more polished the answer, the more tempting it is to trust it.

Ethics requires verification, not admiration.



Agent mode changes the risk profile

When AI can act, supervision becomes more serious.

ChatGPT agent can reason, browse, use files, connect to third-party data, fill forms, and edit spreadsheets. That can help with legal operations and research workflows. But action creates new risk: wrong destination, wrong attachment, wrong assumption, wrong disclosure. Do not let “agentic” become a fancy word for unsupervised.



Workspace agents: useful and dangerous

The 2026 workplace version of “who told the bot it could do that?”

Workspace agents are shared agents for teams. They can automate repeatable workflows and run in the cloud. They operate within organizational permissions and controls. For law firms, the question is: who approves the workflow, who monitors it, and who shuts it down?



Apps and connectors make ChatGPT more useful

Connectors can bring in context from files, email, calendars, Slack, and document repositories. That improves answers because ChatGPT has more context.

But more context often means more sensitive information.

A connector is not just a feature. It is a data pathway.



Deep Research sounds perfect for lawyers

13

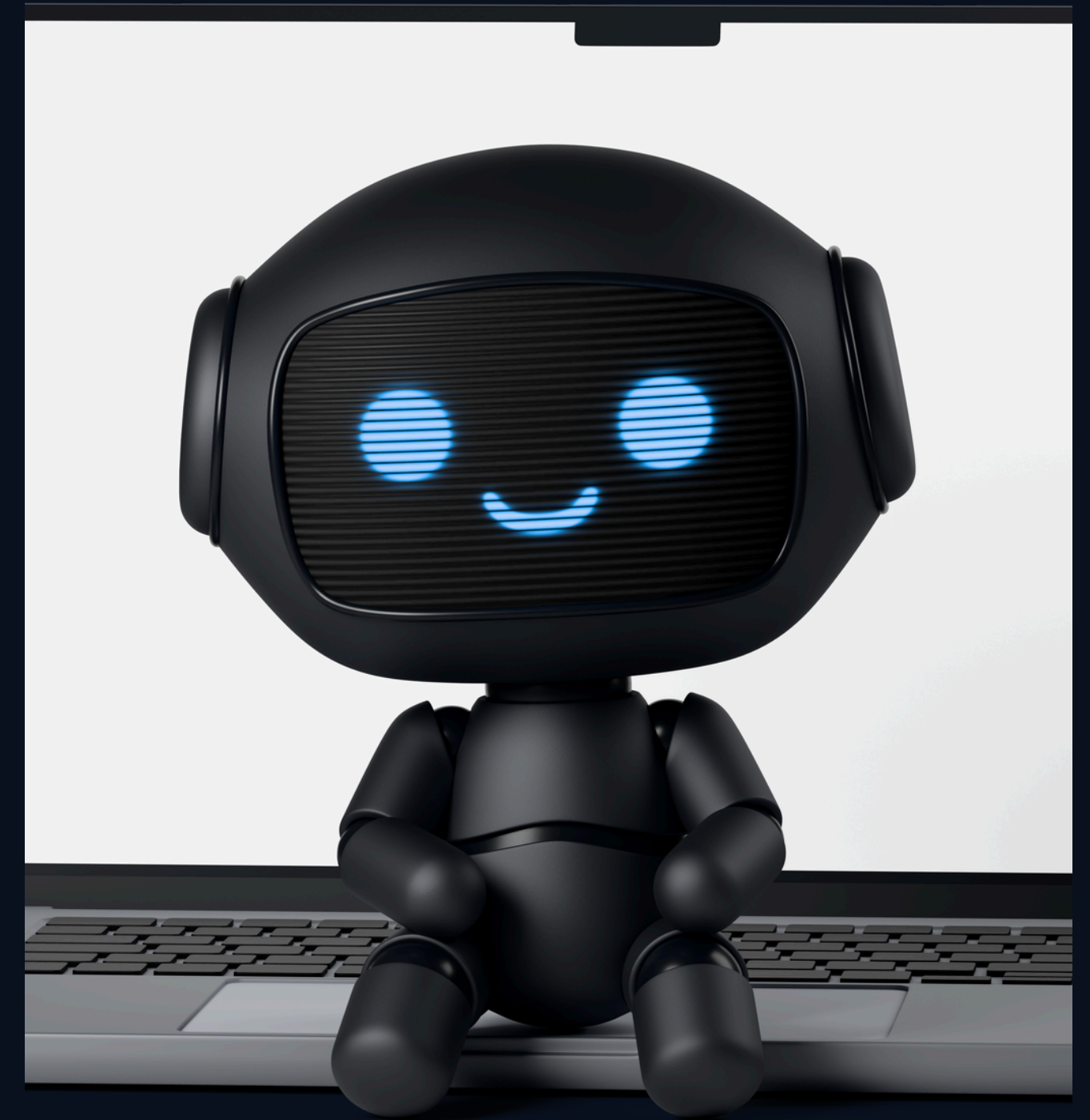
And that is exactly why it needs boundaries.

Deep Research can search, reason, synthesize, cite, and use uploaded files and connected apps.

Helpful for background research, issue spotting, and building a first-pass memo.

Not a substitute for legal research judgment.

Every cited authority still gets checked by a human.



Projects, memory, and retention

The issue is not just what you typed today.

Projects can organize chats, files, instructions, and context. In Business, Enterprise, and Edu, Projects inherit workspace-level controls.

Memory and retention settings matter because context can persist.

A law firm must know where information lives after the prompt is over.



What lawyers are already doing

The normal use cases are exactly where the ethical traps show up.

Drafting emails and first-pass documents.
Summarizing client calls, medical records, discovery, contracts, or deposition notes.
Brainstorming case themes, questions, and strategy.
Research support and internal operations.





The Ethics Framework

SECTION TWO



ABA Formal Opinion 512 is the roadmap

It does not ban AI. It tells lawyers where the duties are.

Competence: understand benefits and risks.

Confidentiality: protect client information.

Communication: tell clients when AI use matters to the representation.

Fees: charge reasonably and honestly.

Candor and supervision: verify before relying.



Rule 1.1: Competence

The lawyer must understand enough to supervise the tool.



Capabilities

What the tool can do well, badly, or not at all.



Limits

Hallucinations, stale law, missing context, false confidence.



Data path

What happens to information entered into the platform.



Review

How the lawyer verifies output before anyone relies on it.

Competence is practical

Not “I read an AI article once.” Nice try.

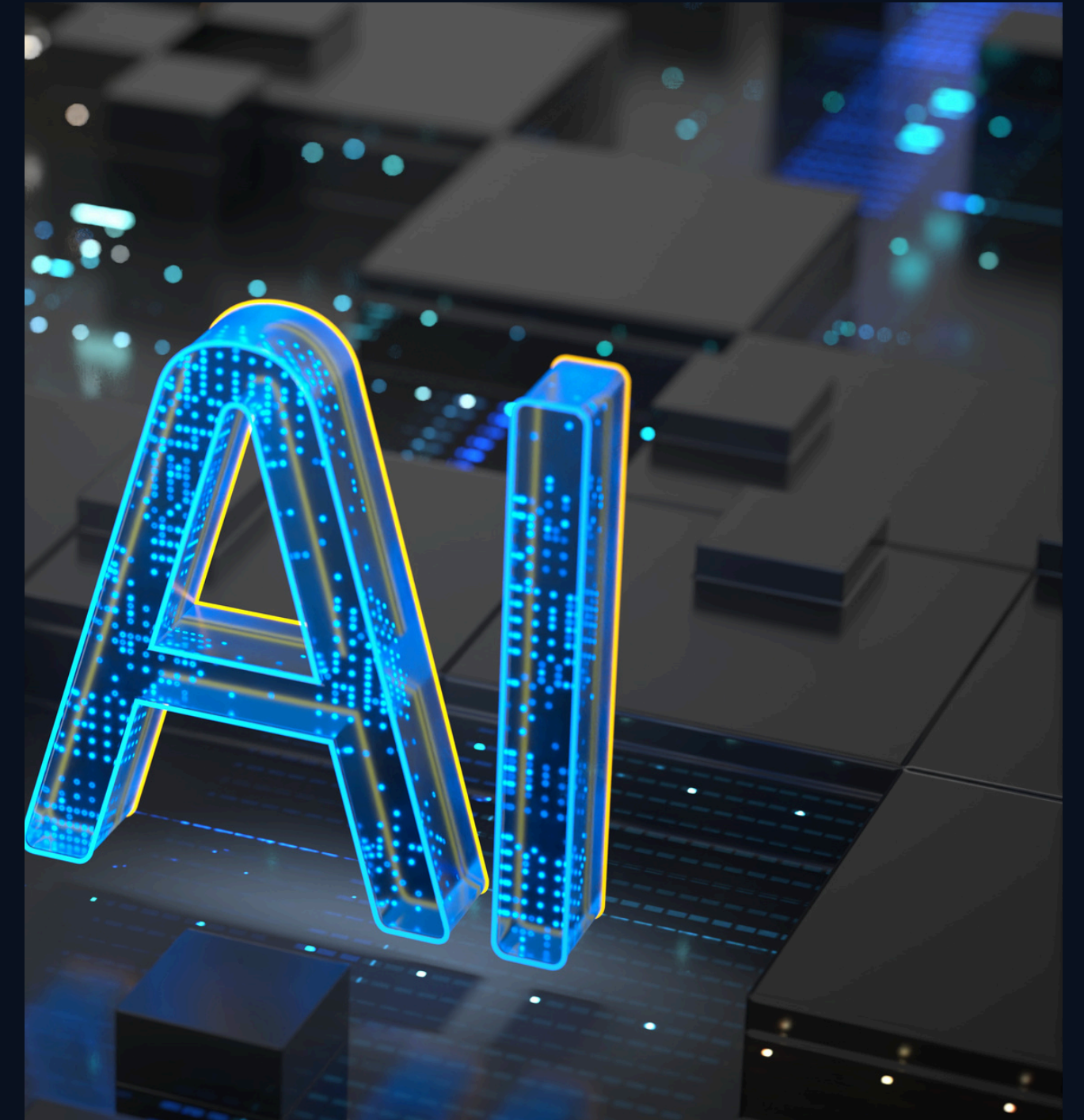
Know which plan you are using.

Know whether client information may be used for model improvement.

Know whether the tool can access connected apps or files.

Know how to verify legal outputs.

Know when not to use it.



Rule 1.3: Diligence

AI speed does not excuse sloppy lawyering.



Speed

AI can make first drafts faster.



Thoroughness

Diligence still requires careful review.



Deadlines

Do not let automation create calendar or filing errors.



Judgment

The lawyer decides the strategy, not the machine.

Rule 1.4: Communication

When AI use is material, silence is a bad plan.



Client impact

Explain AI use when it materially affects the representation.



Informed choice

Some clients may care deeply about how their data is handled.



Document it

Build disclosure into engagement letters when appropriate.



No surprises

Do not let clients learn your AI process after something goes wrong.

Rule 1.5: Fees

You do not get to bill 3 hours for a 12-minute AI-assisted draft.



Reasonable fee

Efficiency gains can affect what is reasonable.



Overhead

Do not disguise ordinary tool costs as client expenses.



Accurate time

Bill actual time spent, including review and revision.



Value

Flat fees still need fairness and transparency.

Rule 1.6: Confidentiality

The prompt box is not a vault just because it feels private.



Client data

Confidential information stays confidential even in a prompt.



Vendor terms

Read the data use, retention, and access terms.



Minimize

Use the least sensitive information needed for the task.



No-go data

Some information should not enter consumer AI at all.

Rule 3.1: Meritorious claims

AI cannot invent your legal theory for you.



Authority

Check the law supporting the claim.



Facts

Confirm the facts support the theory.



No fiction

Do not rely on fabricated citations or made-up facts.



Responsibility

The lawyer owns the claim and the argument.

Rule 3.3: Candor to the tribunal

Courts do not grade on “the AI sounded confident.”



Verify citations

Every case, quote, statute, and page cite gets checked.



Verify facts

Do not let AI turn inference into evidence.



Correct errors

Know what to do if an AI-assisted filing is wrong.



Court rules

Check local AI disclosure rules and judge-specific orders.

Rules 5.1 and 5.3: Supervision

Partners, managers, and lawyers cannot outsource responsibility.

People

Train lawyers and staff on approved uses.

Tools

Treat AI output like nonlawyer assistance.

Testing

Sample, audit, and review work product.

Policy

Make the workflow visible and accountable.

Rule 8.4(c): Honest

AI makes it easier to be misleading without meaning to be.



Synthetic content

Be careful with AI-generated voices, images, and signatures.



Mislabeling

Do not pass AI output as verified human analysis.



Billing honesty

Do not obscure how work was produced if it matters.



Truthfulness

The duty survives every shiny tool launch.

Consumer vs. Business ChatGPT

SECTION THREE



Not all ChatGPT is the same

Consumer use and law-firm workspace use are not the same animal.

Consumer ChatGPT

Designed for individual use.
Data controls depend on user settings.
Training/model improvement may be enabled unless turned off.
Usually not enough for confidential law-firm workflows.

Business / Enterprise workspace

Workspace data is excluded from training by default.
Admin controls, permissions, retention, and workspace policies matter.
Better fit for firm-level governance.
Still requires review, policy, and supervision.

Consumer ChatGPT: the risk

The \$20/month plan is not a confidentiality strategy.

Individual settings can change the risk analysis.
Turning off model improvement helps, but it does not answer every confidentiality question.
History, retention, account security, memory, shared links, and device access still matter.
If you do not understand the controls, do not enter client secrets.



Temporary Chat helps — but it is not magic

Useful setting. Not a force field.

OpenAI says Temporary Chat is not used to train models and does not appear in history.

OpenAI also says Temporary Chats are automatically deleted from systems within 30 days.

That may reduce risk, but it does not replace informed tool selection.

Temporary does not mean “ethically cleared.”



Business / Enterprise: better starting point

34

Better does not mean automatic ethical compliance.

OpenAI states business workspace data is not used to train models by default.

Enterprise offerings include stronger administrative controls.

Admins can control access to tools, connectors, data residency, and retention features depending on plan and setup.

The firm still needs a written policy and training.



Projects inherit controls

Good news — if the workspace controls are actually good.

Projects can organize matter-specific work. In Business, Enterprise, and Edu, Projects inherit workspace toggles and restrictions. That includes tool availability, data controls, retention windows, data residency, and memory settings. Translation: configure the workspace before everyone builds projects.



Connectors are where firms get sloppy

Connecting everything is not strategy. It is a data spill waiting for a calendar invite.

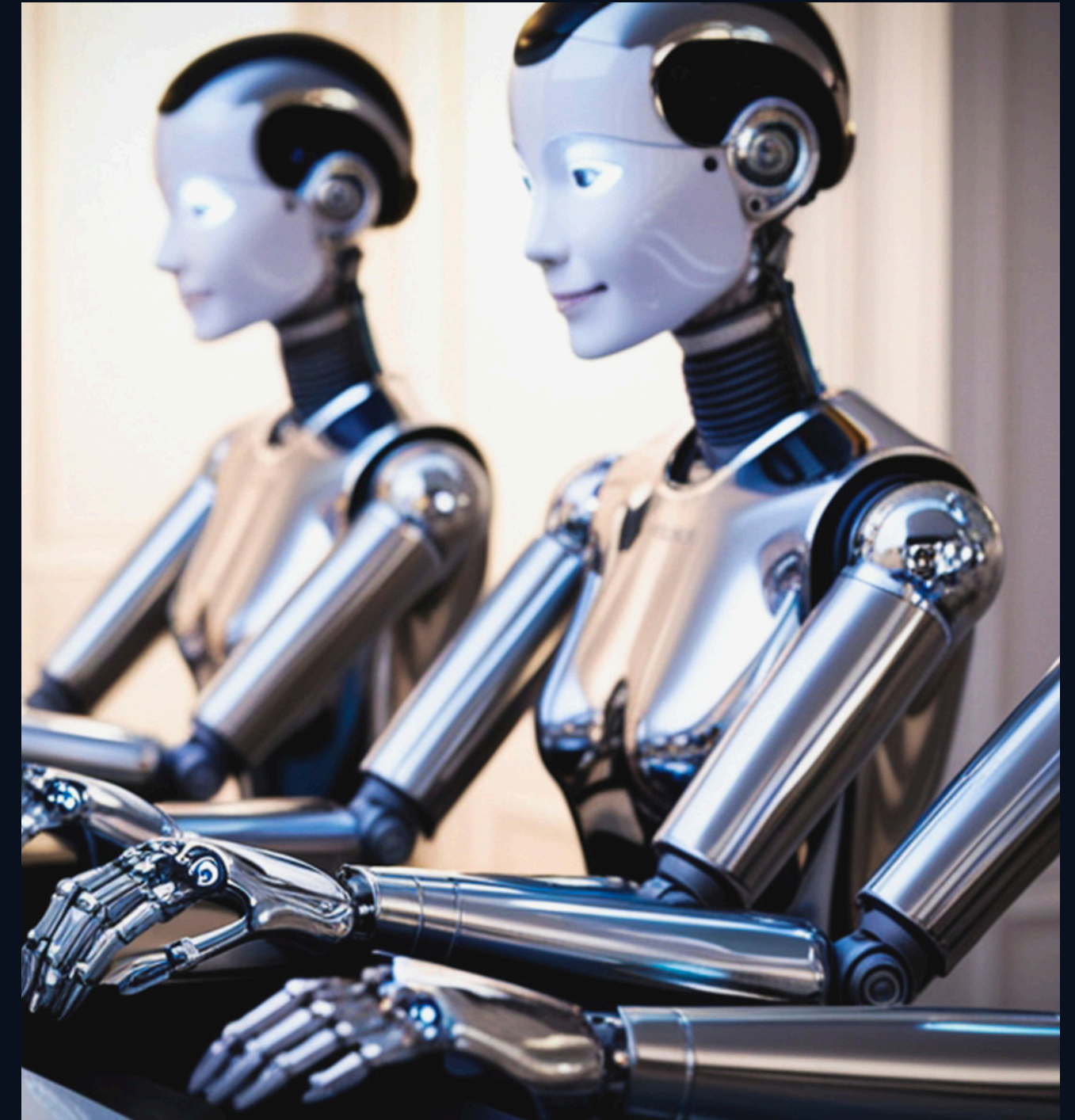
Email connectors may expose privileged communications.
Drive/SharePoint connectors may expose entire folders.
Calendar and Slack connectors may reveal sensitive business context.
Least-privilege access is not optional.



Agents require a permission model

Who can make an agent? What can it touch? Who approves it?

- Create approved use categories.
- Require review before any agent accesses client/matter data.
- Limit actions that send, upload, file, or modify content.
- Log and audit what agents do.
- Keep a human approval step before external actions.



Law-firm plan decision

The question is not “Can we use ChatGPT?” The question is “Which version, for which task, under whose control?”

Solo use: start with low-risk tasks and strict no-confidential-data rules unless controls are verified.

Firm use: prefer business-grade workspace controls.

High-sensitivity work: consider specialized legal AI, enterprise contract review, or no AI.

Every plan decision should map to confidentiality, supervision, and billing.



The data map before the prompt

Ask these before confidential information goes anywhere.

- ✓ What tool and plan are we using?
- ✓ Is this consumer, business, enterprise, API, or a connected third-party app?
- ✓ What data are we entering or connecting?
- ✓ Will the vendor use it for training or improvement?
- ✓ How long is it retained?
- ✓ Who can access it?
- ✓ Who reviews the output before reliance?

No-go data categories

Create bright lines. Lawyers love gray areas. Data security does not.

Highly sensitive client facts unless the tool and controls are approved.

Trade secrets, unreleased deal terms, sealed materials, and protected health information.

Credentials, passwords, security tokens, social security numbers, and financial account details.

Anything a client would reasonably expect you not to paste into a third-party system.



Use Cases + Scenarios

SECTION FOUR



Scenario: Brainstorming

42

Audience scenario



A lawyer asks ChatGPT for 10 themes for a mediation statement using a general, anonymized fact pattern.

Reasonable use or red flag?

Rules in play: 1.1, 1.6, 5.3

Scenario: Client email draft

43

Audience scenario



A lawyer asks ChatGPT to draft a difficult client update explaining a litigation setback. The prompt includes the client name and sensitive case facts.

What should happen before this prompt is submitted?

Rules in play: 1.4, 1.6, 5.3, 8.4(c)

Scenario: Intake summary

Audience scenario



A staff member uploads a raw intake transcript into ChatGPT to summarize it for the attorney. The transcript includes health history, family conflict, and financial details.

What is the ethics issue?

Rules in play: 1.1, 1.6, 5.1, 5.3

Scenario: Legal research support

45

Audience scenario



ChatGPT gives a beautiful answer with three cases. One case is real, one is misstated, and one does not exist.

Who owns the problem?

Rules in play: 1.1, 3.1, 3.3, 5.3

Scenario: Brief writing

Audience scenario



A lawyer uses ChatGPT to draft a motion section, edits it lightly, and files it without checking the citations.

What duty got ignored?

Rules in play: 1.1, 3.1, 3.3, 8.4(c)

Scenario: Contract review

47

Audience scenario



ChatGPT flags a clause as “standard and low risk.” The lawyer relies on it without checking industry context or client goals.

What did AI miss?

Rules in play: 1.1, 1.4, 2.1 if applicable, 5.3

Scenario: Internal operations

48

Audience scenario



A firm uses ChatGPT to draft job descriptions, marketing copy, FAQs, and internal checklists. No client data is entered.

Is this safer?

Rules in play: 1.1, 5.1, 5.3, 8.4(c)

Scenario: Billing

Audience scenario



AI helps draft a demand letter in 20 minutes. The lawyer spends 40 more minutes reviewing and revising it. The billing entry says “Draft demand letter - 3.0 hours.”

Problem?

Rules in play: 1.5, 8.4(c)

Scenario: Client disclosure

Audience scenario



A client asks: “Are you using AI on my matter?” The firm has no policy and different lawyers are doing different things.

What is the real risk?

Rules in play: 1.4, 1.6, 5.1, 5.3

Scenario: AI agent task

Audience scenario



A workspace agent is built to prepare weekly matter-status summaries from email, calendar, and document folders.

What must be controlled before launch?

Rules in play: 1.1, 1.6, 5.1, 5.3

Scenario: Court filing disclosure

52

Audience scenario



A court or judge requires disclosure of AI use. The lawyer used ChatGPT for a first draft but verified every authority.

What should the lawyer do?

Rules in play: 3.3, 8.4(c), local rules



“The danger is rarely “AI exists.” The danger is nobody knows who used it, what data went in, and who checked the result.”

The Firm Operating System

SECTION FIVE



The 7-step ChatGPT ethics screen

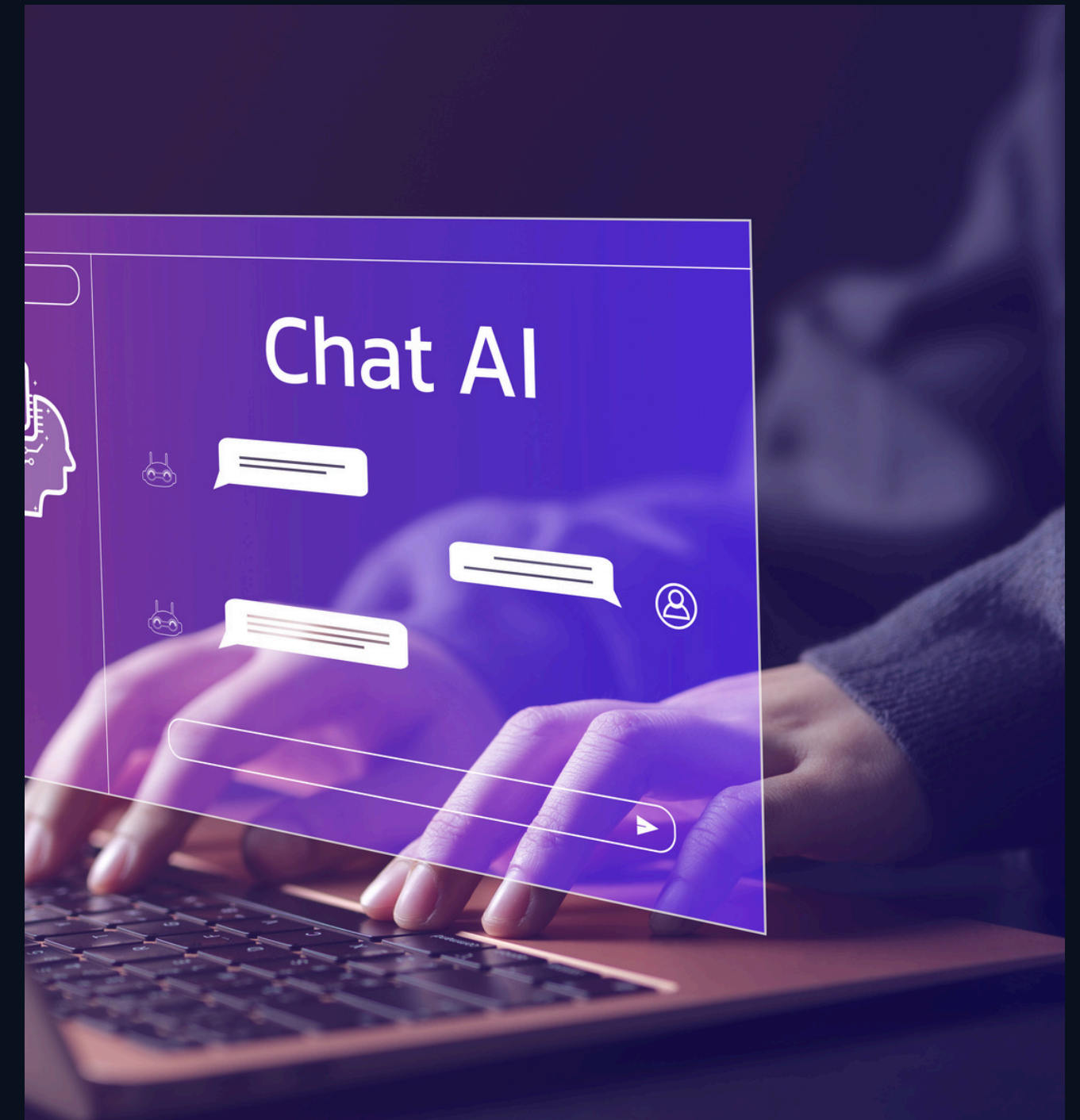
Run this before using ChatGPT in legal work.

- ✓ Identify the tool, plan, and settings.
- ✓ Classify the task: low, medium, or high risk.
- ✓ Classify the data: public, internal, confidential, sensitive, privileged.
- ✓ Check vendor terms, training, retention, access, and connectors.
- ✓ Minimize or anonymize inputs whenever possible.
- ✓ Require human legal review before reliance.
- ✓ Document the decision for repeatable workflows.

Prompt discipline

Better prompts reduce chaos. They do not replace ethics.

Give role, task, context, constraints, and output format.
Tell ChatGPT what not to do: no invented citations, no assumptions, ask for missing facts.
Use placeholders instead of names and identifiers where possible.
Never let a polished draft skip legal review.



Verification protocol

The anti-hallucination checklist.

- ✓ Check every legal citation in Westlaw, Lexis, Fastcase, or another authoritative source.
- ✓ Check every quoted passage against the source.
- ✓ Check facts against the record.
- ✓ Check dates, jurisdiction, procedural posture, and negative treatment.
- ✓ Check whether AI omitted the bad facts or bad law.
- ✓ Have a human lawyer sign off before external use.

Vendor due diligence

Before the firm approves a ChatGPT workflow.

- ✓ Training / model improvement policy.
- ✓ Retention and deletion rules.
- ✓ Admin controls, access controls, and role-based permissions.
- ✓ Connectors and third-party apps enabled by default.
- ✓ Security documentation and contractual terms.
- ✓ Audit logs and incident response process.
- ✓ Data residency and cross-border transfer issues where relevant.

The firm AI policy

A policy is not decoration. It is supervision in writing.

- Approved tools and approved use cases.
- No-go data categories.
- Client disclosure and consent triggers.
- Required review and citation-checking steps.
- Billing rules for AI-assisted work.
- Training, audits, and incident response.



The bottom

Use the tool. Do not surrender

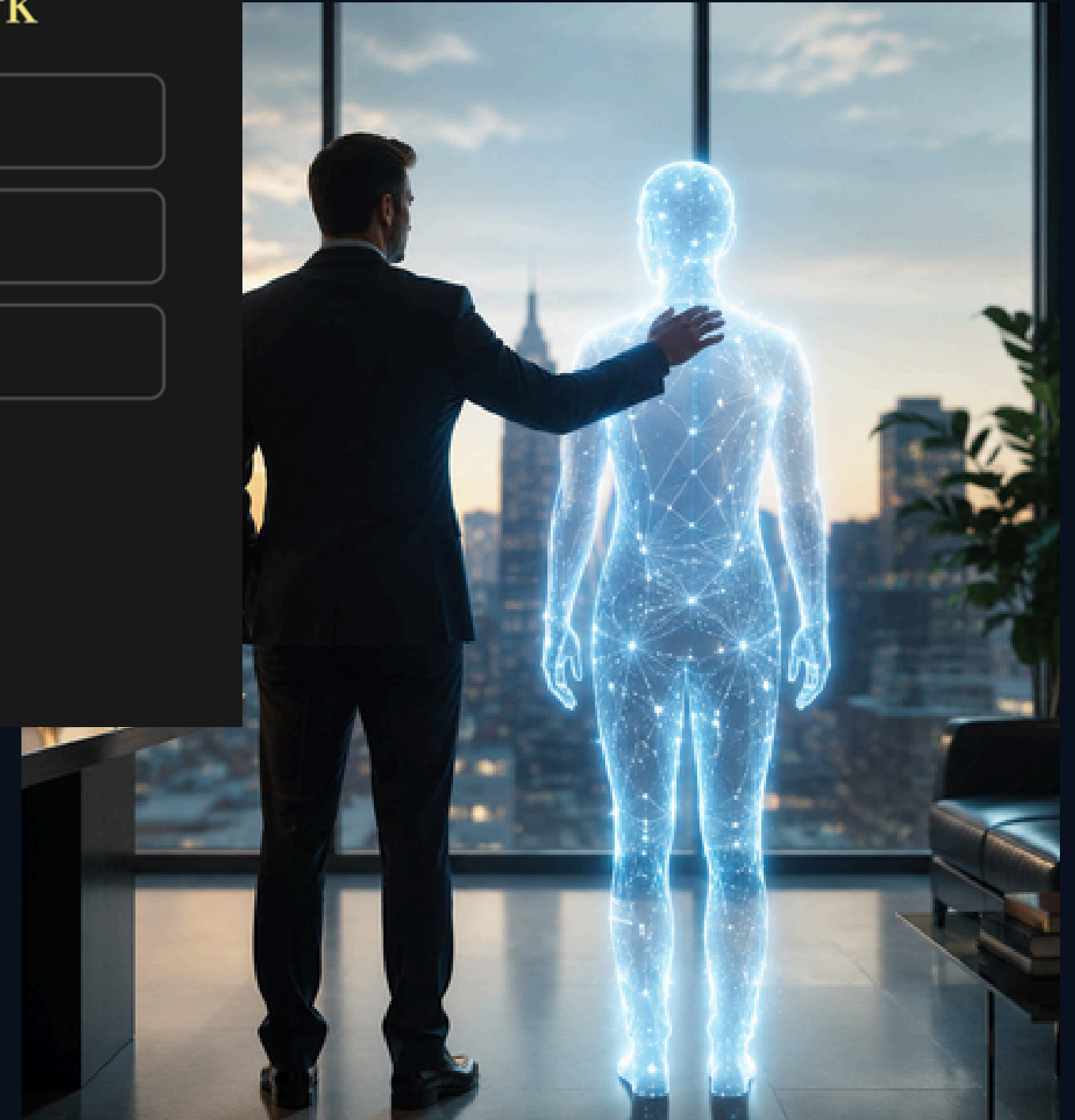
ChatGPT can be a
It should not be an
privacy officer, or
The winning firms
The reckless firms
Very expensive education.

The ESTATE Framework

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