NC Rules of Professional Conduct Implicated by AI: Quick Reference

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A quick-reference map of the North Carolina rules that apply to AI use, and where 2024 FEO 1 discusses each.

AI in Your Law Practice (NC CLE, November 19, 2026), Handout 4. Prepared by Keith Smith, Summit Legal Technologies. Paraphrased for teaching, not legal advice. Read the full rules and comments on ncbar.gov.

The Rules at a Glance

No Rule of Professional Conduct specifically addresses AI. In 2024 FEO 1, the State Bar applies the existing rules.

Rule	What it requires (paraphrased)	How it applies to AI	Where FEO 1 addresses it
1.1, cmt. [8]	Competence, including keeping up with "the benefits and risks associated with the technology relevant to the lawyer's practice"	Learn how the particular tool works. Review its output before relying on it.	Inquiry #1
1.4	Keep the client informed, consult about means, and explain enough for informed decisions (1.4(b))	Ordinary uses generally need no disclosure. Substantive work delegated to AI needs advance informed consent.	Inquiry #5 (citing 1.4(b), 2007 FEO 12)
1.5	No clearly excessive fee or expense. Explain the fee basis to a client not regularly represented, preferably in writing (1.5(b)).	Bill actual time, not time saved. Flat fees and AI expenses need client agreement.	Inquiry #6; Inquiry #5 on fees
1.6(c), cmt. [19]	Reasonable efforts to prevent unauthorized disclosure of client information. Cmt. [19] lists factors.	Vet vendors first. Avoid client-specific information in public AI tools. Re-check over time.	Inquiries #2 and #3
3.1	Only non-frivolous claims and contentions	Relying on AI does not lessen the duty	Inquiry #4
3.3	No knowing false statement of fact or law to a tribunal; correct a false statement of material fact or law you made	Found a bad citation you filed? Correct it promptly.	Inquiry #4 rests on 3.1 and Rule 11; ABA 512 covers 3.3

Rule	What it requires (paraphrased)	How it applies to AI	Where FEO 1 addresses it
5.1	Managers must have reasonable firm measures for compliance	Policies and training show reasonable efforts (ABA Formal Op. 512)	Not discussed; FEO 1 relies on 5.3
5.3	Parallel duties for nonlawyers employed, retained, or associated, including outside services	Covers AI vendors and staff use of AI	Inquiry #1 (5.3(a)–(b), citing 2011 FEO 6)
8.4(c)–(d)	Misconduct includes misrepresentation (c) and conduct prejudicial to the administration of justice (d)	Inflated AI billing raises 8.4(c). Per ABA 512, an unintentional misstatement to a court can still be a misrepresentation.	8.4(c): Inquiry #6 (billing)
N.C. R. Civ. P. 11 (state civil cases)	Signing a filing certifies a reasonable inquiry	Applies whoever, or whatever, drafted it	Inquiry #4

Remember. FEO 1 relies on Rule 5.3; firm policies and training come from ABA 512 and Rule 5.1. NC's fee test is "clearly excessive"; ABA materials say "unreasonable."

These Rules Follow You Into Federal Court

Court or office	Rule	What it says
E.D.N.C. (criminal)	Local Criminal Rule 57.1(j)	The ethical standard is the N.C. Rules of Professional Conduct, as modified by the Supreme Court of North Carolina
M.D.N.C.	LR 83.10e(b); LCrR 57.1 (eff. June 1, 2026)	Adopts the Code "adopted by the Supreme Court of North Carolina, as amended from time to time"; LCrR 57.1 applies it "fully to criminal proceedings"
W.D.N.C. (criminal)	LCrR 44.1, adopting LCvR 83.1–83.2	Discipline for conduct that violates the N.C. Rules of Professional Conduct
Fourth Circuit	L.R. 46(g)(1)(c), (d)	Discipline for conduct before the court that violates the rules of professional conduct of the state where the attorney maintains his or her principal office, or this Court's rules and orders, or for conduct

Court or office	Rule	What it says
		unbecoming a member of its bar
U.S. Attorney's Office	28 U.S.C. § 530B(a)	Government attorneys are subject to the state's rules governing attorneys, to the same extent as other attorneys in the state

In federal criminal cases, Fed. R. Civ. P. 11 does not apply; courts address fabricated citations under inherent authority, 28 U.S.C. § 1927, local rules, and bar referral. Confirm the current text of your district's local rules.

Sources

- N.C. State Bar, 2024 FEO 1
- N.C. Rule 1.1
- N.C. Rule 5.3
- ABA Formal Opinion 512 (July 29, 2024), news release
- Wendy J. Muchman on ABA Formal Opinion 512 (The Bar Examiner, Fall 2024), a summary article
- E.D.N.C. Local Criminal Rules (Rule 57.1(j))
- 28 U.S.C. § 530B
- *In re Matheny*, No. 1:22-mc-31 (M.D.N.C. Mar. 24, 2023)
- M.D.N.C. Local Criminal Rules, effective June 1, 2026 (LCrR 57.1)
- M.D.N.C. Local Civil Rules, effective June 1, 2026 (LR 83.10e)
- Fourth Circuit Local Rule 46
- ABA Formal Opinion 512, official PDF

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