

Maintaining Attorney-Client Confidentiality

with Modern Speech Tech

The legal profession stands at a critical crossroads.

On one side lies the promise of technological efficiency—AI-powered tools that can dramatically reduce administrative burden and free attorneys to focus on high-value legal work. On the other side stands the foundational principle of attorney-client privilege—the bedrock of client trust that has defined legal practice for centuries. At first blush, these might seem mutually exclusive, but a deeper look reveals that they're not.

Despite initial concerns, these technologies can actually bolster the attorney-client relationship. Modern voice capture tools now offer enterprise-level security protocols, robust privacy controls, and legal-specific compliance features that safeguard confidentiality while delivering transformative workflow improvements. With potential time savings of up to 12 hours per week per attorney—translating to approximately \$300,000 in additional billable time annually—these technologies present an opportunity the legal industry can no longer afford to ignore.

This whitepaper explores how forward-thinking legal organizations are successfully balancing technological advancement with rigorous confidentiality requirements, transforming their practices while upholding their most sacred professional obligations.

12

hours of potential time savings
per week per attorney

\$300k

approximately in additional billable time annually

Attorney-Client Privilege in the Digital Age

Legal Foundations of Privilege

Attorney-client privilege represents one of the oldest and most sacred principles in legal practice, dating back to 16th century English common law. This privilege ensures that confidential communications between attorneys and their clients remain protected from disclosure, enabling clients to speak candidly with their counsel without fear that their words will later be used against them.

For a communication to be privileged, it must satisfy several key criteria:

- It must occur between an attorney and their client or prospective client
- It must be made for the purpose of securing legal advice
- It must be made in confidence with an expectation of privacy
- The privilege must not have been waived through disclosure to third parties

When properly maintained, attorney-client privilege offers robust protection, preventing courts from compelling disclosure of privileged communications and excluding such communications from evidence even when relevant to a case.

The Stability of Attorney-Client Privilege in the Age of Speech Tech

According to established legal precedent and ethics opinions, attorney-client privilege extends to recordings and transcriptions of confidential communications, provided they meet the standard criteria for privileged communications. The Third Restatement of the Law Governing Lawyers Section 68 confirms that attorney-client privilege applies regardless of the medium of communication. Courts have consistently held that the



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form of communication does not affect privilege status, focusing instead on the content and context of the communication.

When legal professionals engage with third-party transcription services, the privilege remains intact provided proper confidentiality agreements are in place. When a defense attorney submits attorney-client conversations for transcription, privilege remains intact as long as there is a clear service agreement establishing that the transcription service is acting as an agent of the attorney. This principle aligns with established case law regarding the involvement of necessary third parties in facilitating legal services.

However, jurisdictional considerations add complexity to privilege determinations. While the fundamental principles remain consistent, specific applications can vary across state and federal jurisdictions. Some jurisdictions apply more stringent tests for determining privilege, while others may have specific rules governing electronic communications. Multi-jurisdictional practices must therefore remain attentive to these variations when implementing voice capture technologies.

The Legal Industry at a Technological Crossroads

The Efficiency Crisis in Legal Practice

Despite charging premium rates, attorneys struggle with administrative overload that severely limits their billable capacity. According to the 2023 Clio Legal Trends Report, lawyers spend only 2.9 hours of their workday on billable tasks, with the remainder consumed by administrative work, practice management, and documentation efforts.

This inefficiency exacts a heavy toll. **For a partner billing at \$400 per hour, each hour spent on non-billable administrative work represents \$400 in direct revenue loss.** Across a year, these non-billable hours translate to hundreds of thousands in foregone income per attorney. For clients, this inefficiency means higher costs, as firms must maintain higher rates to compensate for productivity shortfalls.

The Cost of Inefficiency



One significant efficiency drain comes from manual documentation—the painstaking process of taking notes during client meetings, drafting summaries, and managing follow-up. Attorneys spend an estimated 14.5 hours weekly on documentation tasks that could be automated through modern technologies. And this can lead to more than just simple inefficiencies in the process, “the mental demands of a lawyer...can be overwhelming and lead to feelings of stress, anxiety, or even burnout.”

“...This is not a gradual evolution, but a confluence of powerful forces that are making the adoption of secure, legal-specific technologies not just advantageous, but essential for survival.”

Previous Hesitations Towards New Technology

Despite clear efficiency benefits, attorneys have been remarkably hesitant to adopt recording and transcription technologies. This reluctance stems not from technophobia, but from deeply legitimate concerns about maintaining attorney-client privilege and confidentiality.

Attorneys understand that documentation creates records that must be managed carefully. Traditional approaches to legal documentation—handwritten notes that capture approximately 20% of conversation content—have persisted not because of their effectiveness, but because they have been viewed as a safer option. Manual note-taking allows attorneys to exercise discretion about what information to preserve, but at a significant cost: up to 80% of conversation content is lost, existing only in memory.

These concerns, while valid, have led to a technological stagnation that increasingly places law firms at a competitive disadvantage.

The Inflection Point: Why Now?

For years, the legal profession has navigated a delicate balance: the pressing need for greater efficiency clashing with the paramount duty of confidentiality. This tension has, understandably, fostered a cautious approach to technologies like recording and transcription. However, the landscape is shifting dramatically. We're no longer looking at a gradual evolution, but a confluence of powerful forces that are making the adoption of secure, legal-specific technologies not just advantageous, but essential for survival.



Client Expectations Have Evolved: Today's clients expect greater transparency, faster responsiveness, and more cost-effective legal services. These expectations are increasingly difficult to meet using traditional, manual workflows.



Competitive Pressures Are Intensifying: The legal marketplace faces unprecedented competition, with alternative legal service providers (ALSPs), legal technology companies, and the Big Four accounting firms all expanding into traditional law firm territory. These competitors leverage technology to deliver legal services more efficiently and at lower cost points, forcing traditional firms to evolve or risk client attrition.



Legal-Specific Technologies Have Matured: Perhaps most importantly, voice technologies have evolved specifically to address the unique requirements of legal practice. Today's leading platforms incorporate features like:

- Enterprise-grade encryption (AES-256) for all data in transit and at rest
- Role-based access controls with granular, matter-specific permissions
- HIPAA compliance and SOC 2 Type II certified infrastructure
- Comprehensive audit trails tracking all system activities
- Data privacy controls that prevent AI training on confidential content

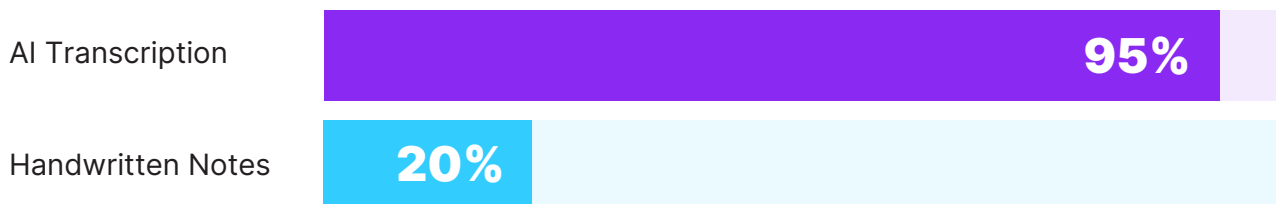
This technological maturation has finally made it possible to capture efficiency benefits without compromising confidentiality requirements. As the legal industry recovers from recent economic challenges, the firms that successfully balance these imperatives will emerge with significant competitive advantages.

Transforming Client Conversations with Speech Tech

Legal workflows have traditionally relied on manual documentation processes that are both time-consuming and prone to error. The emergence of AI-powered voice capture technology is revolutionizing how legal professionals document, analyze, and leverage critical information across the lifecycle of a case. This transformation impacts every stage of the legal process, from client intake to court proceedings, creating unprecedented opportunities for efficiency and accuracy.

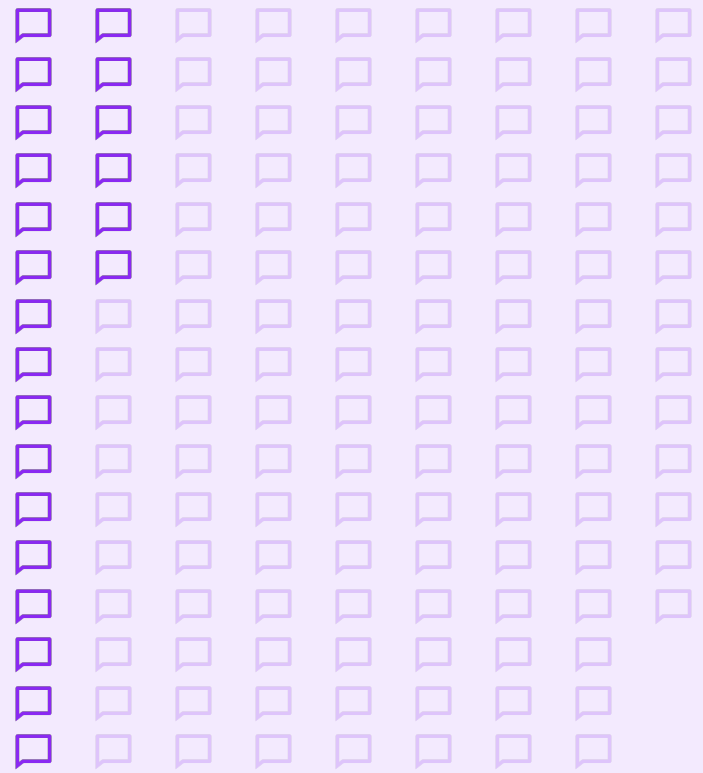
The disparity between traditional documentation methods and modern AI transcription represents one of the most significant efficiency opportunities in legal practice today.

Capture Rate Comparison:



The limitations of manual documentation are stark when quantified. **According to the [2025 Legal Technology Survey](#), the average person speaks at approximately 140 words per minute, yet even the most skilled note-takers can only record about 22 words per minute in handwritten notes.** This means that at best, handwritten documentation captures merely 20% of what is said during critical legal conversations.

In contrast, AI-powered transcription solutions can capture at least 95% of every conversation with high accuracy rates in legal settings. This dramatic improvement ensures that virtually no critical information is lost during client interviews, witness statements, or strategy sessions. According to the [2025 Legal Technology Survey](#), 58.1% of legal professionals now use voice recording or transcription tools, recognizing the substantial documentation advantages they provide.



Handwritten documentation captures merely 20% of what is said

Searchability and Knowledge Management Benefits

Perhaps the most transformative aspect of AI-powered documentation is the creation of searchable knowledge repositories. Unlike handwritten notes or scattered documents, digital transcripts enable:

- Instantaneous keyword searching across hundreds or thousands of pages
- Automatic organization of information by topic, date, or relevance
- Cross-referencing between related cases and legal matters
- Institutional knowledge preservation that survives attorney transitions

Maintaining Privilege with Voice Capture Technology

We've covered the ways in which speech tech can help lawyers with their cases and we've broadly addressed how attorney-client privilege is upheld, but let's dive in to how to best maintain privilege and security when working with speech tech. Maintaining privilege when using voice capture technology requires deliberate protocols that preserve confidentiality while leveraging efficiency gains. Forward-thinking legal organizations are implementing several best practices to ensure privilege protection.

Comprehensive Labeling and Management Systems

Leading firms implement robust systems for clearly identifying and managing privileged communications from the outset. These systems typically include verbal declarations of privilege at the beginning of recordings, digital tags in metadata indicating privilege status, and storage in segregated, access-controlled repositories. Some organizations employ automated classification systems that tag recordings based on participant identities and meeting contexts.

Transparent Client Consent Frameworks

Ethical compliance and privilege preservation both necessitate clear client consent practices. Forward-thinking firms incorporate recording policies in engagement letters, verbally confirm consent at the start of recorded conversations, and provide clients with detailed information about security protocols. Many firms also establish procedures allowing clients to request that particularly sensitive discussions remain unrecorded.

Strategic Segmentation of Communications

Not all attorney-client communications carry equal sensitivity or risk. Sophisticated legal practices strategically determine which communications are appropriate for recording and which should remain unrecorded. Many firms develop clear guidelines differentiating between fact-gathering sessions that would benefit from recording and strategic planning discussions that are often unrecorded.

Addressing Discovery and Subpoena Concerns

One of attorneys' most significant concerns about voice capture technologies is the risk that recordings might be subject to discovery or subpoena, potentially exposing sensitive client information. However, proper protocols can substantially mitigate these risks.

1 Preventing Recordings from Being Subject to Subpoena

Several strategies help minimize the likelihood that recordings will be compelled through subpoena:

- **Implement a Clear Labeling System:** All privileged recordings should be clearly marked as attorney-client privileged and/or work product. This labeling should be applied consistently and comprehensively.
- **Establish Strict Access Controls:** Limit access to privileged recordings to only those individuals with a legitimate need. The more tightly controlled access is, the stronger the argument that privilege has been maintained.
- **Document the Privilege Basis:** Maintain records explaining why specific recordings qualify for privilege protection, linking them to specific legal matters and advice.
- **Apply Work Product Doctrine When Appropriate:** For recordings that capture attorney mental impressions, conclusions, or legal theories, assert work product protection in addition to attorney-client privilege.

2 Proper Documentation and Privilege Assertion Techniques

Should recordings become subject to discovery requests, proper documentation becomes crucial:

- **Maintain Detailed Privilege Logs:** Create and maintain comprehensive privilege logs that identify each recording, the privilege basis, participants, and subject matter (without revealing privileged content).
- **Implement Timely Assertion Procedures:** Establish protocols for promptly asserting privilege when faced with discovery requests or subpoenas.
- **Consider In Camera Review Preparation:** Be prepared for potential in camera review by judges by ensuring recordings are properly labeled and organized.

3 Role-Based Access Controls and Their Legal Significance

Modern voice capture platforms offer sophisticated access controls that strengthen privilege protection:

- **Matter-Based Restrictions:** Configure systems to limit recording access based on specific legal matters, ensuring attorneys can only access recordings relevant to their assigned cases.
- **Hierarchical Access Levels:** Implement tiered access rights that distinguish between partners, associates, paralegals, and administrative staff.
- **Access Logging and Monitoring:** Maintain detailed logs of all access to privileged recordings, creating an audit trail that demonstrates privilege maintenance.
- **Time-Limited Access:** Implement automatic access expiration for departing employees or concluded matters.

These access controls not only enhance security but also provide evidence of reasonable steps taken to maintain confidentiality—a key consideration in privilege determinations.

Beyond Attorney-Client Conversation Recording

While client communications represent a critical application for voice capture technology, the benefits extend far beyond these conversations. Modern speech technology is transforming every aspect of legal practice, from dictation and document creation to deposition preparation and case analysis.



Modern Dictation Capabilities

The concept of dictation in legal practice has evolved dramatically with the integration of AI-powered solutions, creating opportunities for significant efficiency gains in document creation.

Evolution from Traditional Dictation to AI-Powered Transcription

Traditional dictation required specialized equipment, dedicated transcriptionists, and significant turnaround time. Modern AI-powered transcription represents a quantum leap forward. It offers near-instant transcription versus days of waiting, eliminates the need for specialized dictation equipment, and removes the transcriptionist bottlenecks that often delayed important legal work. These new systems seamlessly integrate with document management platforms, creating a more efficient workflow for legal professionals.

The 2025 Legal Technology Survey indicates that while traditional dictation remains in use, it has been surpassed by digital documentation methods, with 25 respondents reporting use of voice dictation compared to 27 still using handwritten notes. This shift signals a growing recognition of the value AI-powered solutions bring to legal documentation processes.

Mobile Capabilities for Attorneys on the Go

Modern legal practice unfolds in various settings: courthouses, client locations, home offices, and during transit. To support this mobility, voice capture technologies have evolved significantly.

Mobile applications now provide high-quality audio recording across diverse environments. Background noise cancellation improves clarity in challenging acoustic conditions. Offline recording capabilities ensure uninterrupted work, with automatic upload upon connection. Synchronized access across devices allows for seamless workflow transitions.

These advancements enable attorneys to maximize productive time regardless of their location. Tasks such as case research, document drafting, and client communication can be captured and processed during periods that were previously less productive.

Integration with Document Creation Workflows

The real power of modern voice capture becomes clear when it connects with how legal documents are created.

Transcripts can be directly turned into formatted legal documents, saving significant time. Systems can automatically fill in template fields using the information captured in the transcription. Furthermore, these technologies often integrate with document management and practice management systems, streamlining workflows.

Teams can also collaborate on and refine these documents through integrated editing features.

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IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL
CIRCUIT, IN AND FOR BROWARD COUNTY, FLORIDA

LARRY KLAYMAN,
Plaintiff, CASE NO.
vs. 19-011394
ROGER STONE,
Defendant.
~~~~~  
DEPOSITION OF  
ROGER STONE  
  
FEBRUARY 12, 2020  
9:42 a.m. to 4:28 p.m.  
and  
FEBRUARY 13, 2020  
9:06 a.m. to 9:57 a.m.  
VIA TELEPHONE

# Critical Legal Use Cases

Speech technology offers transformative benefits across the full spectrum of legal work, supporting numerous critical workflows throughout the lifecycle of a case:

## Client Interviews and Intake Processes

AI-powered recording and transcription streamlines the client intake process, allowing attorneys to focus on building rapport rather than taking notes. The complete record ensures that no critical details are missed, and the resulting transcript can be analyzed to identify key facts, potential issues, and necessary follow-up.

## Deposition and Witness Interview Documentation

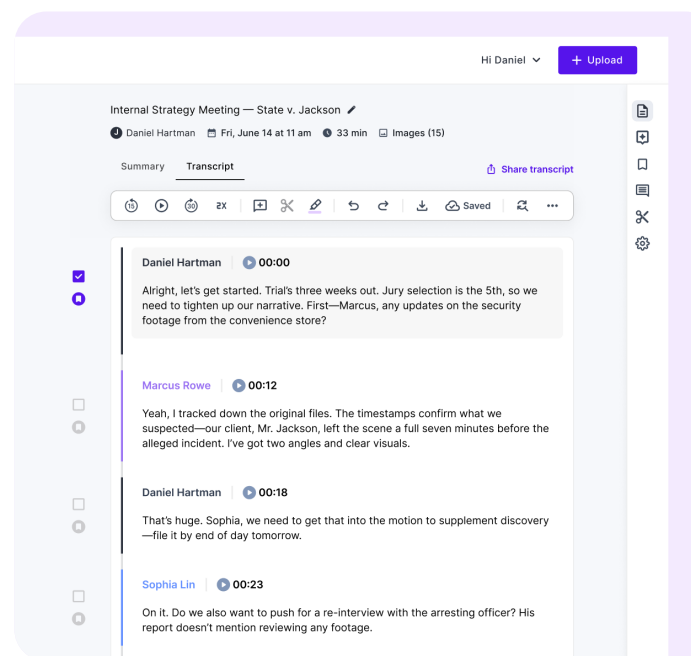
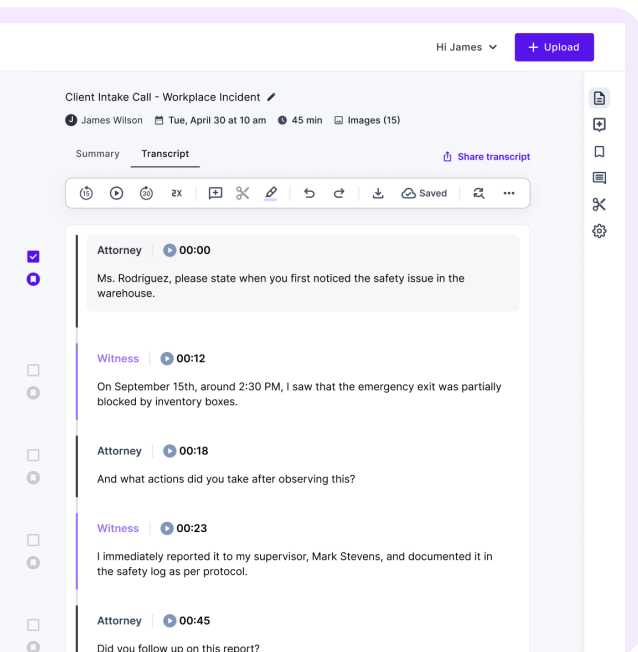
Perhaps no area benefits more from advanced speech technology than deposition and witness interview preparation. By recording and transcribing preparation sessions, attorneys create comprehensive records that can be compared against actual testimony to identify inconsistencies. The technology also enables rapid post-deposition analysis, with AI highlighting key admissions, contradictions, and evidentiary opportunities.

## Internal Strategy Sessions and Case Preparation

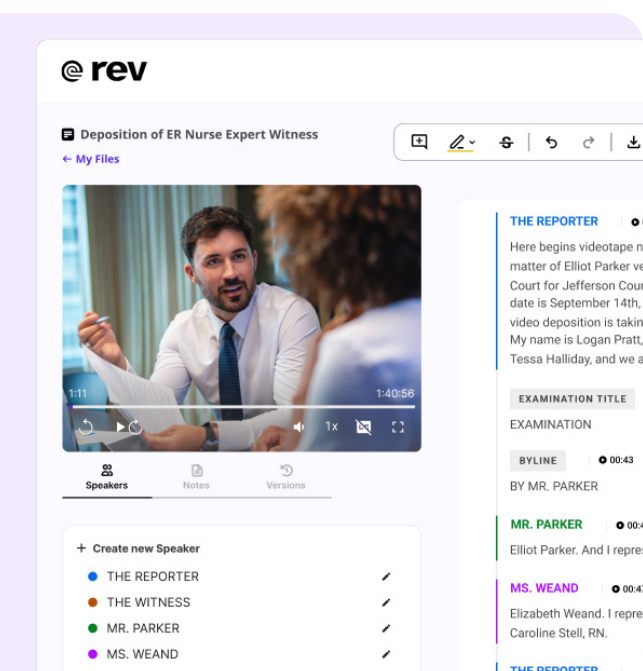
Voice technology transforms internal strategy discussions from ephemeral conversations into searchable knowledge assets. Teams can freely brainstorm while capturing every insight, then organize and prioritize their approach based on the complete record. Many firms report that this approach leads to more thorough case preparation and fewer overlooked issues.

## Expert Witness Consultations

Consultations with expert witnesses often involve complex technical information that can be difficult to capture through







notes alone. AI-powered transcription ensures that technical details are accurately recorded, and subsequent analysis can extract key concepts and terminology for attorney preparation. This capability is particularly valuable in fields like patent litigation, medical malpractice, and complex financial disputes.

### Court Proceeding Documentation

While court reporters remain essential for official transcripts, supplemental recording and analysis of court proceedings enables legal teams to begin working with the day's testimony immediately, rather than waiting for official transcripts. This real-time capability can be decisive in fast-moving litigation, allowing overnight preparation based on the day's proceedings.

## How to Ensure Security?

We've talked about why you want to use speech tech and how you can ensure attorney-client privilege, now let's talk about the very important aspects of security that should govern which provider you use for this confidential information. For legal professionals, the security standards of a speech technology provider aren't merely technical considerations—they're fundamental to maintaining client confidentiality and professional obligations. When evaluating potential partners, legal organizations should look beyond marketing claims to verify specific security capabilities that address the unique requirements of legal practice.

### Verify Enterprise-Grade Security Protections

#### Demand Strong Encryption Standards

Don't settle for vague assurances about "industry-standard security." Ask specifically whether the provider implements encryption for all data in transit and at rest. Require confirmation that they employ TLS protocols for data transmission and maintain rigorous key management systems that prevent access even by their own technical staff.

When evaluating access controls, ensure the provider offers:

- Multi-factor authentication options that align with your firm’s security protocols
- Granular permissions that can be mapped to your organizational structure and matter system
- Role-based access controls that enable matter-specific restrictions
- Domain-claiming capabilities that prevent shadow accounts and unauthorized access

## Evaluate Compliance Certifications and Capabilities

Reputable providers will have undergone rigorous independent security assessments. At minimum, ask whether they maintain SOC 2 Type II certification (not just SOC 2 Type I, which only evaluates controls at a point in time rather than their effectiveness over time).

In addition to SOC 2 Type II, if your practice involves healthcare matters, HIPAA compliance is non-negotiable. Verify that the provider offers:

- Signed Business Associate Agreements
- HIPAA-compliant configurations
- Enhanced safeguards for protected health information



For practices with international clients, confirm the provider’s compliance with GDPR and other relevant international privacy frameworks. Request documentation of their privacy-by-design principles and cross-border data transfer protections.

By thoroughly evaluating potential partners against these security criteria, you can select a speech technology provider that enables you to capture the efficiency benefits of these tools while maintaining your professional obligations to clients. Remember that security is not a one-time assessment but an ongoing commitment—look for providers who demonstrate continuous improvement in their security posture and adapt to evolving threats and regulatory requirements.

# The legal profession stands at a pivotal crossroads where technology and tradition intersect.

Throughout this paper, we've addressed the legitimate hesitations that have historically slowed adoption of speech technologies in legal settings. Modern solutions have systematically overcome concerns about privacy, confidentiality, privilege protection, and discovery risks through enterprise-grade security, sophisticated access controls, and documented protocols that maintain privilege while delivering unprecedented efficiency. The question is no longer whether these technologies can be safely adopted, but rather how quickly organizations must implement them to remain competitive. Firms that delay adoption face mounting disadvantages: inability to meet evolving client expectations for faster service and greater transparency, challenges attracting and retaining top talent who seek efficiency-enabled environments, and the staggering opportunity cost of foregoing potential savings of 12 hours per week per attorney—approximately \$300,000 in additional billable time annually.

Rev stands at the forefront of this transformation, providing legal professionals with secure, compliant speech technology specifically engineered for the unique demands of legal practice. With industry-leading accuracy, SOC 2 Type II certification, and HIPAA compliance capabilities, Rev offers the robust security infrastructure required for sensitive legal materials. Rev's platform combines advanced encryption, granular access controls, and comprehensive audit trails with a commitment never to train AI models on client data. This security-first approach, coupled with purpose-built features for legal workflows, enables Rev to deliver the efficiency benefits of speech technology while maintaining the confidentiality standards essential to legal practice.

For forward-thinking legal organizations ready to embrace this transformation, selecting the right technology partner is the crucial next step. The most successful implementations involve security-first platforms specifically designed for legal workflows, with clear data privacy guarantees, strong implementation support, and demonstrated understanding of legal-specific requirements. These partnerships are revealing that speech technology doesn't diminish legal expertise but rather amplifies it, allowing attorneys to focus on the complex analytical work that truly serves client interests while automating routine documentation. The legal profession has always adapted to changing circumstances while preserving its core values; today's technological evolution represents the next chapter in that long history—an opportunity to enhance legal service while upholding the highest standards of confidentiality, ethics, and client care. The future belongs to those who recognize that the efficiency gains from speech technology don't just improve profitability—they fundamentally transform how legal expertise is delivered in an increasingly competitive landscape.

