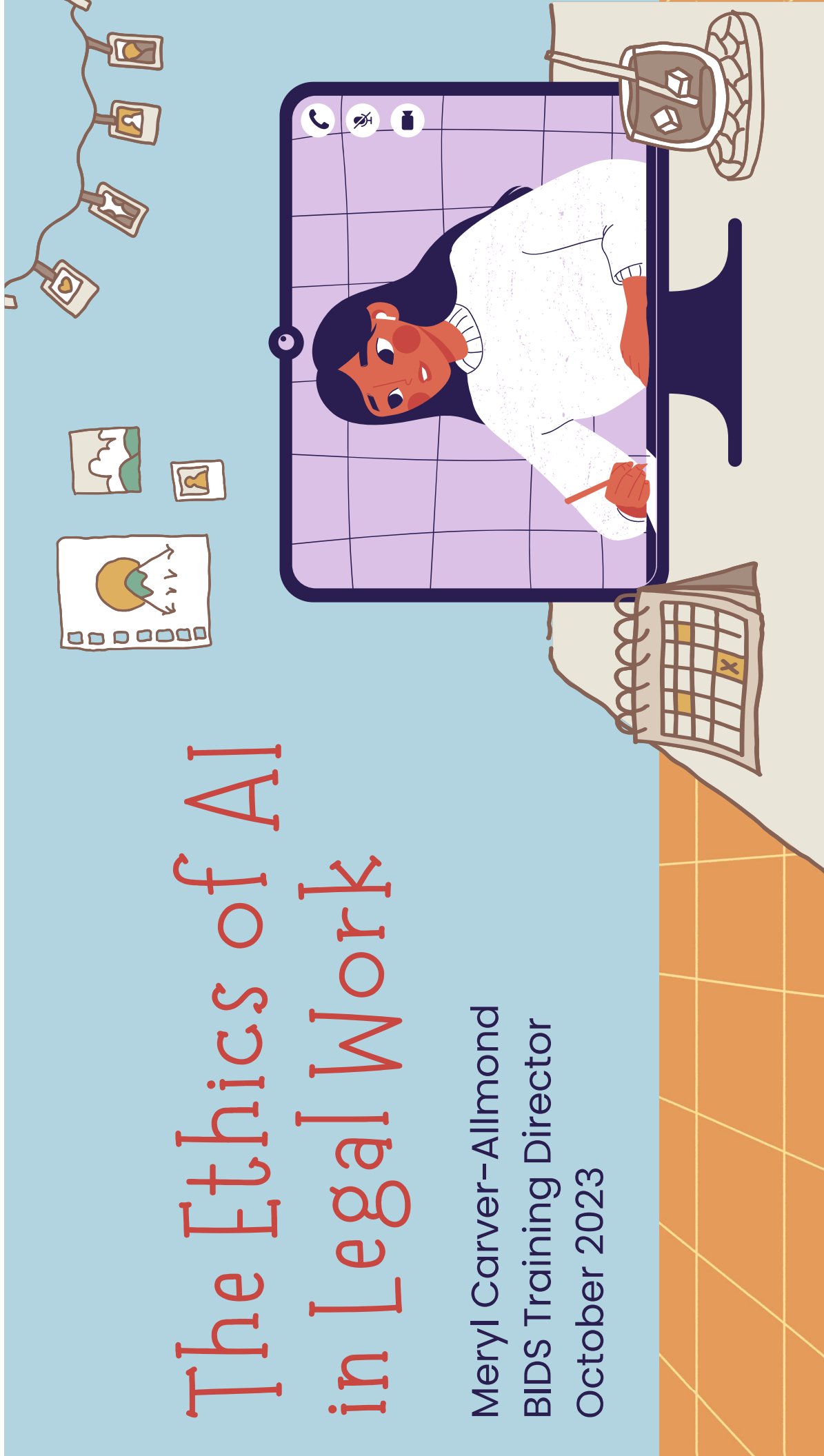
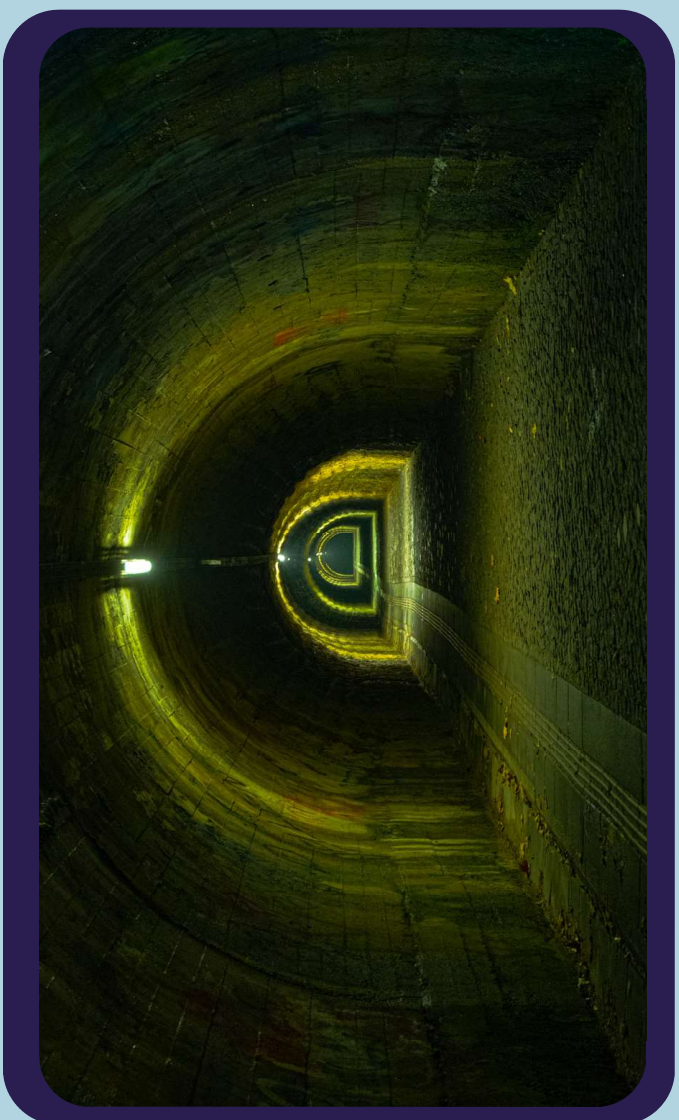
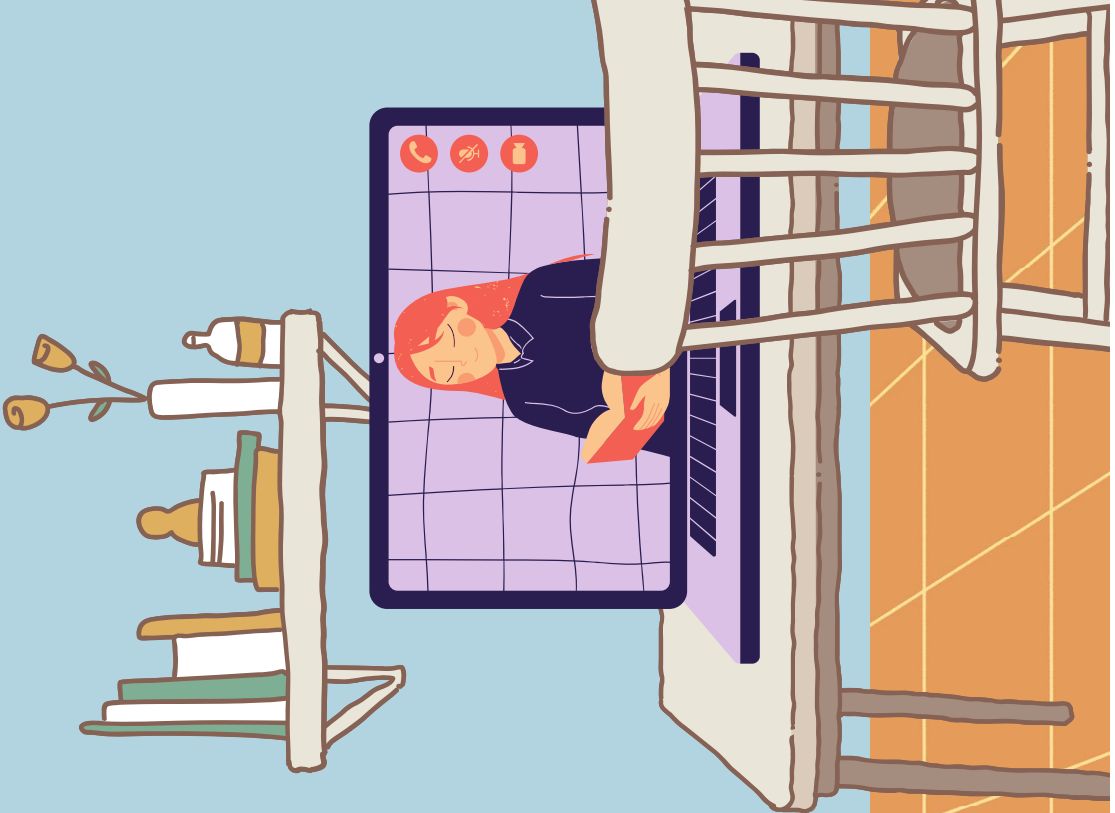


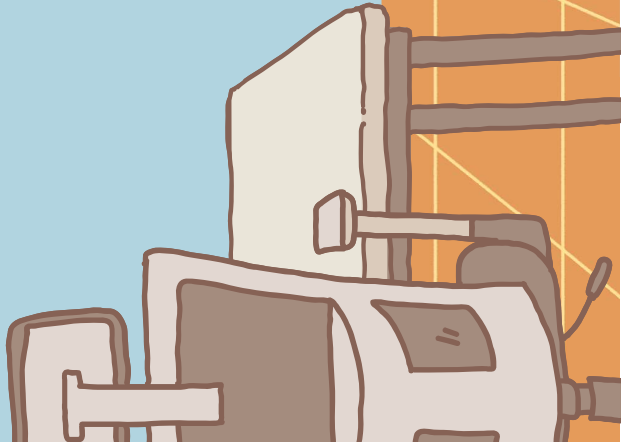
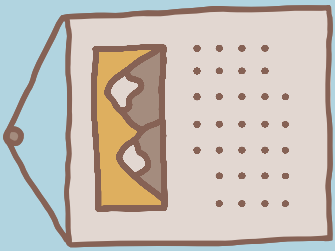
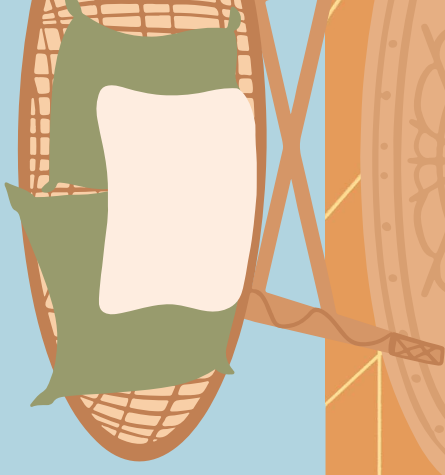
The Ethics of AI in Legal Work

Meryl Carver-Allmond
BIDS Training Director
October 2023

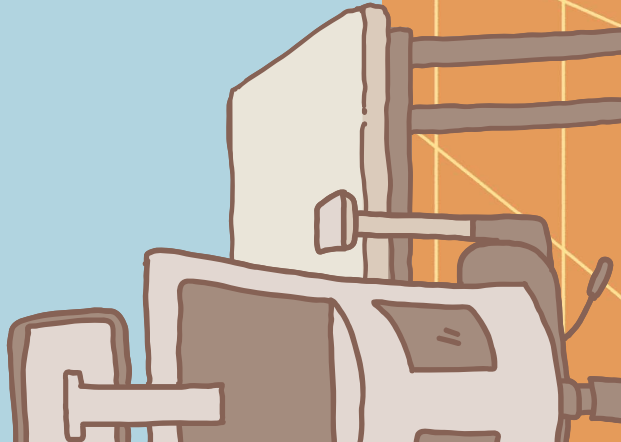
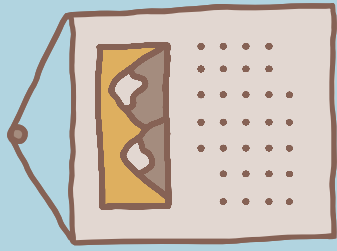
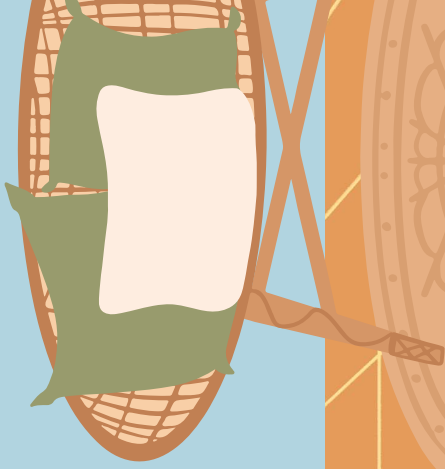




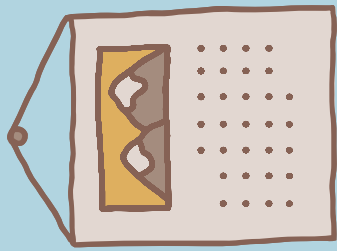
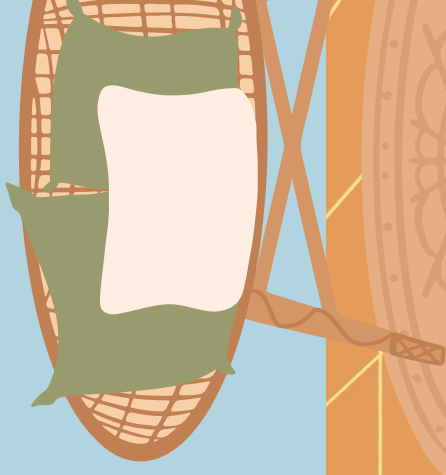
AI is not a lawyer.



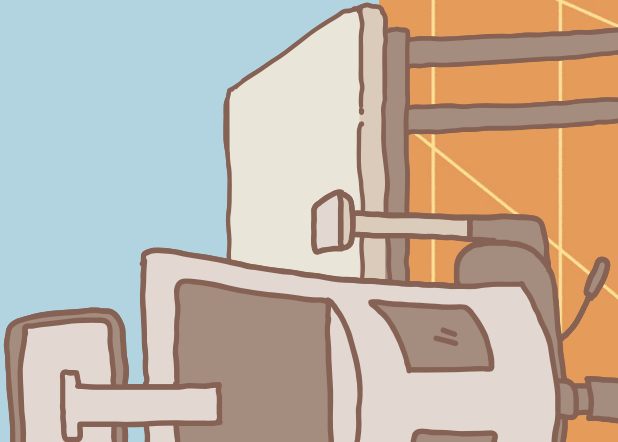
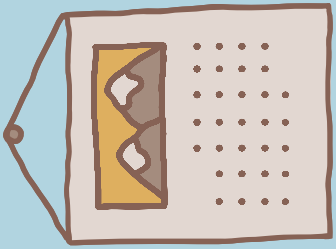
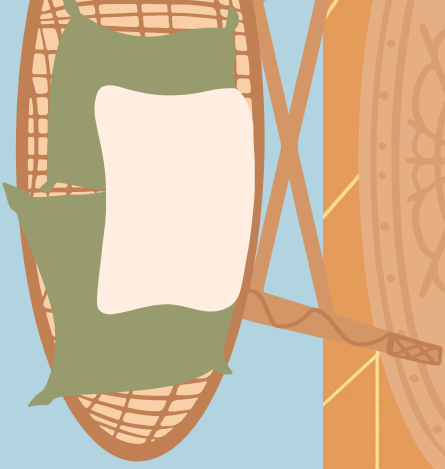
YOU ARE
RESPONSIBLE FOR
THE ACCURACY OF
EVERYTHING YOU
FILE IN COURT



YOU ARE
RESPONSIBLE FOR
FOLLOWING THE
RULES OF
PROFESSIONAL
RESPONSIBILITY

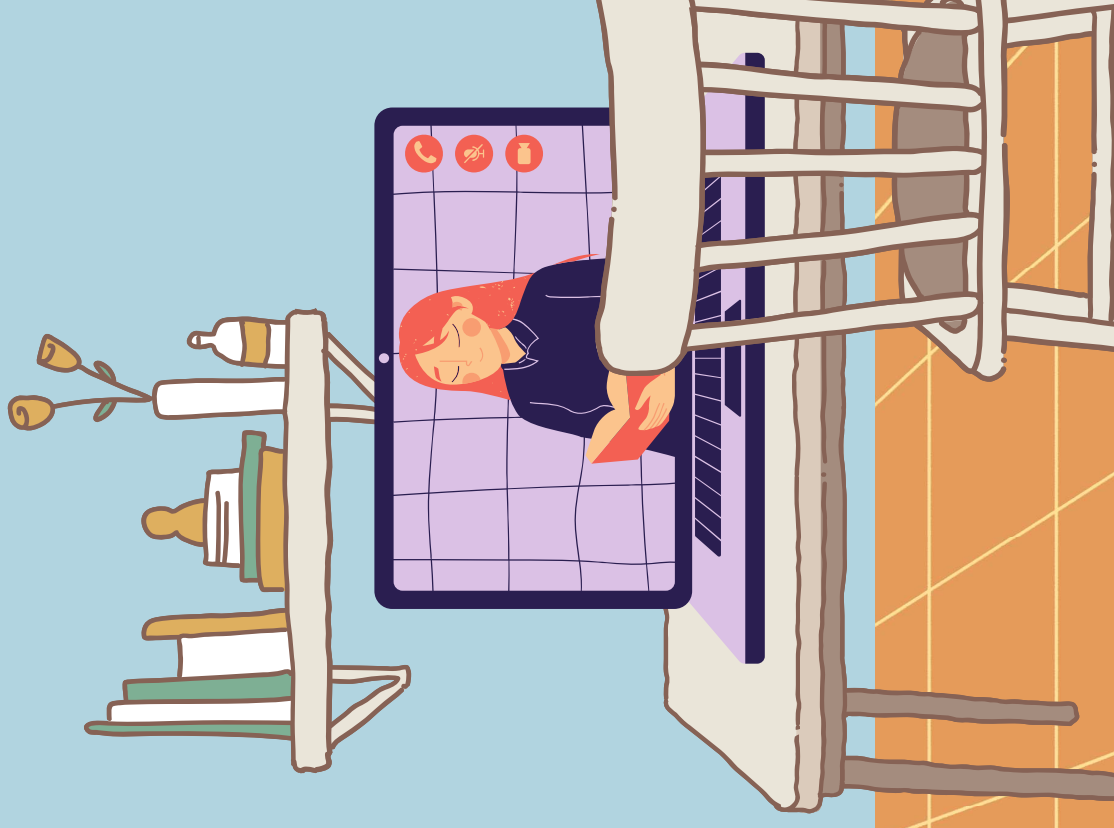


YOU ARE RESPONSIBLE
FOR MAKING SURE
NON-ATTORNEYS YOU
WORK WITH ARE
FOLLOWING THE RULES
OF PROFESSIONAL
RESPONSIBILITY



YOUR ORGANIZATION SHOULD HAVE A POLICY

You can also call the Disciplinary
Administrator at 785-435-8200.



Overview

1

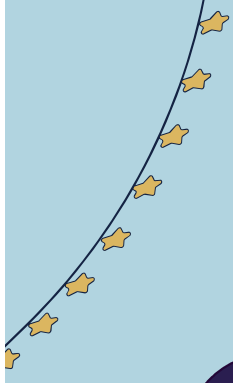
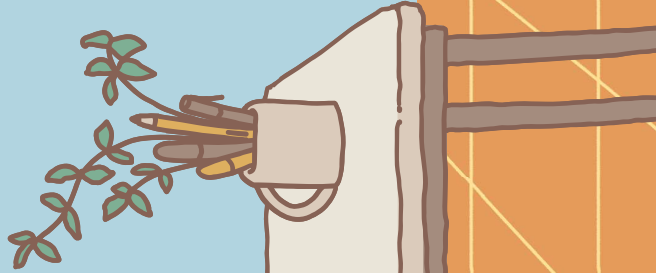
What is it?

2

What are the pitfalls?

3

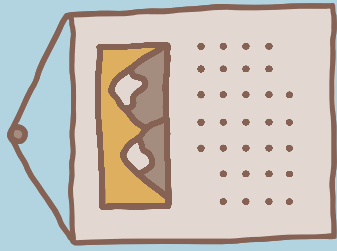
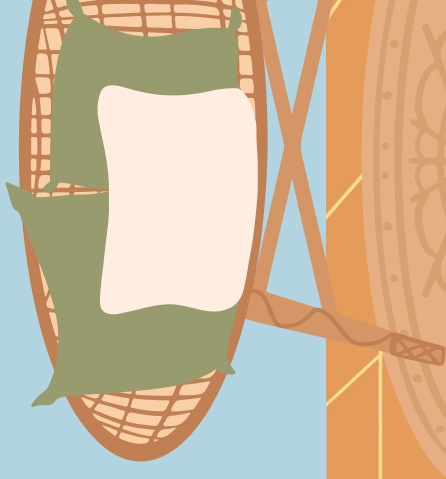
What are the potential positive uses?

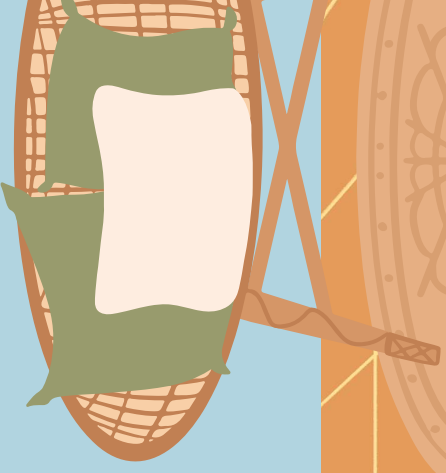


What is it?

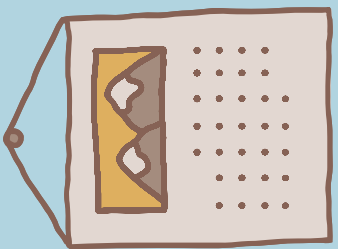


AI is not a lawyer.





IT'S A TOOL!



Rule 1.1 (Cmt. 8)

“Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation”
including keeping “abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology”.



Predictive Text Tool

Search Engine:

- Used to find information.
- Constantly updating itself as new content is generated.

Chat GPT:

- Generates text based on context and pattern to get human-like, hopefully relevant responses.
- Can only generate responses based on its training and knowledge up to its last update (September 2021 for 3.5 version).



CHAT GPT



Responding to Counterman v. Colorado in Kansas

Jul 19



*by Kasper Schirer, Senior Assistant
Appellate Defender*

At the Appellate Defender Office, we have had a lot of questions about the effect that the recently decided United States Supreme Court case, *Counterman v. Colorado*, 143 S.Ct. 2016 (2023), has on the

"If Kansas has a similar statute or case law regarding true threats, this legal opinion could influence how Kansas courts interpret and apply the law. They may be required to prove that a defendant had some subjective understanding of the threatening nature of their statements. Additionally, Kansas courts may adopt a recklessness standard as the appropriate mens rea requirement in true threats cases. However, it's essential to check the current Kansas statutes and relevant case law to determine the specific impact on Kansas law."



What are the pitfalls?



INACCURACY & "HALLUCINATIONS"

ARTIFICIAL INTELLIGENCE

Lawyer apologizes for fake court citations from ChatGPT

By Ramishah Maruf, CNN, CNNWire
Sunday, May 28, 2023

But at least six of the submitted cases by Schwartz as research for a brief "appear to be bogus judicial decisions with bogus quotes and bogus internal citations," said Judge Kevin Castel of the Southern District of New York in an order.

The fake cases source? ChatGPT.

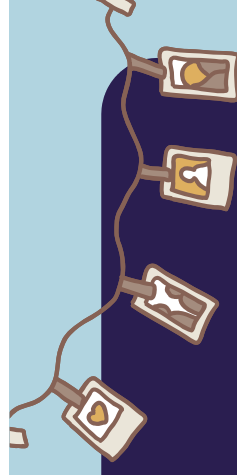
"The court is presented with an unprecedented circumstance," Castel wrote in a May 4 order.

Among the purported cases: Varghese v. China South Airlines, Martinez v. Delta Airlines, Shaboon v. EgyptAir, Petersen v. Iran Air, Miller v. United Airlines, and Estate of Durden v. KLM Royal Dutch Airlines, all of which did not appear to exist to either the judge or defense, the filing said.

Schwartz, in an affidavit, said that he had never used ChatGPT as a legal research source prior to this case and, therefore, "was unaware of the possibility that its content could be false." He accepted responsibility for not confirming the chatbot's sources.

Schwartz is now facing a sanctions hearing on June 8.

In an affidavit this week, he said he "greatly regrets having utilized generative artificial intelligence to supplement the legal research performed herein and will never do so in the future without absolute verification of its authenticity."



Rule 1.1

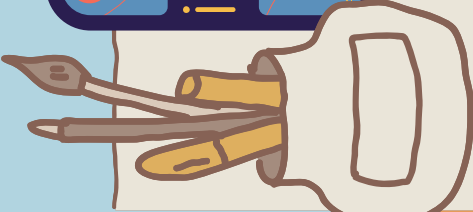
"A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, **thoroughness and preparation** reasonably necessary for the representation."





Rule 1.3

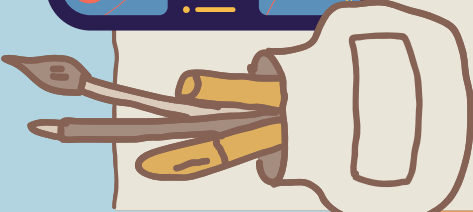
"A lawyer shall act with reasonable **diligence** and promptness in representing a client."





Rule 3.3

"A lawyer shall not knowingly...make a **false statement of fact or law to a tribunal** or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer...."



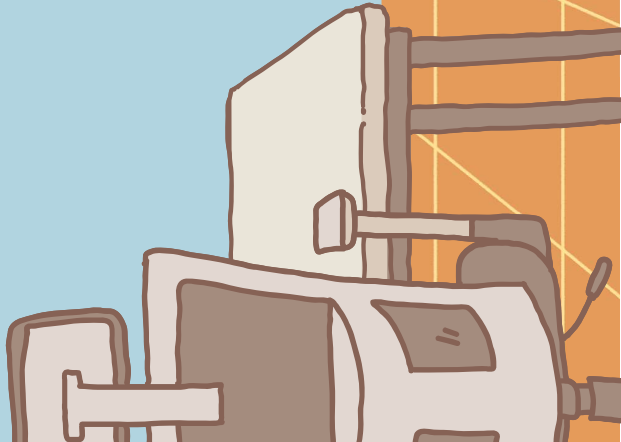
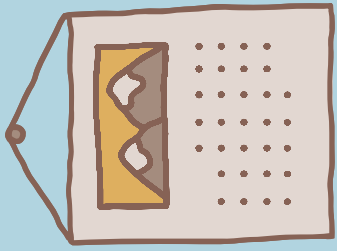
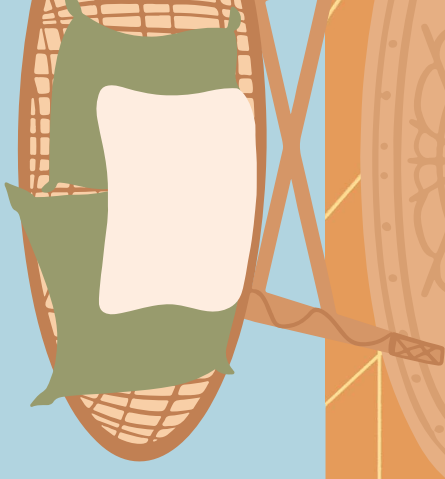


Rule 4.1

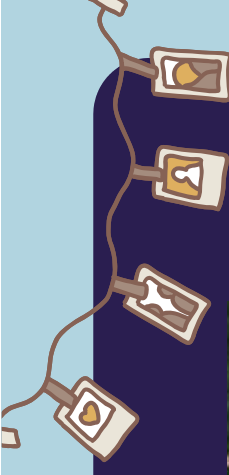
"In the course of representing a client a lawyer shall not knowingly...**make a false statement of material fact or law to a third person...**"



AI is not a lawyer.



BIAS



Advertisement



The Biden Presidency Facts First 2022 Midterms

Why is AI biased, racist and sexist? Because it gets data that tells it to be that way

BLACKMAN: The bias issue, or discriminatory AI, is a separate issue. ... Remember: AI is just software that learns by example. So if you give it examples that contain or reflect certain kinds of biases or discriminatory attitudes ... you're going to get outputs that resemble that.

Somewhat infamously, Amazon created an AI resume-reading software. They get tens of thousands of applications every day. Getting a human to look, or a series of humans to look at, all these applications is phenomenally time consuming and expensive.

So why don't we just give the AI all these examples of successful resumes? This is a resume that some human judged to be worthy of an interview. Let's get the resumes from the past 10 years.

And they gave it to the AI to learn by example ... what are the interview-worthy resumes versus the non-interview-worthy resumes. What it learned from those examples – contrary to the intentions of the developers, by the way – is we don't hire women around here.

When you uploaded a resume by a woman, it would, all else equal, red light it, as opposed to green lighting it for a man, all else equal.



ABA Standard 4-1.6

"(a) ...Defense counsel should strive to eliminate implicit biases, and act to mitigate any improper bias or prejudice when credibly informed that it exists within the scope of defense counsel's authority.

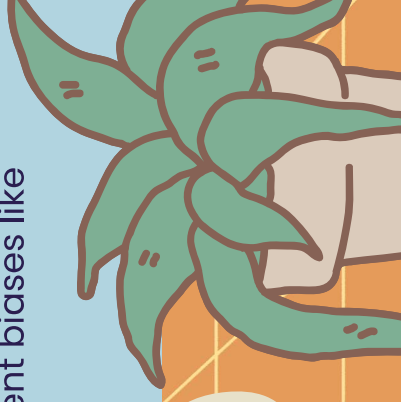
(b) Defense counsel should be proactive in efforts to detect, investigate, and eliminate improper biases, with particular attention to historically persistent biases like race, in all of counsel's work...."



ABA Standard 3-1.6

"(a) ...A prosecutor should strive to eliminate implicit biases, and act to mitigate any improper bias or prejudice when credibly informed that it exists within the scope of the prosecutor's authority.

(b) A prosecutor's office should be proactive in efforts to detect, investigate, and eliminate improper biases, with particular attention to historically persistent biases like race, in all of it's work..."



CONFIDENTIALITY

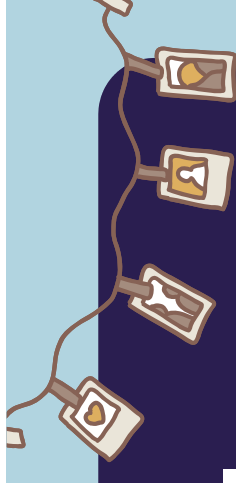
5. Who can view my conversations?

- As part of our commitment to safe and responsible AI, we review conversations to improve our systems and to ensure the content complies with our policies and safety requirements.

6. Will you use my conversations for training?

- Yes. Your conversations may be reviewed by our AI trainers to improve our systems.

- **Legal Requirements:** We may share your Personal Information, including information about your interaction with our Services, with government authorities, industry peers, or other third parties (i) if required to do so by law or in the good faith belief that such action is necessary to comply with a legal obligation, (ii) to protect and defend our rights or property, (iii) if we determine, in our sole discretion, that there is a violation of our terms, policies, or the law; (iv) to detect or prevent fraud or other illegal activity; (v) to protect the safety, security, and integrity of our products, employees, or users, or the public, or (vi) to protect against legal liability.



Rule 1.6 (Cmt. 27)

"When transmitting a communication that includes information relating to the representation of a client, the lawyer **must take reasonable precautions to**

prevent the information from coming into the hands of

unintended recipients. This duty, however, does not require that the lawyer use special security measures if

the method of communication affords a reasonable expectation of privacy."



Rule 5.3 (Cmt. 2)

"A lawyer must give such assistants appropriate instruction and supervision concerning the ethical aspects of their employment, **particularly regarding the obligation not to disclose information relating to representation of the client**, and should be responsible for their work product. **The measures employed in supervising nonlawyers should take account of the fact that they do not have legal training and are not subject to professional discipline.**"



PRACTICING WITHOUT A LICENSE

Subject: Challenge to Speeding Ticket - [Ticket Number]

Dear [Recipient's Name],

I hope this letter finds you well. I am writing to respectfully challenge the speeding ticket I received on [Date] for allegedly driving 10 mph over the speed limit. I believe there are significant grounds for contesting the citation, and I would like to present my case for your review and reconsideration.

While I acknowledge that maintaining safe and lawful driving is essential for the welfare of everyone on the road, I firmly believe that I was not driving at the speed indicated on the ticket. I would like to bring the following points to your attention:

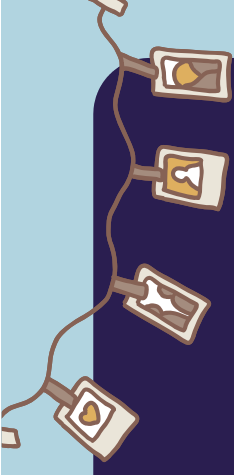
- Faulty Speed Detection Equipment:** Speed detection equipment can sometimes be inaccurate, leading to incorrect readings. I request that you verify the accuracy and calibration of the radar or laser device used to measure my speed at the time of the incident.
- Traffic and Road Conditions:** On the day in question, the road and traffic conditions were challenging due to adverse weather, heavy traffic, or other factors. Such conditions may have influenced the officer's assessment of my speed.
- Mistaken Identity:** There is a possibility of mistaken identity in the issuance of the ticket. I ask that you thoroughly review any available evidence, including photographs or video footage, to confirm the accuracy of the vehicle identified in the citation.
- Clean Driving Record:** I have had an exemplary driving record in the past, with no prior traffic violations. I assure you that I take traffic laws seriously and have always maintained a commitment to safe driving.

In light of the above considerations, I kindly request a hearing to contest this speeding ticket. I am prepared to present any evidence, witnesses, or documentation to support my case during the hearing.

[Regenerate response](#)

Send a message

ETHICS VIOLATIONS



Issues to watch for

Disclosure requirements?

Plagiarism?

Ability to be manipulated for evil?

Billing?

Ethical uncertainty?