

AI in Law: Where Technology Ends and Human Judgment Begins

MCLE Day Jan. 15th, 2025

Hon. Anita Santos (Ret.)

Hon. Victoria Wood (Ret.)

Hon. Elizabeth Feffer (Ret.)

New MCLE Credit Requirement: Technology

- At least one credit hour of education addressing technology in the practice of law (Section 2.72 Rules of professional conduct)
- Technology MCLE activity must consist of education that addresses technology in the practice of law. This includes education on technology tools, programs, or applications to assist attorneys in their law practice. Credit will not be awarded for course content consisting of marketing of a technology product or service. Examples of courses that would qualify for this credit include: (1) Cybersecurity, privacy, and data protection; (2) Use of technology to create, receive, transmit, store, analyze, or delete client documents or client information; (3) Law practice management technology tools, including technology for virtual appearances before a tribunal; (4) Use of applications to assist attorneys in advising clients, including artificial intelligence technology; and (5) Electronic discovery.

What is Artificial Intelligence?

In simple terms, artificial intelligence is the science of making computers and machines to mimic the problem solving and decision-making capabilities of humans.

ChatGPT:



“Generative Pre-trained Transformer”



Machine Learning



Learn skills by analyzing enormous amounts of data

AI appears to be creative and conversational because it can identify billions of patterns in how people connect words, numbers and symbols and then use that knowledge to generate its own content.

Introduction to AI and its Transformative Potential

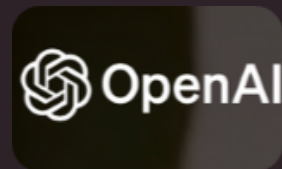
AI refers to the ability of machines to learn, reason, and solve problems like humans. This technology offers immense potential to address complex challenges and improve human lives.

ChatGPT



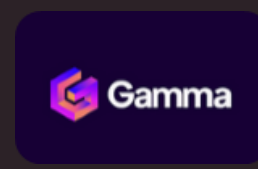
ChatGPT is a natural language processing tool driven by AI technology that allows you to have human-like conversations and much more with the chatbot

OpenAI



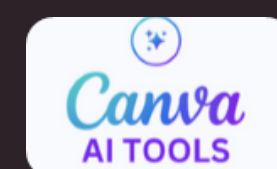
OpenAI is a private research laboratory that aims to develop and direct artificial intelligence (AI) in ways that benefit humanity as a whole.

Gamma



Create a working presentation, document or webpage you can refine and customize in under a minute, using our powerful AI generator

Canva



Produce AI-generated images and art with a text prompt using Canva's AI photo generator apps

Harvey.ai



Formulated specifically formulated for law firms and trained by general legal data, Harvey once engaged is then trained by the firm's own work products and templates.

Adobe Firefly



Adobe Firefly offers new ways to ideate, create, and communicate while significantly improving creative workflows using generative AI.

Grammarly



Grammarly is an American cloud-based typing assistant. It reviews spelling, grammar, punctuation, clarity, engagement, and delivery mistakes in English texts

Casetext



CoCounsel does document review, deposition preparation, contract analysis, and timeline creation using Thomson Reuters.

Otter.ai



An AI meeting assistant that records audio, writes notes, captures action items, and generates summaries.

And Many More!

How has ChatGPT led to more specialized tools in the legal industry?

Focus on core natural language processing abilities to **understand and generate complex text, and extract key information**

Fine-Tuning for Specific Legal Applications

- Focus research on closed data set with case law, statutes, and regulations
- Tailor application to draft pleadings, contracts, or memos with specific format requirements

Ethical and Regulatory Considerations

- Bias mitigation and Data Security

Iterative Learning to Improve Quality

- Integrate feedback from live lawyers to improve work product

Legal Specific Tools



01 Legal Research and Document Review

- CaseText (CoCounsel)
- Ravel Law (part of LexisNexis)
- Paxton

Generally:

performs research, summarizes case law, pattern recognition to find relevant insights, and translates natural language

02 Contract Drafting and Analysis

- LawGeex
- LegalSifter
- Kira Systems

Generally:

compare and contrast versions, highlight discrepancies and key clauses/risky clauses

03 Legal Drafting and Document Automation

- HotDocs
- Clio

Generally:

can use pre-set templates to automate document drafting

Legal Specific Tools



04 Litigation Support and Case Prediction

- Lex Machina (LexisNexis)
- Premonition

Generally:
uses data analytics to predict outcomes of litigation based on past rulings, judge behavior, and other factors.

05 E-Discovery and Document Management

- Everlaw
- Relativity

Generally:
automate document review, sorting, analysis to streamline e-discovery

06 Client Interaction and Legal Assistance

- DoNotPay
- LawDroid

Generally:
chatbot to assist clients with legal services and legal information

07 Time and Billing Automation

- TimeSolv
- Bill4Time

Generally:
tracking and billing software to automate time keeping, billable hours, and invoicing

Remember: Input is key!

Problems/Limitations to Generative AI



Be cautious with the output – it can be wrong (some platforms can “hallucinate”)



Gen-AI currently won't tell you how to do an illegal action



ChatGPT seems creative because using such enormous data, but it's not. It depends on the input from the user.



Content is “unsupervised” so it can be based on online social media, fiction, and nonfiction. Problem w confidentiality because Chat GPT stores data



ChatGPT cannot show empathy



ChatGPT has no access to body language which is 70%-90% of all communication



AI cannot fully understand emotions and is unable to understand perspective of conflicting parties (and to show empathy and support)



Ethical & Legal issues



It does not currently understand the physical or psychological world. It doesn't have the capability to understand nuance that we human mediators understand. It can produce biased outputs because it's building on gender, racial and other biases of the internet and society.

Confidentiality

Putting information into the AI world – how do you know it will remain confidential?

Inputting prompts with enough specificity to get an answer, but without providing confidential information – is this possible?

Specialized legal services – closed-source database

Cassel v. Super. Ct. – 51 Cal. 4th 113 (2011 case)

Biases

AI based tools provide an objective and neutral view, without human biases

However, Gen-AI is not completely free of bias or discrimination – it relies on data sets and therefore can generate responses based on gender, race, etc. By changing the context, these statements can even be manipulated.

What does the Bar say about AI?

THE STATE BAR OF CALIFORNIA STANDING COMMITTEE
ON PROFESSIONAL RESPONSIBILITY AND CONDUCT

PRACTICAL GUIDANCE FOR THE USE OF GENERATIVE
ARTIFICIAL INTELLIGENCE IN THE PRACTICE OF LAW

<https://www.calbar.ca.gov/Portals/0/documents/ethics/Generative-AI-Practical-Guidance.pdf>

How AI Can Help in Mediations & Arbitrations

Propose Creative
Resolutions

Help with
Communication
Challenges in
Direct Negotiations

Negotiation
Coaching

Research for
Information and
Understanding

Drafting Settlement
Agreements

Arbitration

May be more appropriate for cases involving application of rules, e.g. contract, than cases involving a party's intent

Where Technology Ends and Human Judgment Begins

Let's Discuss...

Speakers



**Hon. Elizabeth
Feffer (Ret.)**

judgefeffer@adrservices.com



**Hon. Anita
Santos (Ret.)**

judgesantos@adrservices.com



**Hon. Victoria
Wood (Ret.)**

judgewood@adrservices.com

Resources

- Write.law <https://write.law/cheat-sheets-and-guides> scroll down to Generative AI for Legal Writing for 7 invaluable cheat sheets
- AI in Law/Clio
- CoCounsel/CaseText
- ChatGPT for Lawyers
- Thompson Reuters
- Legal Robot
- AI Lawyer: The Best for Instant Legal Assistance
- Lawgeex: Best for Contract Review Process
- CSDisco: Best for Automation of Legal Processes
- Lex Machina: Best for Legal Analytics
- Latch: Best for Contracting
- DoNotPay (Robot Lawyer): Best for Writing Legal Claims
- Westlaw Edge: Best for Legal Research
- Bigle Legal: Best for Contract Management
- Ghostwriter Legal: Best for Legal Writing Styles
- Amto AI: Best for Drafting Legal Documents
- Law Support: Best for Mobile Legal AI
- Ansarada: Best for Legal and Business Processes
- Renaissance Rachel Best AI Legal Tools of 2024
- Polite Post