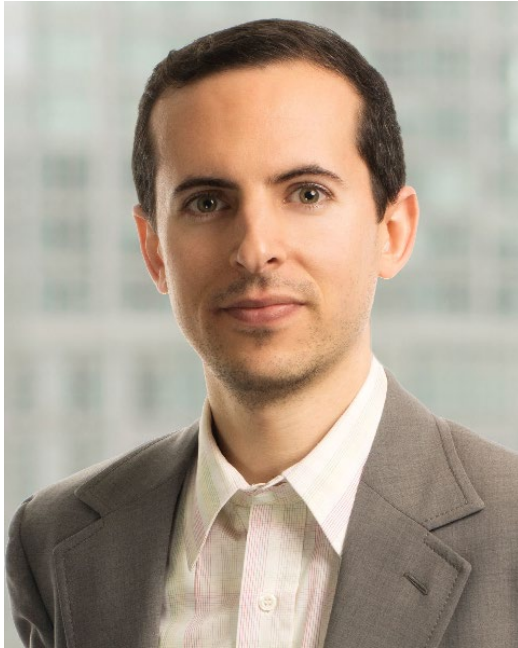


Harnessing (or Wielding) the Power of Artificial Intelligence to Gain a Tactical Advantage



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Latest version of ChatGPT aces bar exam with score nearing 90th percentile

BY DEBRA CASSENS WEISS (HTTPS://WWW.ABAJOURNAL.COM/AUTHORS/4/)

MARCH 16, 2023, 1:59 PM CDT

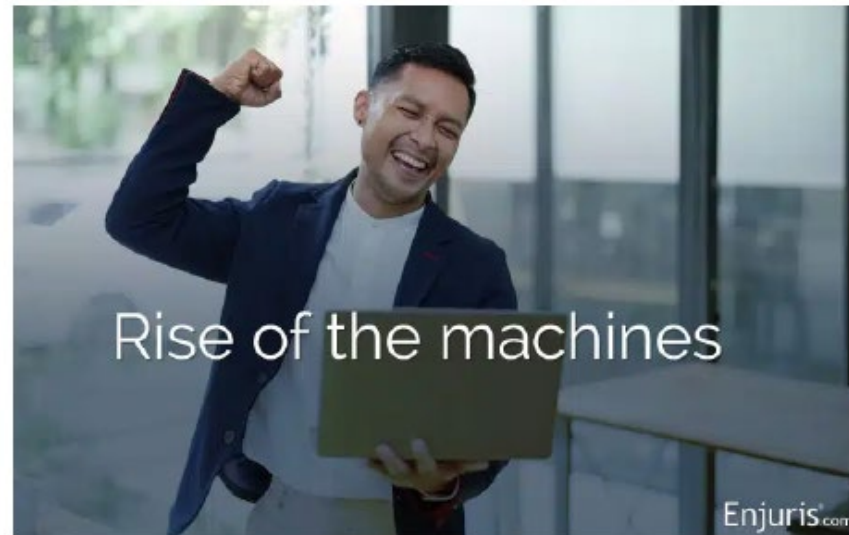
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ChatGPT-4 Aces the Bar Exam: What Does It Mean for Attorneys?

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By Reuters | March 15, 2023 |

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Published Dec 14, 2023 at 11:33 AM EST

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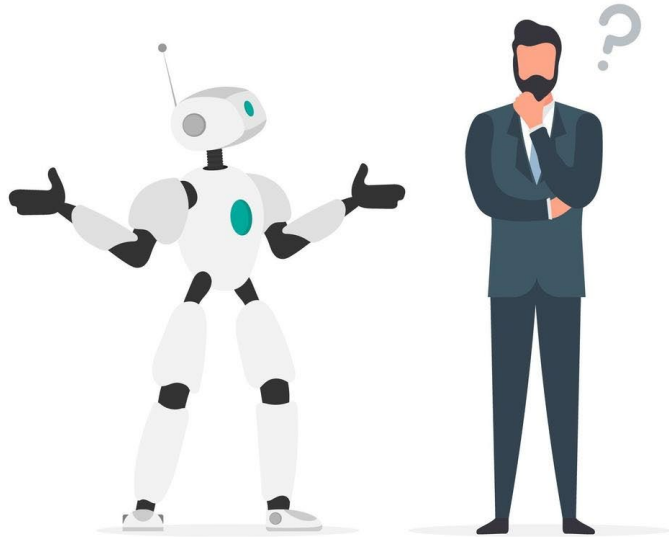
Michael Karlik michael.karlik@coloradopolitics.com
Dec 2, 2023



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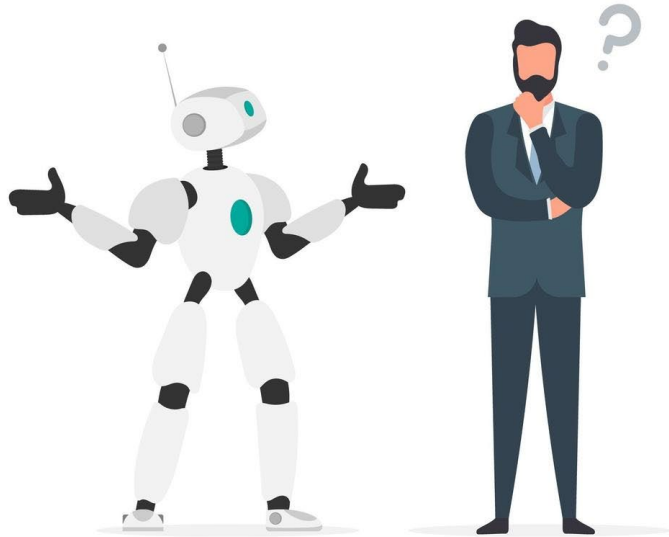


What is AI?

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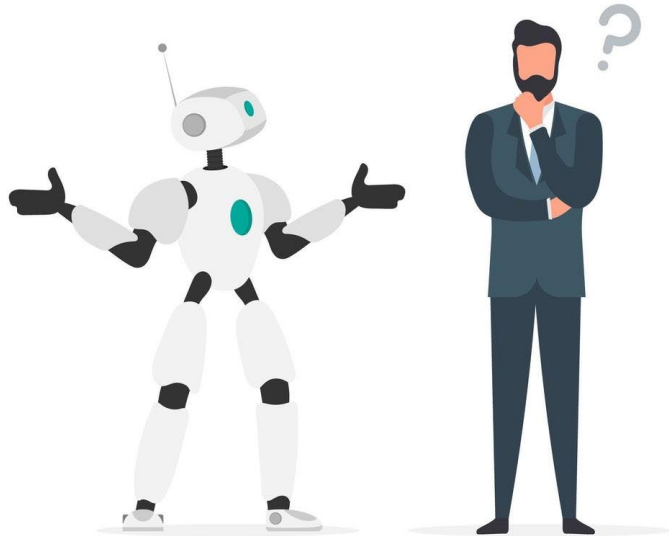
What is AI?

Computer simulation of human intelligence processes



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What is AI?



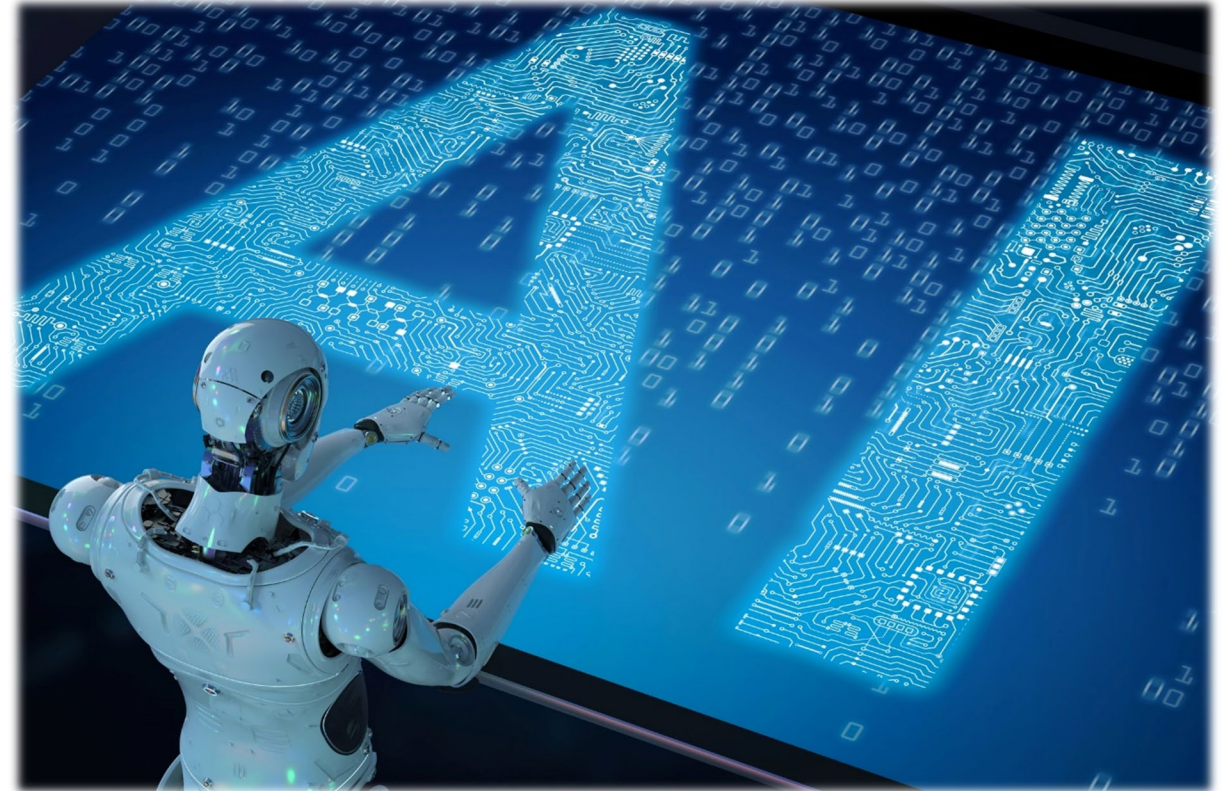
Computer simulation of human intelligence processes

Simulated tasks include:

- Learning
- Reasoning
- Problem-solving
- Understanding natural language
- Perception
- Speech recognition

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Common Types of AI?

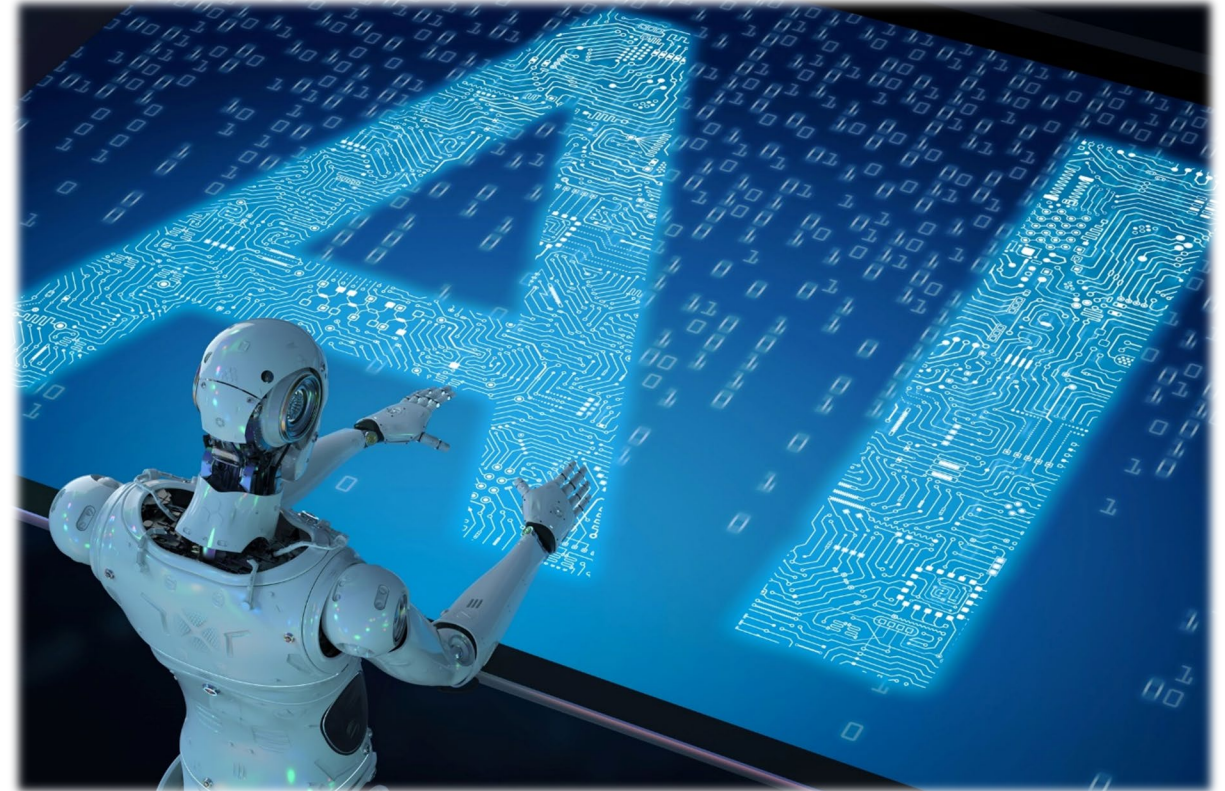


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Common Types of AI?

Machine Learning

- Subset of AI where algorithms enable systems to learn from natural language processing, allowing machines to understand and generate human language.
- Enables machines to learn from data.
- Examples: search engines (Google), social media (Facebook), product recommendations (Amazon), **Westlaw Edge**.

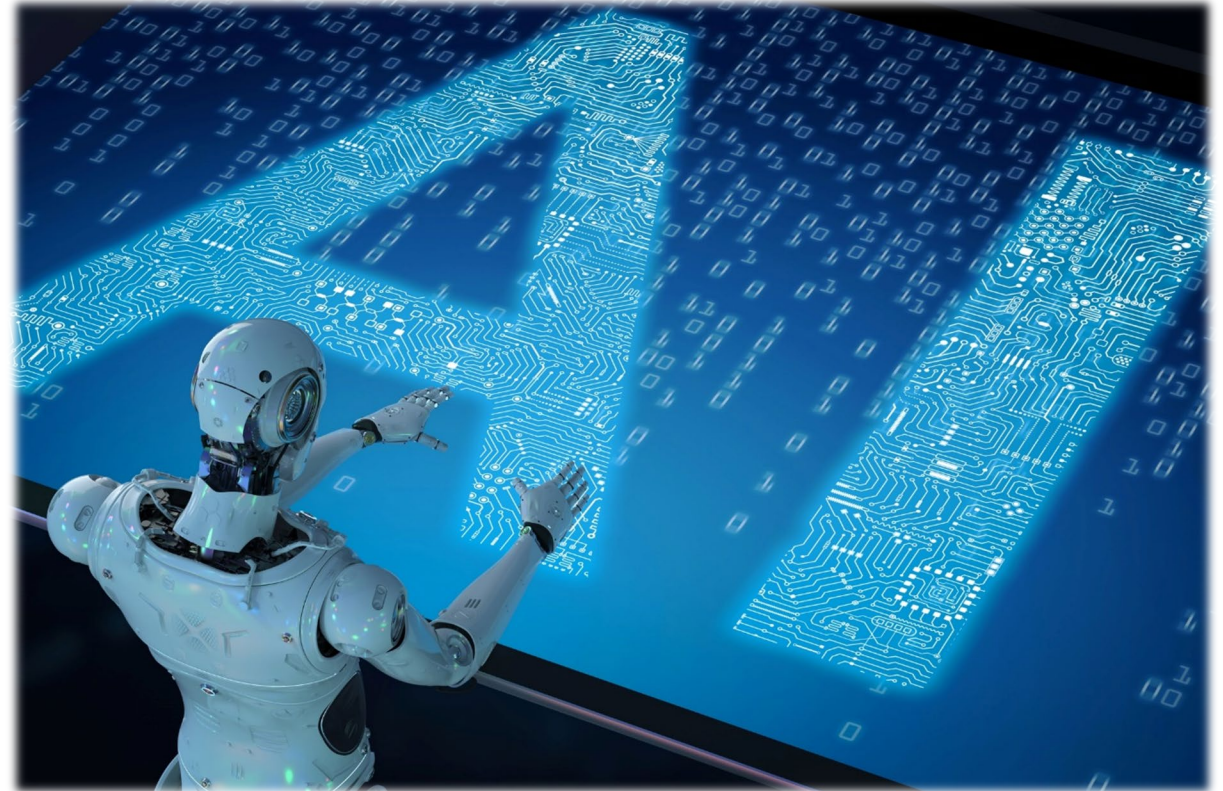


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Common Types of AI?

Generative AI

- Capable of generating new, original content.
- Use models trained on large datasets to produce outputs such as text, images, audio, or other forms of data.
- Unlike traditional AI systems that may follow explicit rules or patterns, generative AI is often capable of creating content that wasn't explicitly present in its training data.
- Examples: chatbots (Chat GPT), virtual assistants, **Westlaw Precision**.



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44%

of legal tasks can be automated by Generative AI... **more than any other profession**

—
Goldman Sachs

67%

of legal professionals across law firms, corporations and government agencies believe Generative AI will have a **transformational or high impact on the legal profession in the next 5 years***

75%

of law firms stated **increasing productivity** as their top priority*

* Thomson Reuters Future of Professionals Report, 2023

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AI Applications in Litigation

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AI Applications in Litigation

- Legal research and document analysis
- E-discovery
- Document management
- Virtual legal assistants and chatbots
- Predictive analytics and case outcome prediction
- Legal spending analytics

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Advantages and Disadvantages



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Advantages and Disadvantages

Increased efficiency

Availability

Reliability

Automations

Reduced human error



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Advantages and Disadvantages

Increased efficiency

Availability

Reliability

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Reduced human error



Lacks human element

Lack of creativity / judgment

Lack of legal expertise

Overreliance

Ethical challenges

AI bias

Implementation costs

Privacy / cybersecurity

Hallucinations

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Hallucinations

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Hallucination (artificial intelligence)

From Wikipedia, the free encyclopedia

In the field of [artificial intelligence](#) (AI), a **hallucination** or **artificial hallucination** (also called **confabulation**^[1] or **delusion**^[2]) is a confident response by an AI that does not seem to be justified by its [training data](#).^{[3][4]} For example, a hallucinating [chatbot](#) might, when asked to generate a [financial report](#) for a company, falsely state that the company's revenue was \$13.6 billion (or some other number apparently "plucked from thin air").^[5] Such phenomena are termed "hallucinations", in loose analogy with the phenomenon of [hallucination in human psychology](#). However, one key difference is that human hallucination is usually associated with false *percepts*, but an AI hallucination is associated with the category of unjustified responses or beliefs.^[4] Some researchers believe the specific term "AI hallucination" unreasonably anthropomorphizes computers.^[1]

AI hallucination gained prominence around 2022 alongside the rollout of certain [large language models](#) (LLMs) such as [ChatGPT](#).^[6] Users complained that such bots often seemed to pointlessly embed plausible-sounding random falsehoods within their generated content.^[7] By 2023, analysts considered frequent hallucination to be a major problem in LLM technology.^[8]

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Ethical Obligations



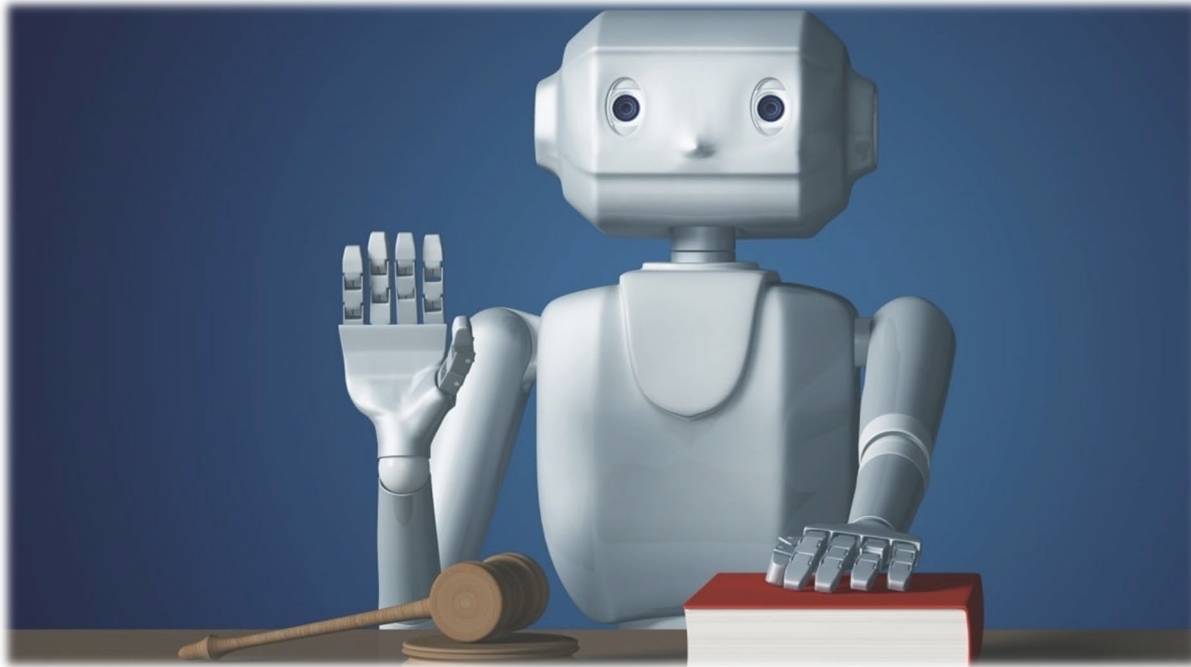
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Ethical Obligations

ABA Model Rules

Rule 1.1: Competence

- “Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”
- “To maintain the requisite knowledge and skill, lawyers should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology” *Comment 8*



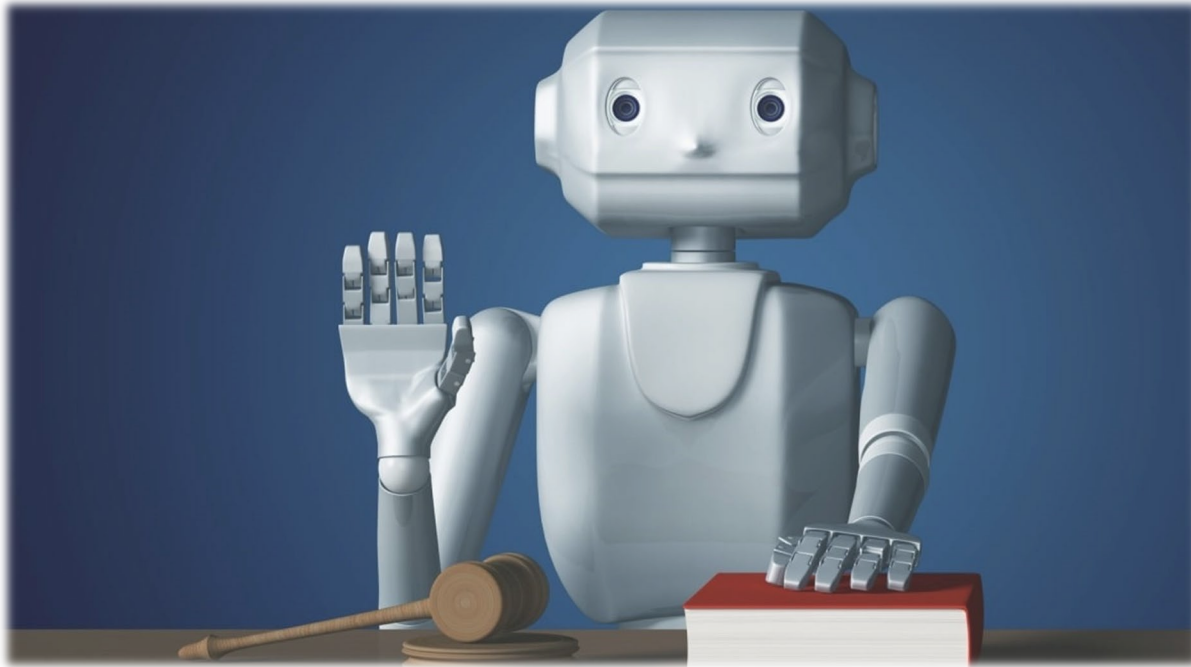
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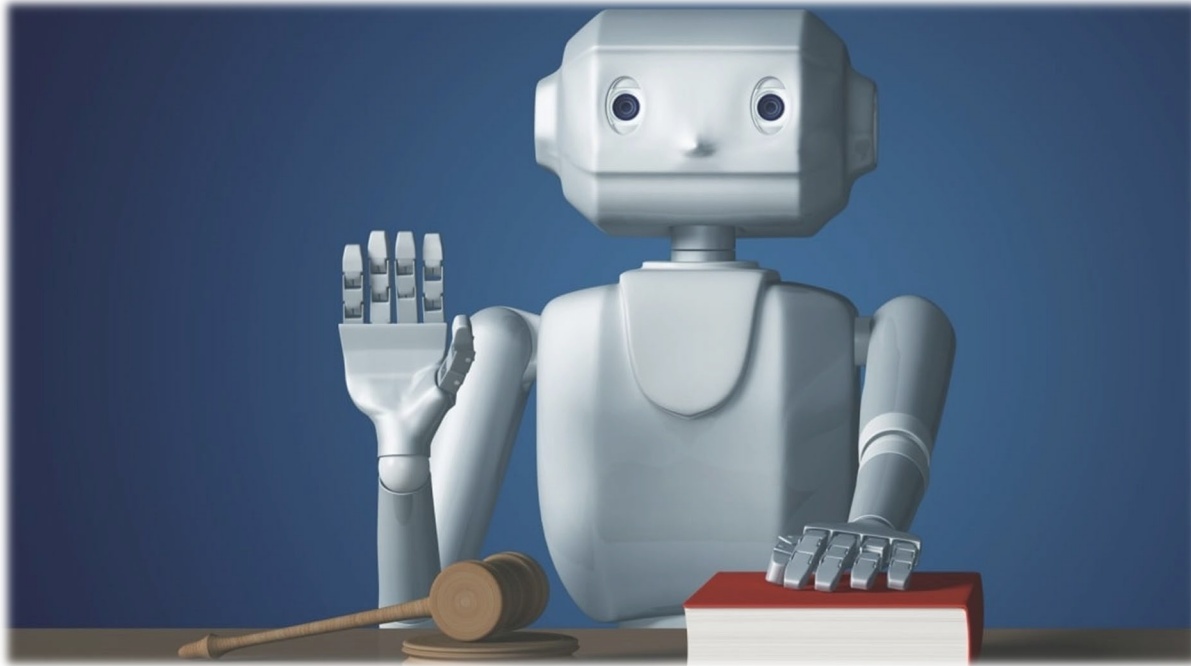
ABA Model Rules

Rule 1.3: Diligence

- “A lawyer shall act with reasonable diligence and promptness in representing a client.”



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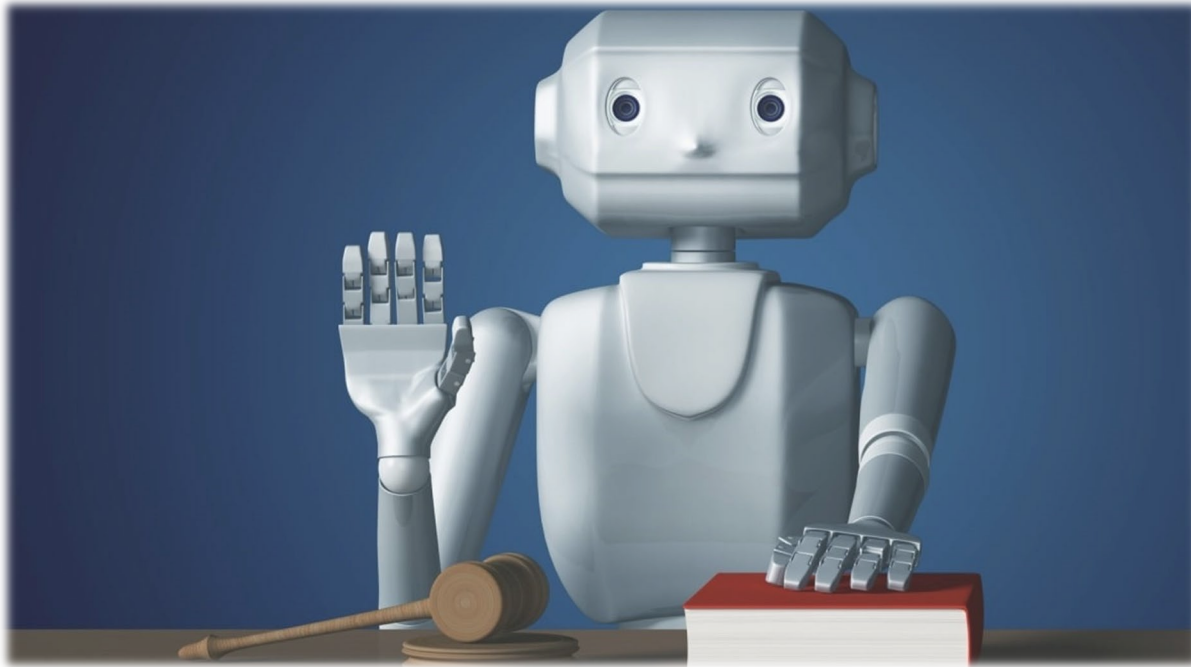
Ethical Obligations

ABA Model Rules

Rule 1.6: Confidentiality of Information

- “A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client..”
- 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. “ *Comment 19* ”

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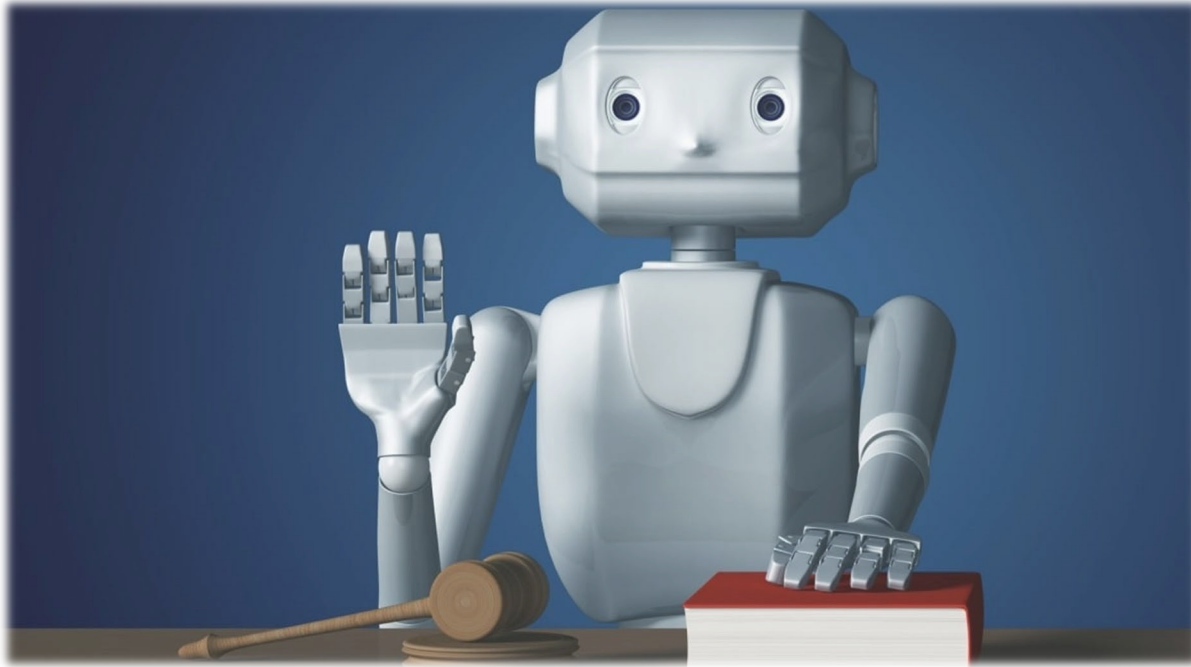
Ethical Obligations

ABA Model Rules

Rule 5.1: Responsibilities of a Partner or Supervisory Lawyer

Rule 5.3: Responsibilities Regarding Nonlawyer Assistance

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Ethical Obligations

Florida Bar Ethics Opinion 24-1, January 19, 2024

- “Lawyers may use generative artificial intelligence (“AI”) in the practice of law but must protect the confidentiality of client information [and] provide accurate and competent services”
- “[A] lawyer may ethically utilize generative AI technologies but only to the extent that the lawyer can reasonably guarantee compliance with the lawyer’s ethical obligations. “

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