

Generative AI and Legal Practice

Marbury Chambers CPD Day

24 March 2024

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Outline

Part 1

Groundwork

Fundamental considerations

Part 2

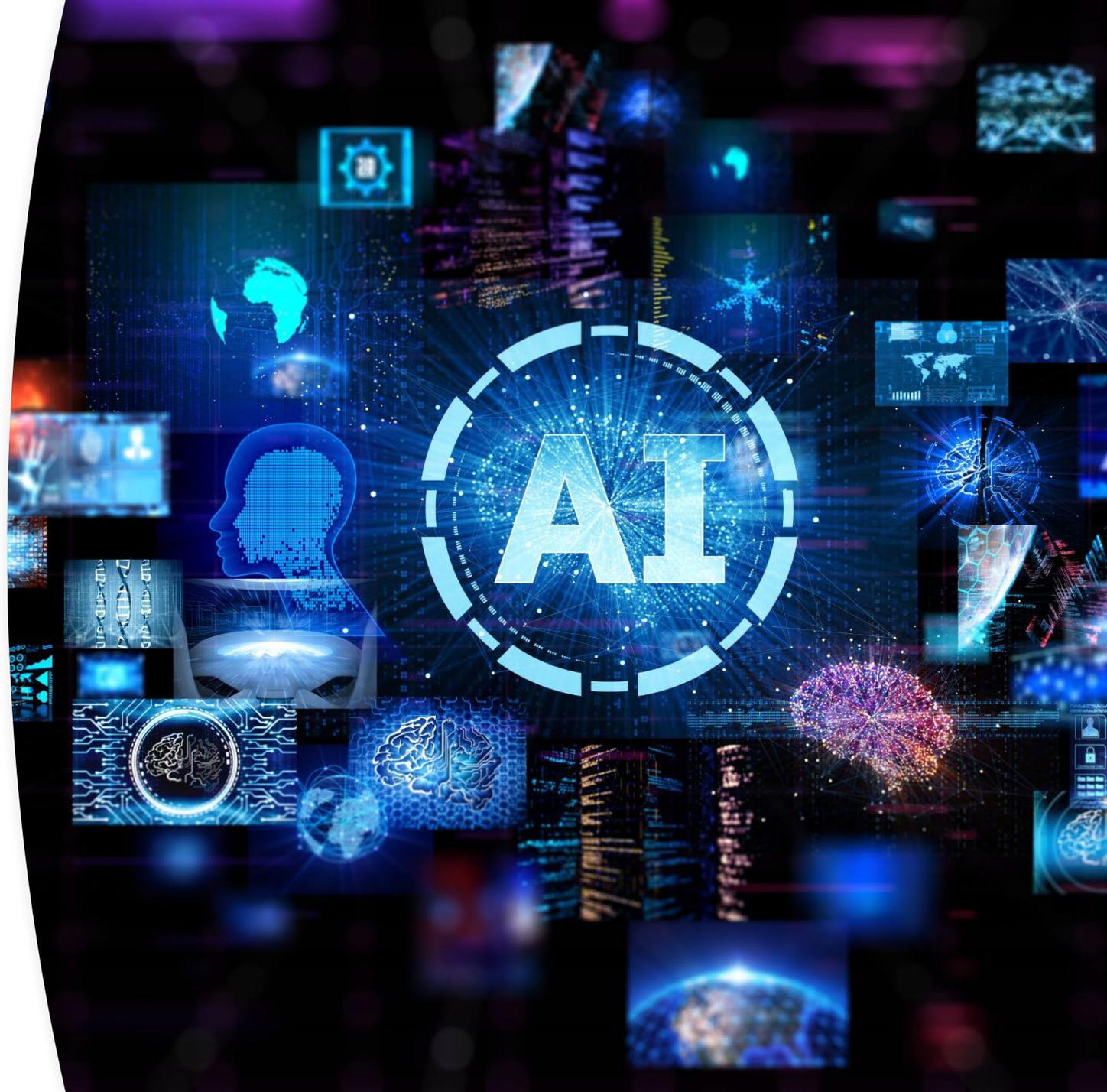
Context

Litigation and policy developments

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Practical Applications

Available tools and best use



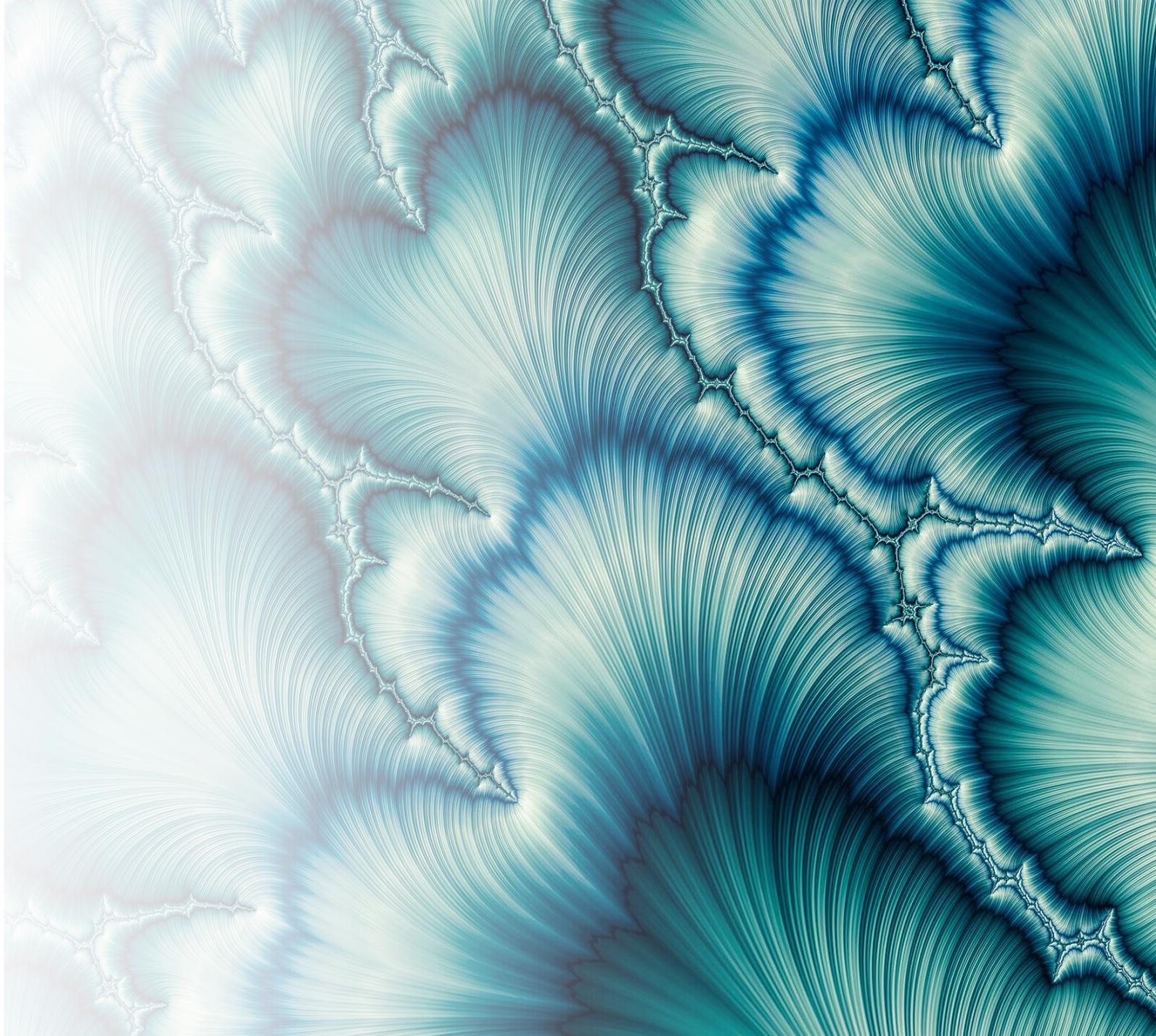


Part 1
Groundwork
Fundamental
considerations



What is Generative AI?

- Generative AI = software programmed by example.
- A complex data set of characteristics and relationships is captured from training material.
- When a prompt is posted the AI uses the complex data set to generate an answer that is statistically likely based on the information captured from the training material.



The training process for a Large Language model (LLM)

Typical steps	Comment
1. Gather and preprocess massive amounts of text data: Preprocess the data: removing irrelevant information, formatting inconsistencies, and structuring it for efficient processing	The developer requires the permission of copyright owner to copy the works.
2. Train the model: feed the pre-processed data into the model and adjust the model's parameters based on its performance on specific tasks.	<ul style="list-style-type: none">• New copies may be created within the system for this process.• Does the training process produce a copy of the training material in the LLM?
3. Fine-tuning the LLM to specific tasks: for example, translation, question answering, or text generation. This involves training the model on additional data relevant to the desired task	The developer must have copyright in any additional data needed for fine tuning.
4. Evaluation and Testing: Evaluate the model's performance: test the model on unseen data to gauge its effectiveness in different scenarios and identify potential biases or weaknesses. fine-tuned or adjusted to improve its performance.	To have an LLM produce an infringing work a user would need to set a prompt likely to produce an infringing work.
5. Add guardrails: Data filtering: Preventing the model from being trained on biased or harmful data. Prompt engineering: Crafting prompts that guide the model towards generating desired outputs and avoid undesirable ones. Output filtering: Implementing mechanisms to flag or reject outputs that violate pre-defined criteria.	Could the developer be liable for authorization of infringement if it fails to prevent the LLM accepting prompts of this kind?

Technical parameters

Quote from <https://www.nvidia.com/en-us/glossary/large-language-models/>

- 1. Compute-, cost-, and time-intensive workload:** Significant capital investment, technical expertise, and large-scale compute infrastructure are necessary to maintain and develop LLMs. Training an LLM requires thousands of GPUs and weeks to months of dedicated training time. Some estimates indicate that a single training run for a GPT-3 model with 175 billion parameters, trained on 300 billion tokens, may cost over \$12 million dollars in just compute.
- 2. Scale of data required:** As mentioned, training a large model requires a significant amount of data. Many companies struggle to get access to large enough datasets to train their large language models. This issue is compounded for use cases that require private—such as financial or health—data. In fact, it's possible that the data required to train the model doesn't even exist.
- 3. Technical expertise:** Due to their scale, training and deploying large language models are very difficult and require a strong understanding of deep learning workflows, transformers, and distributed software and hardware, as well as the ability to manage thousands of GPUs simultaneously.

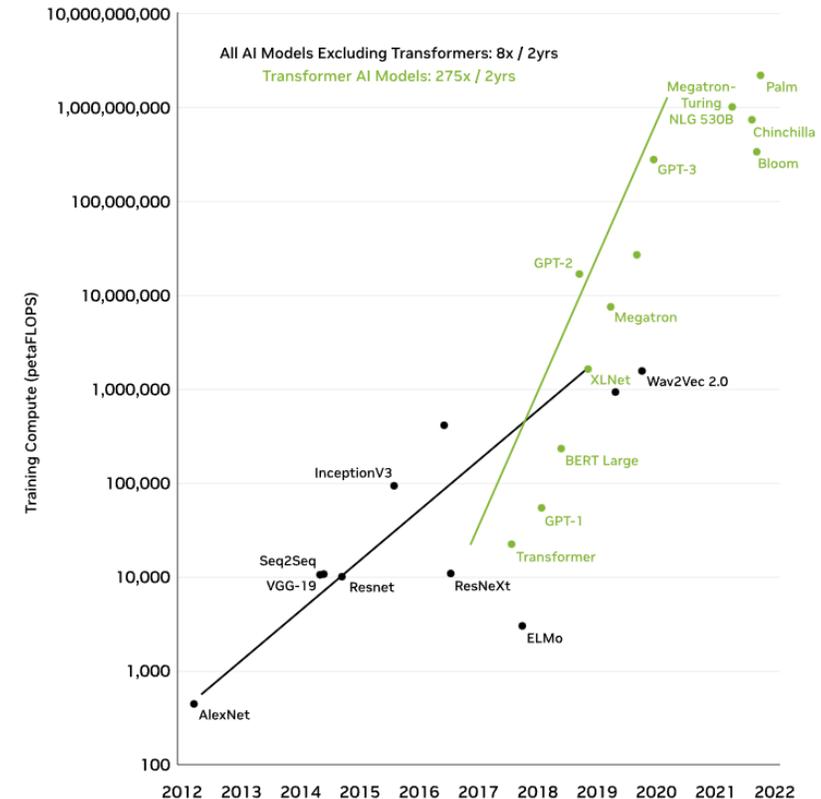


Figure 3. Compute required for training transformer models.

* A petaflop is a quadrillion (1,000 trillion) floating-point operations per second



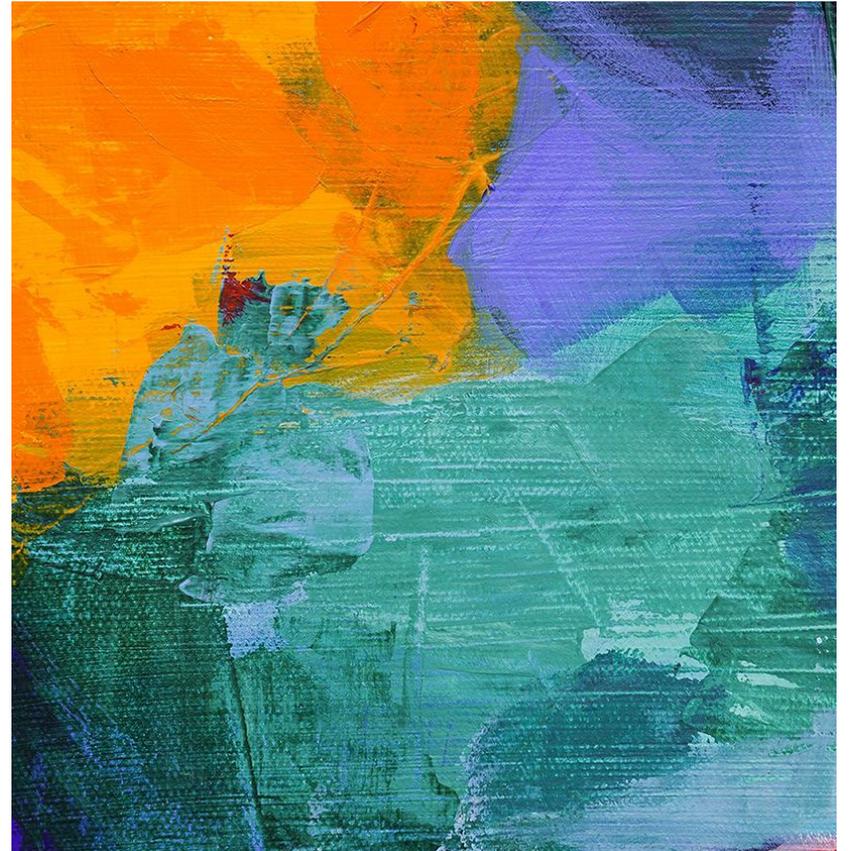
User implications

1. The output depends on the training material
 - a) The output can be a “synthetic” **reproduction** of the training material.
 - b) The output can contain **errors** contained in or arising from currency or context of the training material.
2. The output can be a **confabulation** comprising elements of the training material.
3. Generally, these machines operate in the cloud. The user needs to know:
 - a) Is their activity confidential
 - b) Is information included in a prompt confidential
4. These issues depend on the supplier, the tool and the service acquired.



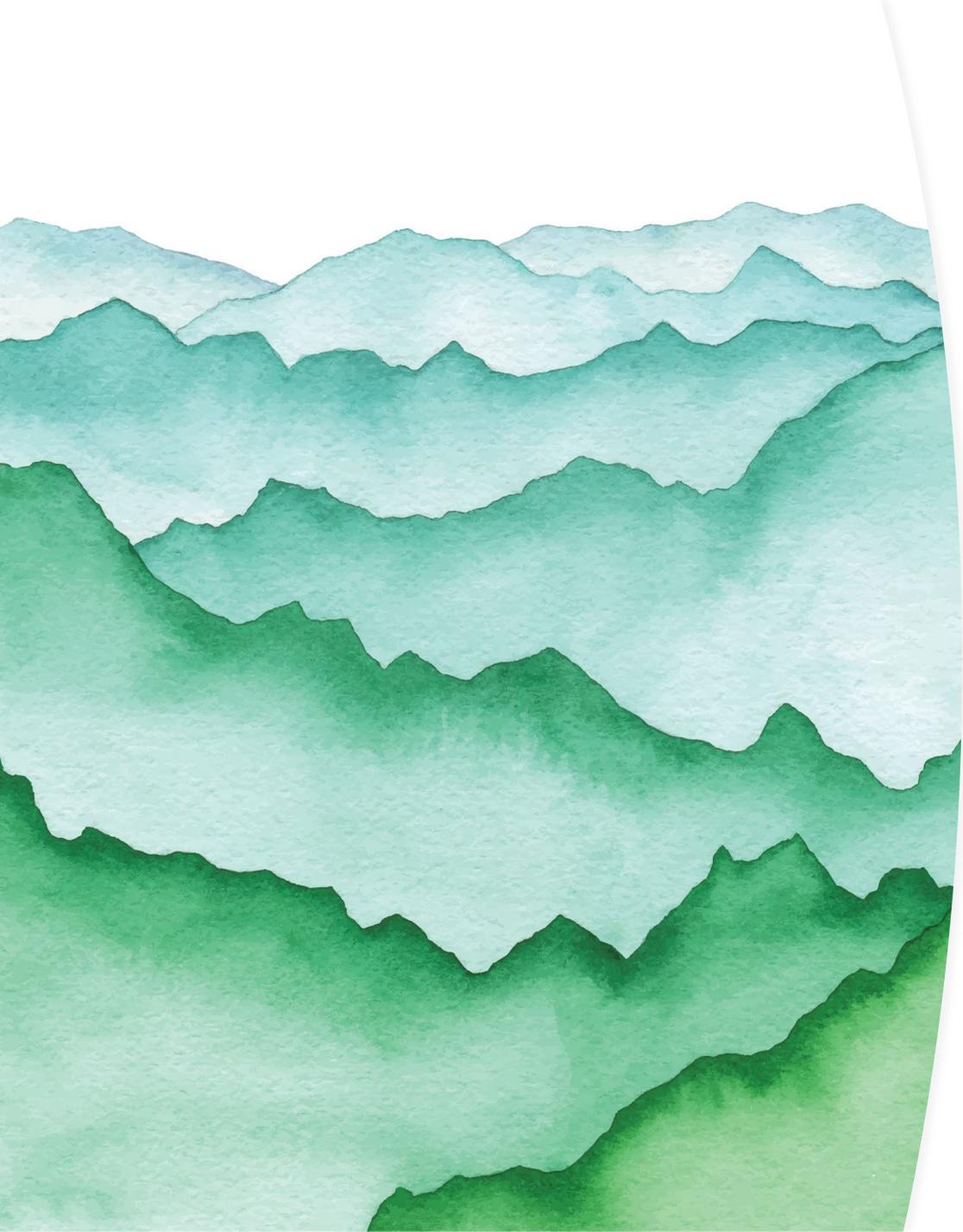
Copyright

- For **works**, copyright will not subsist unless there is intellectual effort by a human author. Accordingly, works automatically generated by AI have no copyright.
- It is hard to know what number or detail of prompt/s will be sufficient for the author to own copyright in the generated work.
- For **subject matter other than works**, generated output can be a film, sound recording, or made into a broadcast owned by the producer maker or broadcaster, respectively.



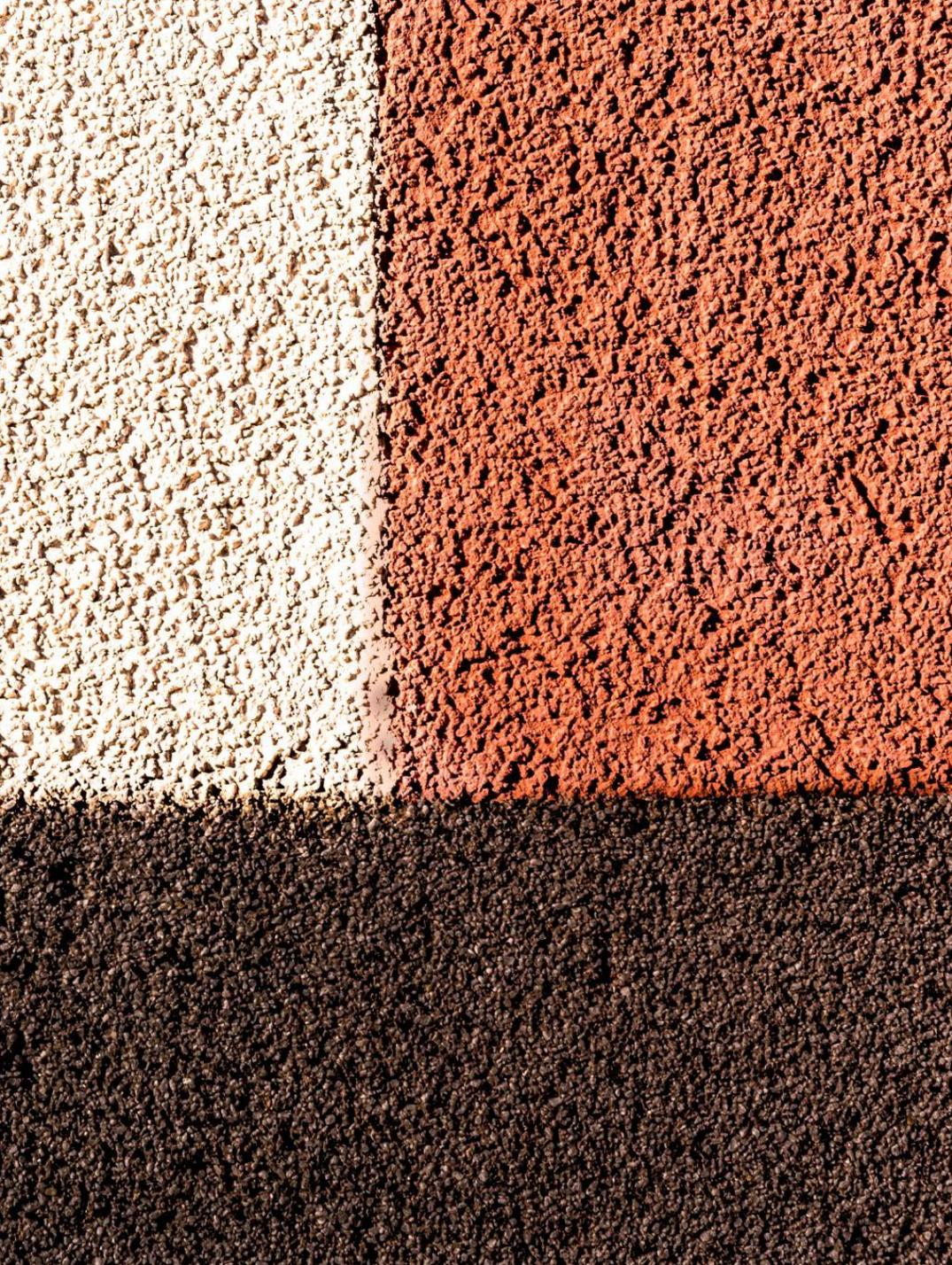
On whether the AI stores a copy: Material Form

- An exclusive right of a copyright owner in relation to works is to reproduce the “material form”
- “**material form**”, in relation to a work or an adaptation of a work, includes any form (whether visible or not) of storage of the work or adaptation, or a substantial part of the work or adaptation, (whether or not the work or adaptation, or a substantial part of the work or adaptation, can be reproduced).”
- Does the method of storage used by a machine matter? Sackville JJ in *Desktop Marketing Systems v. Telstra* (@443) “In the case of alleged infringement of a printed work by the production of a CD-rom, for example, it is necessary (assuming objective similarity must be established) to find a common medium for the purposes of the comparison.”
- For subject matter other than works the exclusive right is to “make a copy”.



Copyright 2

- AI cannot be a joint author with a human author because it is not an author within the meaning of the Act.
- However:
 - If you used AI to produce a play based on a book or a book based on a play, the output may well be an infringing adaptation.
 - If you used AI to produce a sound recording that embodied an original sound recording in whole or in part, it may well be an infringing copy derived from the original recording.
 - If you used AI to produce a new computer program based on an existing program it may well be an infringing copy derived from the original work.



Copyright 3

- Some jurisdictions provide that copyright in computer generated works belongs to the person who **made the arrangements necessary for the creation of the work**.
- In the US use of copyright works for training may be permitted by Fair Use. Australia does not have a fair use exception.
- In the EU, Japan and Singapore there is a data mining right for authorised copyright works that may assist AI developers.



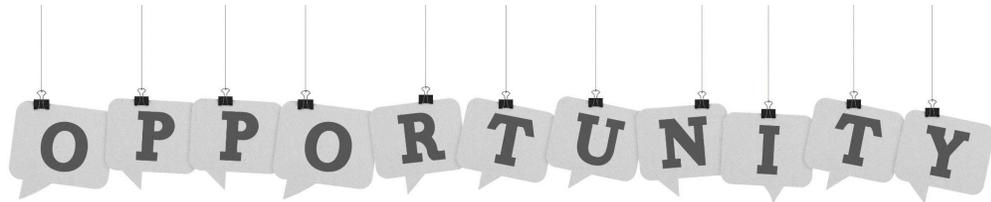
User implications

1. Output may have no copyright, be subject to an open-source licence or be infringing.
2. For the user to own copyright the user must retain prompts to demonstrate authorship.
3. Output and of sound and video output have copyright associated with the maker but there will be no copyright in the underlying works (subject to 2).

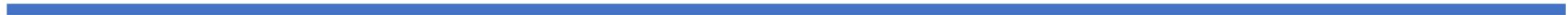




Commercial Terms of Use

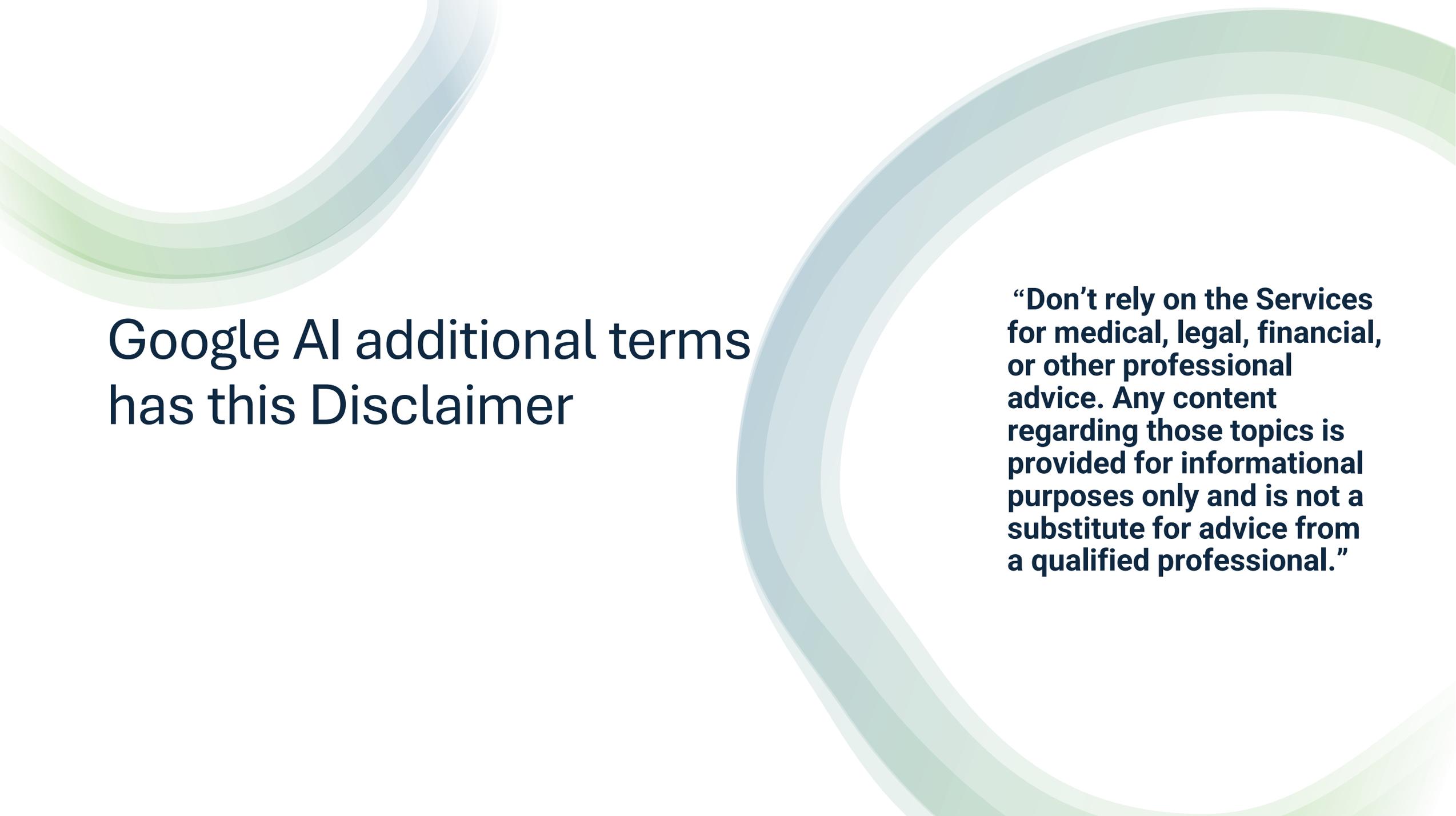


- Free services are intended for non-commercial and personal use only
- Businesses are generally required to purchase a business license
- Terms of use outline the conditions and limitations for use of the service
- It is important to carefully review the terms of use before using a service



Terms and conditions (broad summary only)

Item	Issue	GPT	Gemini	Claude	Co-Pilot
1.	Output “as is”. Liability excluded.	✓	Due care and skill subject to disclaimers.	✓	✓
2.	Prompts confidential subject to provider systems and processes	✓	✓	✓	✓ +
3.	Any copyright is owned by user but may not be unique.	✓	Conditional licence for non-commercial use unless agreed .	✓	✓
4.	Conditional mutual indemnity for third party claims	✓	✓	✓	✓
5.	Mandatory arbitration	✓	✗	✓	✗
6.	Law of contract California	✓	✓	✓	The place where services are acquired.



Google AI additional terms
has this Disclaimer

“Don’t rely on the Services for medical, legal, financial, or other professional advice. Any content regarding those topics is provided for informational purposes only and is not a substitute for advice from a qualified professional.”

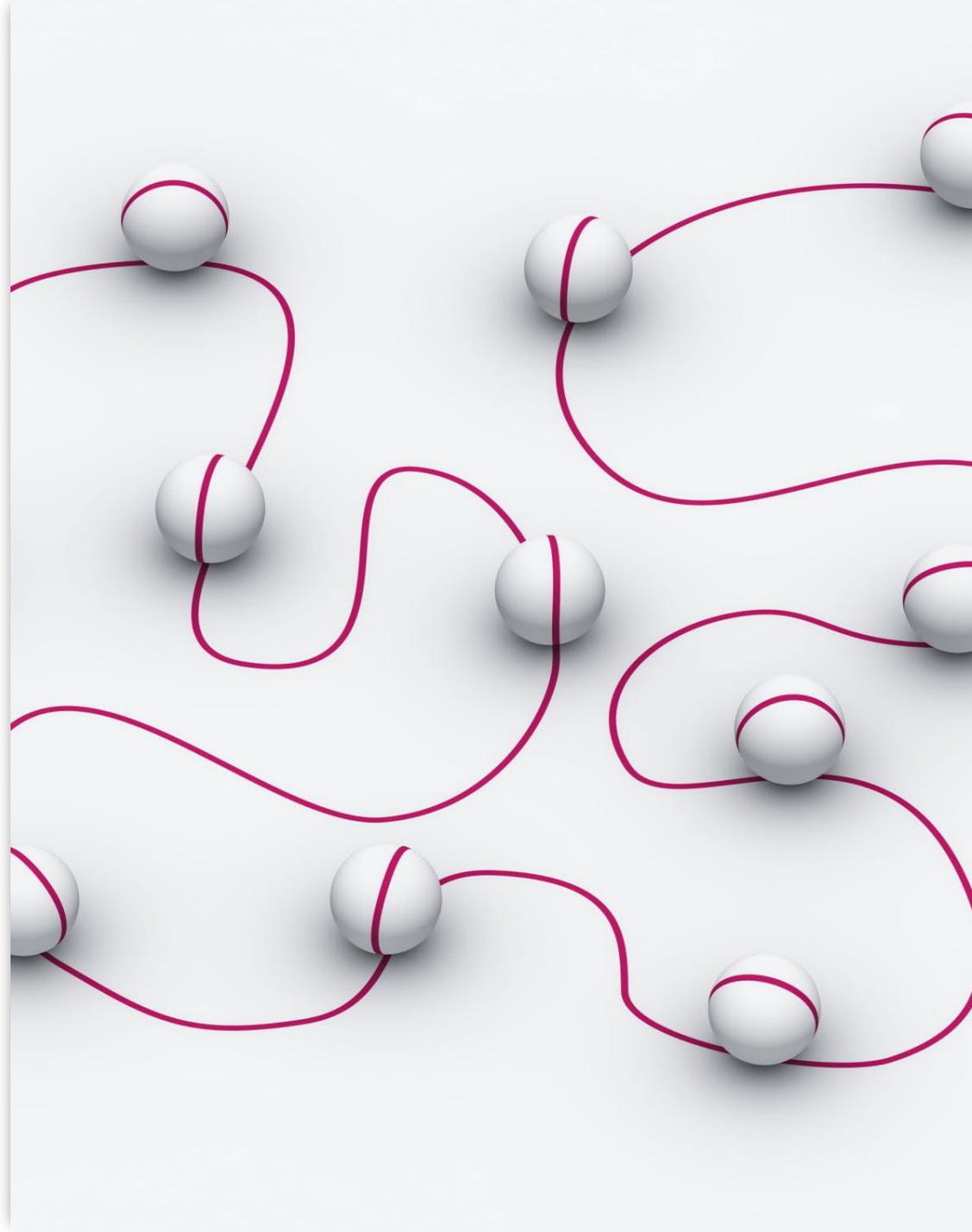


Microsoft announces new Copilot Copyright Commitment for customers

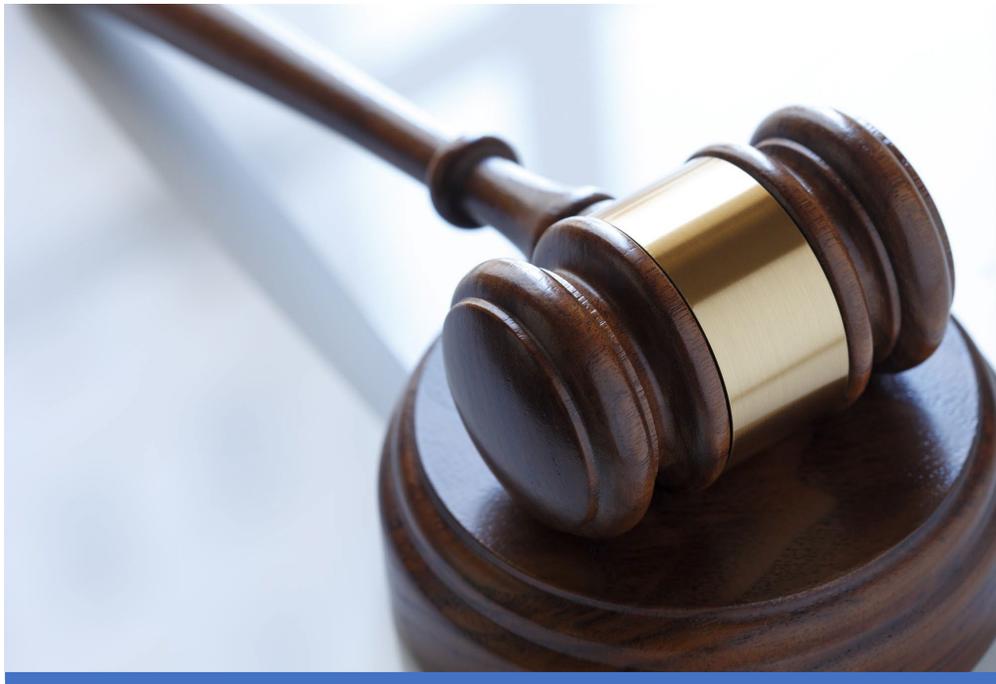
<https://blogs.microsoft.com/on-the-issues/2023/09/07/copilot-copyright-commitment-ai-legal-concerns/>

User implications

- The Open AI Acceptable Use Policy appears to have dropped the attribution requirement for general use.
- Generally, a business licence is required in order to use the relevant tool for business.
- You are on your own! There is no recourse if a Generative AI provides false information.
- However, there may be an indemnity if a Generative AI produced material that infringes the copyright of another.



Regulation of Legal Practice

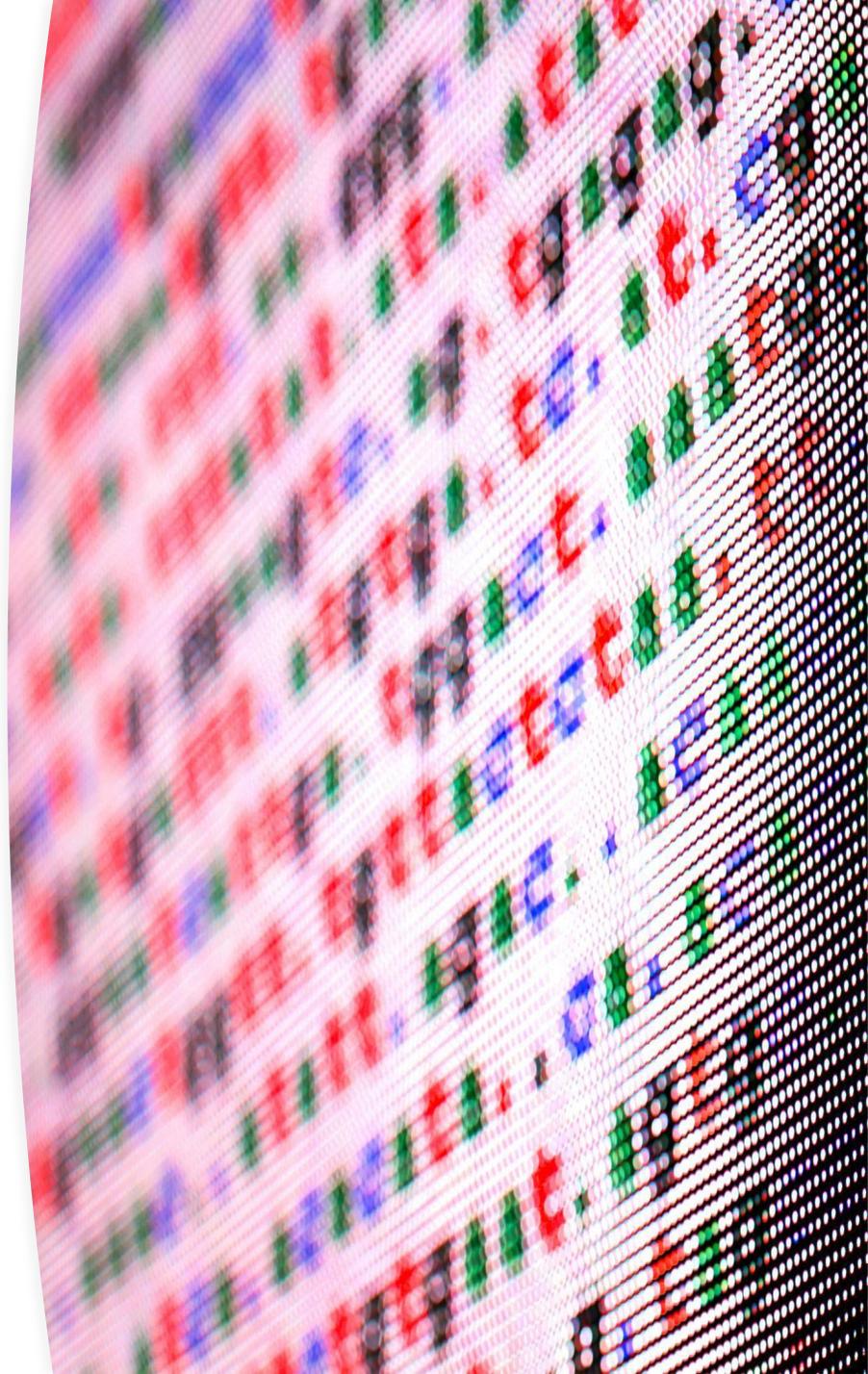


- An unrestricted practicing certificate does not prescribe the methods you may use to produce legal work.
- However, [*A solicitor's guide to responsible use of artificial intelligence*](#) highlights the following *Conduct rules*:
 - *Rule 4 Competence, Integrity and honesty*
 - *Rule 9 Confidentiality*
 - *Rule 17 – Independence (avoidance of personal bias)*
 - *Rule 19 – Duty to the court*
 - *Rule 37 – Supervision of legal services*
- Note the implications for Legal professional privilege:
 - It does not apply to advice from an AI.
 - It might be waived if advice or information is sought using an unsecure AI.



Summary of Part 1 Groundwork

- Generative AI cannot be trusted.
- Lawyers may use Generative AI
- However:
 - A Lawyer may not rely on AI for an opinion, recommendation or advice.
 - Users must have an understanding of the technology and its imitations.
 - A commercial use licence may be required.
 - A clear understanding of the security provided to information, or documents loaded to the services must be obtained.
 - The legal practice must have corresponding restrictions on input to and use of the tool.
 - Generative AI outputs must be subject to close review and independent verification. Independently sourced or verified citations would help reduce risk.

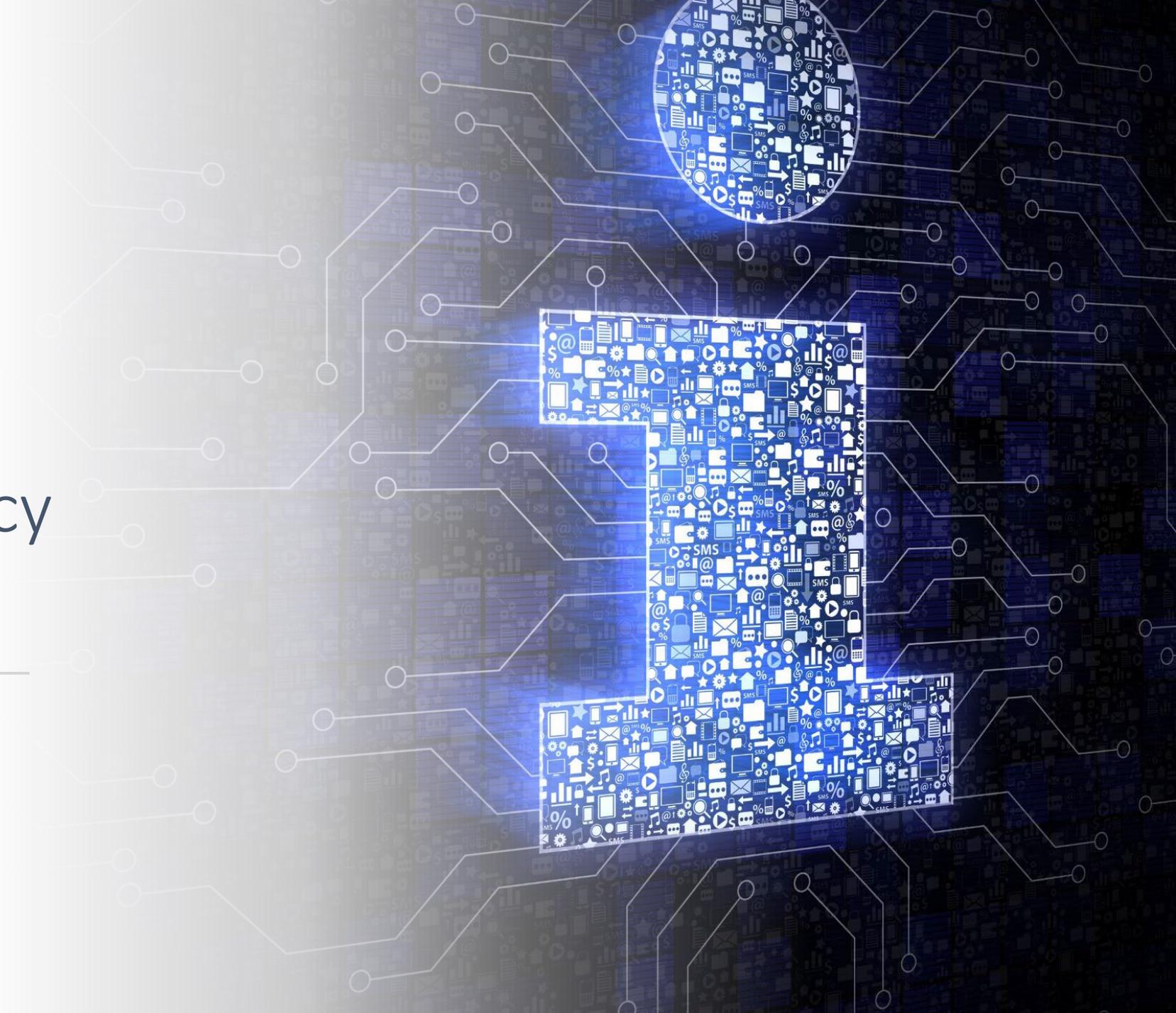




Part 2

Context

Litigation and Policy Developments

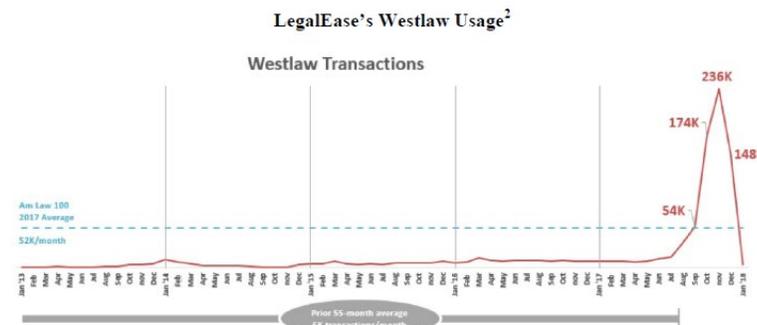


Thomson Reuters Enter. Centre GmbH et al v. ROSS Intelligence Inc., 1:20-cv-00613-SB



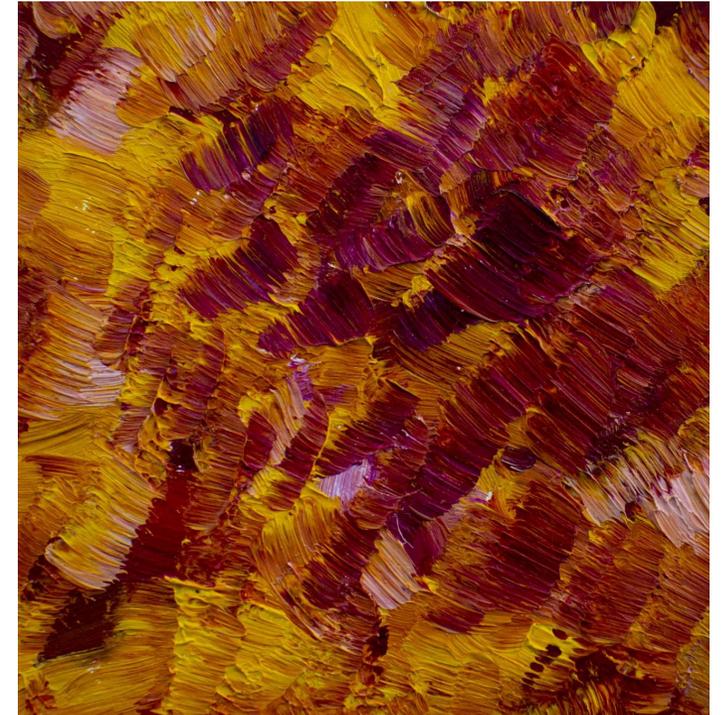
- Ross Intelligence is a legal-research artificial intelligence (AI) startup. They offer a platform that aims to leverage AI to help users research legal issues..
- Thomson Reuters alleges that Ross **illegally copied content from Westlaw** to train its AI platform, specifically focusing on **short summaries of points of law** known as headnotes.
- Trial on copyright issues is set down for 26 August 2024.
- Ross Intelligence arguments include, statute of limitation, legal content was not original, implied licence and Fair Use

31. Prior to July 2017, LegalEase had consistently averaged approximately 6,000 Westlaw transactions per month.¹ Beginning in about July 2017, LegalEase's use of Westlaw spiked dramatically, eventually reaching approximately 236,000 transactions per month, which, as shown below, is nearly a forty-fold increase over LegalEase's historical usage pattern and represents a usage rate of nearly five times greater than the average monthly usage of the "AmLaw 100" law firms.



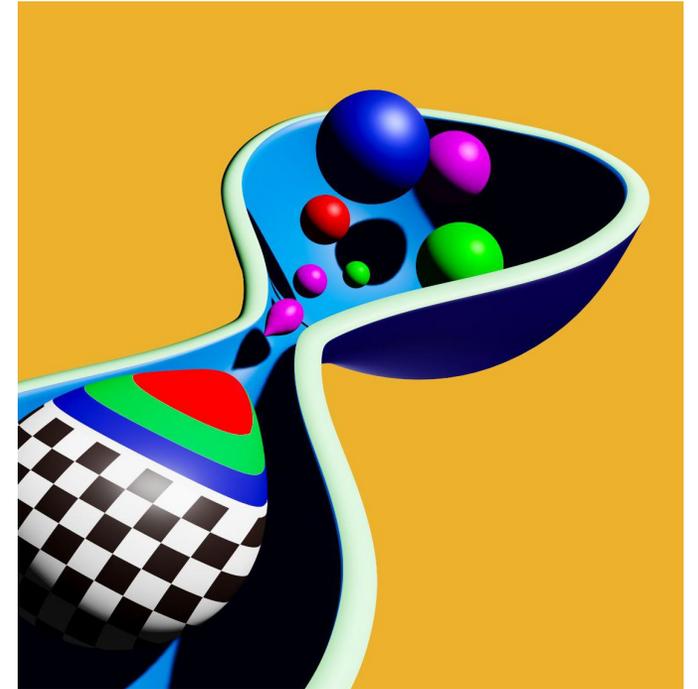
On whether copyright subsists in generated output: US Copyright Office Guidance (16 March 2023)

- [Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence](#)
- Office evaluation for registration: “...was the computer ..merely being an assisting instrument or whether the traditional elements of authorship in the work (literary, artistic, or musical expression of selection arrangement, etc.) were actually conceived and executed not by man but by machine.”
- The prompt “write a poem about copyright law in the style of William Shakespeare” would not produce a protected work because the AI technology “determines the expressive elements of its output.”
- However, “a human may select or arrange AI-generated material in a sufficiently creative way that the “resulting work as a whole constitutes an original work of authorship.”



More US Policy

- An updated policy statement was published on 30 August 2023: [Artificial Intelligence and Copyright](#)
- The Office:
 - Refused to register a claim for two-dimensional artwork described as “autonomously created by a computer algorithm running on a machine” [see District Court Appeal decision: [Stephen Thaler v Shira Perlmutter cv-01564 – BAH](#)]
 - In relation to a graphic novel with text written by a human and illustrations created by Midjourney, the office determined that copyright protected both the human-authored text and human selection and arrangement of the text and images but not the AI-generated images themselves. [[Zarya of the Dawn \(Vau\)1480196 \(21 February 2023\)](#)]
- The office completed “public listening sessions”, conducted Educational Webinars and is currently seeking comments regarding:
 - The use of copyrighted works to train AI models;
 - The copyrightability of material generated using AI systems;
 - Potential liability for infringing works generated using AI systems; and
 - The treatment of generative AI outputs that imitate the identity or style of human artists.



*The House Judiciary Subcommittee on Courts, Intellectual Property, and the Internet: hearing on 2 February 2024 - [Artificial Intelligence and Intellectual Property: Part II – Identity in the Age of AI](#). Video available here [website](#) – starting at 28.18.

Authors Guild et al v. OpenAI, Inc. et al, No. 1:23-cv-08292
Alter et al v. OpenAI, Inc. et al, No. 1:23-cv-10211



- More than 27 high profile Authors + the Authors Guild (+ a class action) have sued Microsoft and a range of Open AI entities.
- A claim is made against each entity based on its role in training of ChatGPT.
- Claims cover direct, vicarious copyright infringement.

John Grisham: selected pleading and response (my highlighting)

Authors Guild first amended Complaint 4 December 2023	Microsoft Answer: 16 February 2024
206. OpenAI unlawfully and wilfully copied the Grisham Infringed Works and used them to “train” OpenAI’s LLMs without Grisham’s permission	Microsoft denies that any works were infringed. Microsoft lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 206, and therefore denies them.
207. For example, when prompted, ChatGPT accurately generated summaries of several of the Grisham Infringed Works, including summaries for <i>The Chamber</i> , <i>The Client</i> , and <i>The Firm</i> .	As above
208. When prompted, ChatGPT generated an infringing, unauthorized, and detailed outline for the next purported instalment of <i>The King of Torts</i> , one of the Grisham Infringed Works, and titled the infringing and unauthorized derivative “The Kingdom of Consequences,” using the same characters from Grisham’s existing book	As above
211. ChatGPT could not have generated the material described above if OpenAI’s LLMs had not ingested and been “trained” on the Grisham Infringed Works.	As above



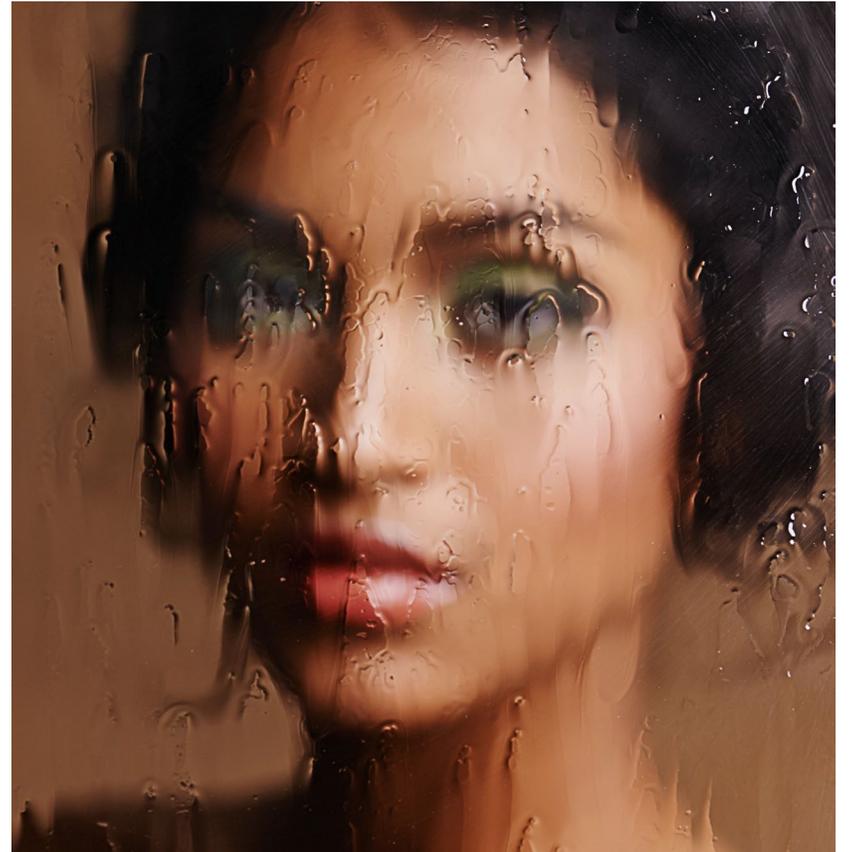
Other cases related to copying of books

- Huckabee et al v. Bloomberg L.P. et al, No. 1:23-cv-09152
- *In re: OpenAI ChatGPT Litigation*, Master File No. 3:23-cv-3223
 - *Tremblay v. OpenAI, Inc.*, No. 3:23-cv-03223
 - *Silverman v. OpenAI, Inc.*, No. 3:23-cv-03416

- *Chabon v. OpenAI, Inc.*, No. 3:23-cv-04625
- *Kadrey v. Meta Platforms Inc.*, No. 3:23-cv-03417

Andersen v. Stability AI Ltd., 3:23-cv-00201

- A group of visual artists have initiated a class action the owner of the image generator Midjourney.
- The claim alleges violations of the Digital Millennium Copyright Act and the US right of publicity = the right of an artist to their name and aspects of their identity.
- The claim focuses on the use of a training set from The Large-Scale Artificial Open Network (LAION) which allegedly included works from the plaintiff artists.



Selected text from the pleadings

(my highlighting)

Headings from Amended complaint filed on 29 November 2023

I. AI IMAGE PRODUCTS ARE TRAINED ON VAST NUMBERS OF COPYRIGHTED IMAGES WITHOUT **CONSENT, CREDIT, OR COMPENSATION** AND VIOLATE THE RIGHTS OF MILLIONS OF ARTISTS”

X. **PROTECTED EXPRESSION** FROM TRAINING IMAGES IS COPIED, COMPRESSED, STORED, AND INTERPOLATED BY DIFFUSION MODELS

XI. EXAMPLES OF **TEXT PROMPTS USING PLAINTIFF NAMES** IN AI IMAGE PRODUCTS OFFERED BY STABILITY, RUNWAY, AND MIDJOURNEY

XII. EXAMPLES OF **IMAGE PROMPTS USING PLAINTIFF IMAGES** IN AI IMAGE PRODUCTS OFFERED BY STABILITY, RUNWAY, AND MIDJOURNEY.

Midjourney Motion to dismiss on 9 February 2024

IV. ALL CLAIMS AGAINST MIDJOURNEY SHOULD AGAIN BE DISMISSED

A. The **FAC Fails to Adequately Plead** Copyright Infringement (Claims 5, 6)

IV. ALL CLAIMS AGAINST MIDJOURNEY SHOULD AGAIN BE DISMISSED

1. The **FAC Fails to Adequately Plead** Copyright Infringement (Claims 5, 6)

2. Plaintiffs Still **Fail to Adequately Plead** that Midjourney Made Copies of Any Registered Work in Training its Platform

3. Plaintiffs’ Argument that the Midjourney Platform Is Itself an Infringing Copy or Derivative Work **Fails as a Matter of Law**

B. Plaintiffs Again **Fail to Allege** a Violation of the DMCA (Count 7)

C. Plaintiffs’ False Endorsement Claim (Claim 8) **Should Be Dismissed**

D. Plaintiffs **Fail to Plead** Vicarious Trade Dress Infringement (Claim 9)

E. Plaintiffs **Fail to State** a Claim for Unjust Enrichment (Count 10)



Another case related to the copying of
visual images

- *Getty Images (US), Inc. v. Stability AI, Inc.*, 1:23-cv-00135-JLH
-



Concord Music Group, Inc. v. Anthropic PBC, No. 3:23-cv- 01092

- A group large music publishers (Concord Music Group, Inc.; Universal Music Publishing Group (including Capitol CMG, Inc., Universal Music Corp., Songs of Universal, Inc., Universal Music-MGB NA LLC, Polygram Publishing, Inc., Universal Music-Z Tunes LLC); and ABKCO Music, Inc) have sued the company behind Claude.
- They claim that unauthorized copies of lyrics were used to train Claude and the lyrics were copied and distributed by Claude in response to prompts without attribution (the Copyright Management Information (CMI)).
- There is also an application for an injunction requiring Anthropic to implement guard rails to stop ongoing infringement.



Selected text of the complaint

(my highlighting)

Paragraphs from the complaint

56. First, Anthropic engages in the **wholesale copying** of Publishers' copyrighted lyrics **as part of the initial data ingestion process** to formulate the training data used to program its AI models.

61. Moreover, the fact that Anthropic's AI models respond to user prompts by **generating identical or near-identical copies of Publishers' copyrighted lyrics** makes clear that Anthropic fed the models copies of those lyrics when developing the programs.

62. Second, Anthropic creates additional **unauthorized reproductions** of Publishers' copyrighted lyrics **when it cleans, processes, trains with, and/or finetunes the data** ingested into its AI models, including when it tokenizes the data.

66. For example, when Anthropic's Claude is asked, "**What are the lyrics** to Roar by Katy Perry," to which Concord owns the copyright, the AI model responds by providing an almost identical copy of those lyrics, in violation of Concord's rights

73. For instance, when Anthropic's Claude is queried, "**Write me a song about the death of Buddy Holly**," the AI model responds by generating output that copies directly from the song "American Pie" written by Don McLean, in violation of Universal's copyright, despite the fact that the prompt does not identify that composition by title, artist, or songwriter.

78. For instance, when Anthropic's Claude is asked, "**Write a poem in the style of Lynyrd Skynyrd**," without any reference to a specific musical composition or lyrics, the AI model responds by providing a nearly word-for-word copy of the lyrics to "Sweet Home Alabama," in violation of Universal's rights.



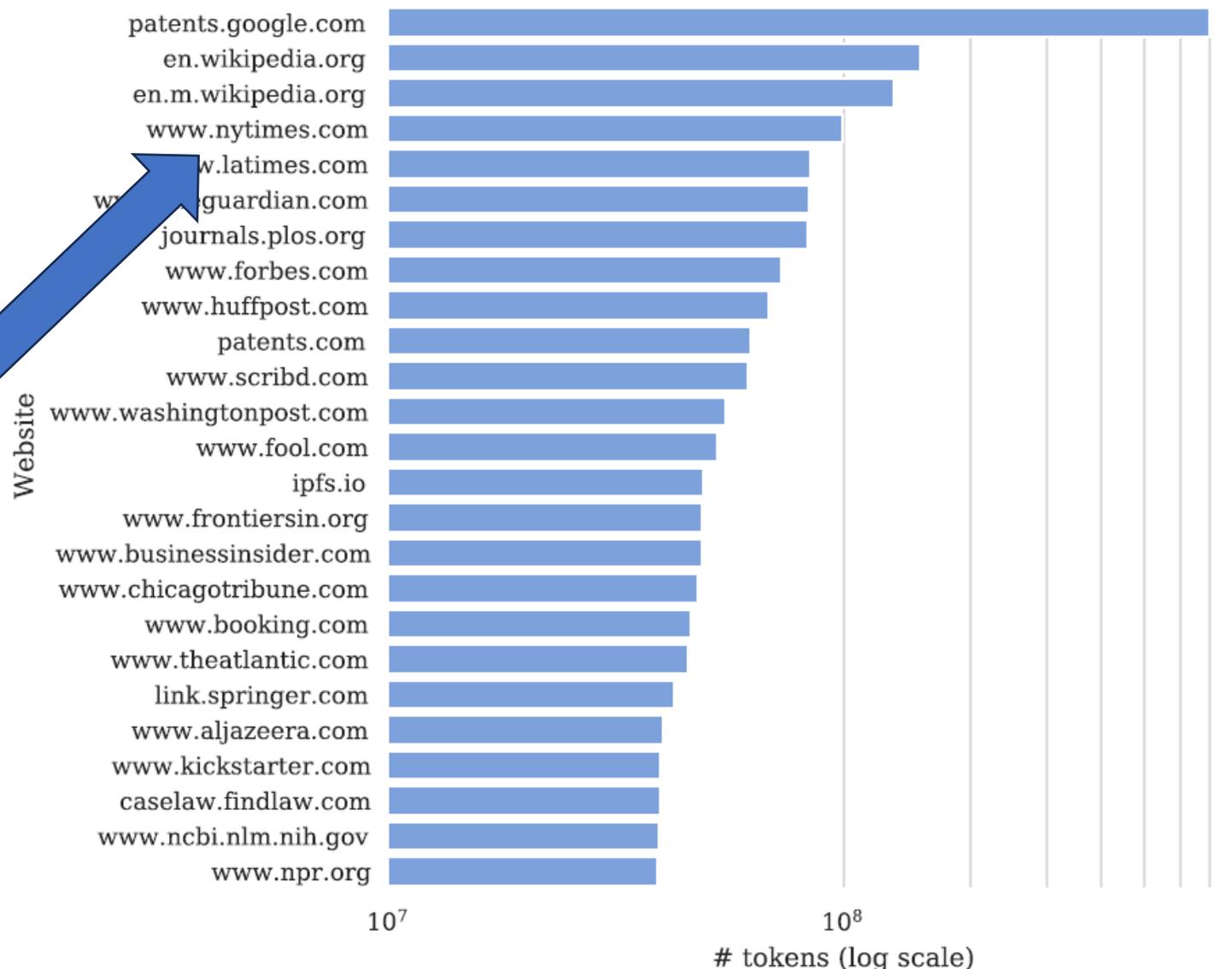
New York Times v. Microsoft

- Microsoft implemented an AI driven chat bot based on ChatGPT to improve the utility of Bing search results by reading, analyzing and summarizing Bing search results.
- The New York Times is suing Microsoft and Open AI for using training Co-Pilot and ChatGPT on copyright news articles.

86. GPT-3 includes 175 billion parameters and was trained on the datasets listed in the table below.

Dataset	Quantity (tokens)	Weight in training mix	Epochs elapsed w/ training for 300B to
Common Crawl (filtered)	410 billion	60%	0.44
WebText2	19 billion	22%	2.9
Books1	12 billion	8%	1.9
Books2	55 billion	8%	0.43
Wikipedia	3 billion	3%	3.4

88. The most highly weighted dataset in GPT-3, Common Crawl, is a “copy of the Internet” made available by an eponymous 501(c)(3) organization by wealthy venture capital investors.²⁰ The domain www.nytimes.com is the most highly represented proprietary source (and the third overall behind only Wikipedia and a database of U.S. patent documents represented in a filtered English-language subset of 2019 snapshot of Common Crawl, accounting for 1 million tokens (basic units of text):



More selected text of the complaint

(my highlighting)

Paragraphs from the complaint

98. As further evidence of being trained using unauthorized copies of Times Works, the GPT LLMs themselves have “memorized” copies of many of those same works encoded into their parameters. As shown below and in Exhibit J, the current GPT-4 LLM will output near-verbatim copies of significant portions of Times Works when prompted to do so. Such memorized examples constitute unauthorized copies or derivative works of the Times Works used to train the model.

102. Defendants directly engaged in the unauthorized public display of Times Works as part of generative output provided by their products built on the GPT models. Defendants’ commercial applications built using GPT models include.... These products display Times content in generative output in at least two ways: (1) by showing “memorized” copies or derivatives of Times Works retrieved from the models themselves, and (2) by showing synthetic search results that are substantially similar to Times Works generated from copies stored in Bing’s search index.

4. Unauthorized Retrieval and Dissemination of Current News

122. The above synthetic output from ChatGPT with the Browse with Bing plugin includes verbatim excerpts from the original article. The copied article text is highlighted in red below.

5. Wilful Infringement

D. Misappropriation of Commercial Referrals

E. “Hallucinations” Falsely Attributed to The Times

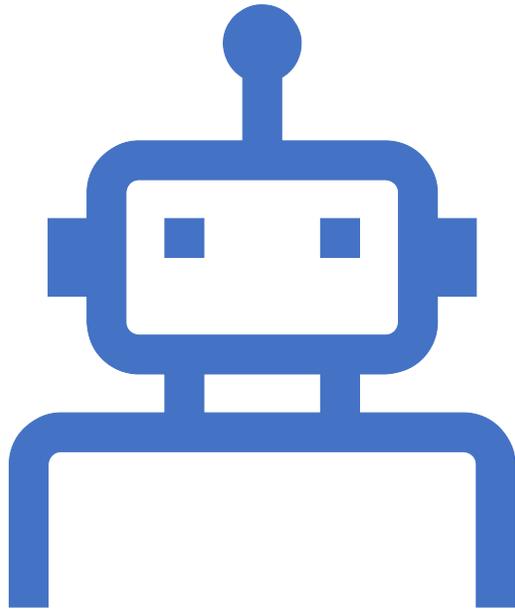
138. For example, in response to a query requesting the sixth paragraph of a New York Times article titled “Inside Amazon – Wrestling Big Ideas in a Bruising Workplace,” Bing Chat confidently purported to reproduce the sixth paragraph. Had Bing Chat actually done so, it would have committed copyright infringement. But in this instance, Bing Chat completely fabricated a paragraph, including specific quotes attributed to Steve Forbes’s daughter Moira Forbes, that appear nowhere in The Times article in question or anywhere else on the internet.



Policy Developments

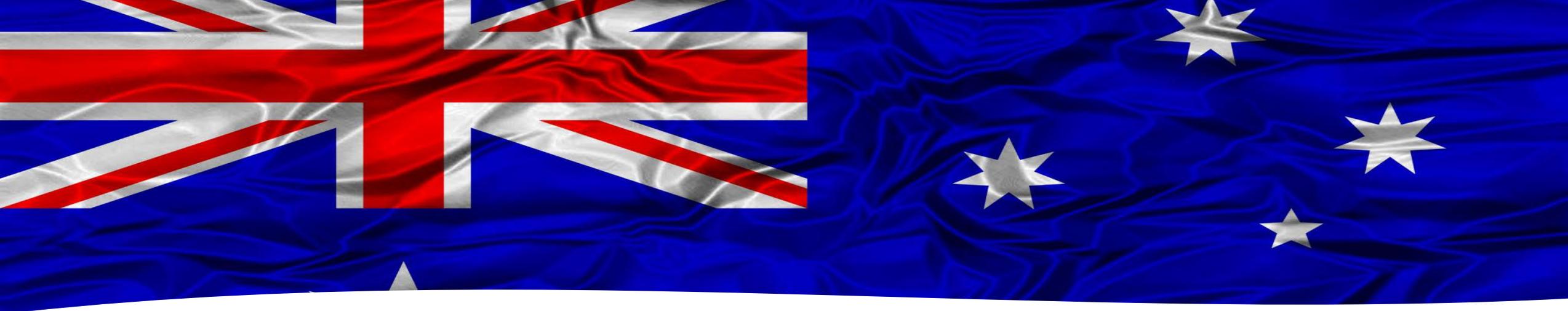


Safe and Responsible AI consultation



[Response](#) published on 17 January 2024. Actions:

- **consider and consult** on the case for and the form of **new mandatory guardrails** for organisations developing and deploying AI systems in high-risk settings
- work with industry to develop **an AI Safety Standard** to provide industry with a practical, voluntary, best-practice toolkit that ensures that AI systems being developed or deployed are safe and secure.
- commence work with industry, including developers and deployers, on the merits of **voluntary labelling and watermarking** of AI-generated material in high-risk settings.
- consider suggestions put forward in submissions on further opportunities to **strengthen existing laws** to address risks and harms from A
- take forward the commitments it made in the [Bletchley Declaration](#), including supporting the development of a State of the Science report +
- **consider** opportunities to ensure that Australia can maximise the benefits of such technologies.



Australian copyright policy

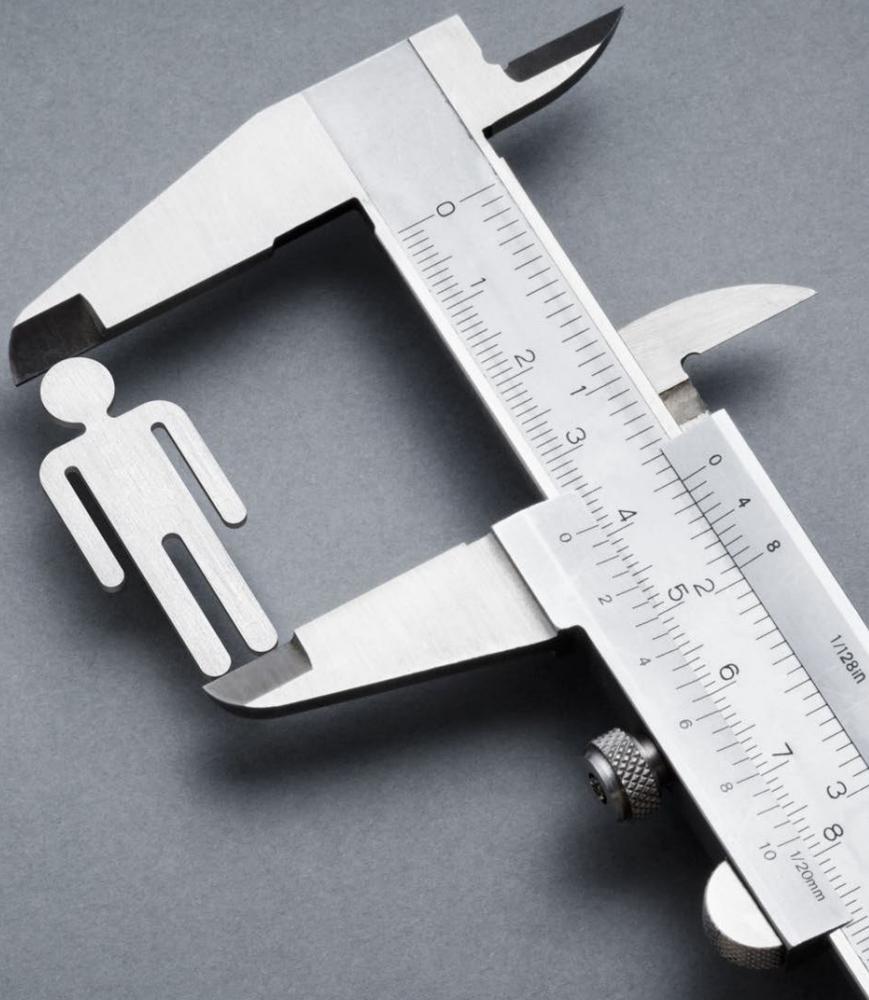
A-Gs completed the 4th Roundtable on Copyright, [Outcomes Paper on AI and Copyright](#) published on 18 December 2023. The paper records issues with the greatest significance as:

1. the use of inputs and data to train AI models
2. the potential for improved transparency in the use of copyright materials by AI
3. the use of AI to create imitative works and/or outputs otherwise infringing copyright, and
4. the copyright status of AI outputs“

The paper proposes that the government establish a "standing mechanism for ongoing engagement" to:

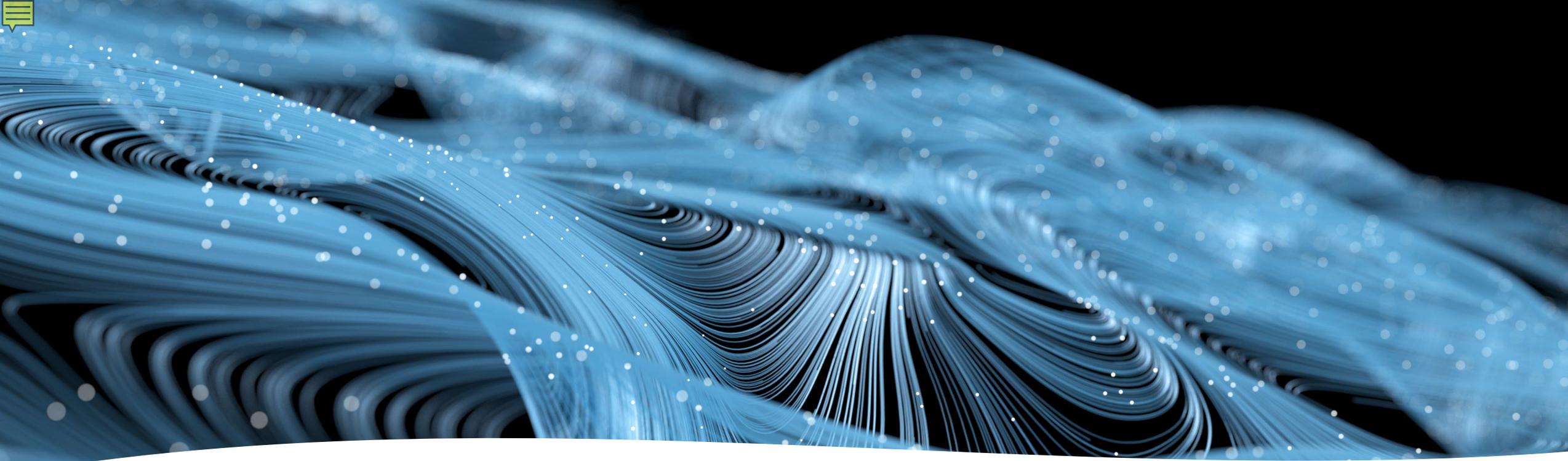
- Develop a shared understanding across stakeholder groups of the policy problems and legal uncertainties.
- Provide feedback to Government on any policies or reforms developed in response.
- Have terms of reference that don't duplicate other bodies!

The Government announced on 5 December that it would be establishing a copyright and artificial intelligence expert group.



Part 3

- Practical Applications
- Available tools and best use



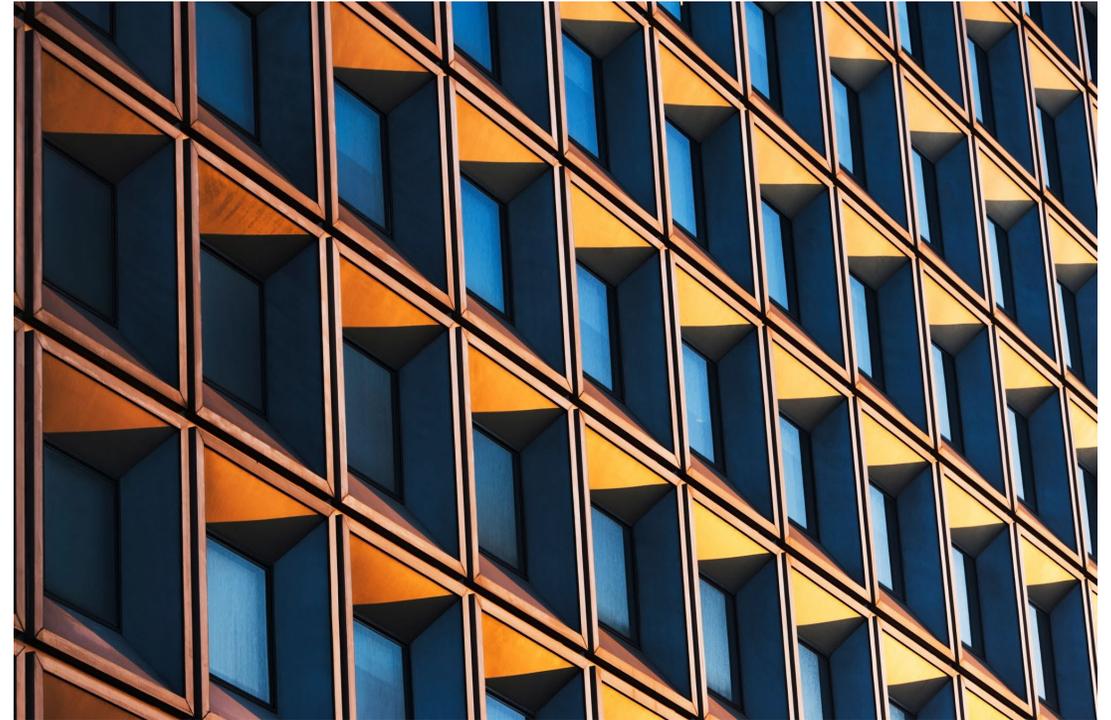
Examples of Publicly available Generative AI tools

- OpenAI's [GPT-4](#)
- Microsoft's [Copilot](#)
- Google's [Gemini](#) and [PaLM 2](#)
- Anthropic's [Claude](#)
- X's [Grok](#)



Examples of Legal Specialist AI Tools

- [Westlaw Edge with Precision](#): legal research and writing process
- [CCH ProSystem fx](#) is a tax and accounting software suite that incorporates artificial intelligence for data analysis and automation
- [LexisNexis Lexis+ AI](#): This AI-powered legal knowledge platform by LexisNexis offers functionalities like conversational search, legal document drafting assistance, document summarization, and insightful legal analysis.
- [Law In Order](#): Document review
- [Kira](#): automatically highlights and extracts provisions that are important to you and helps you organize your data for analysis



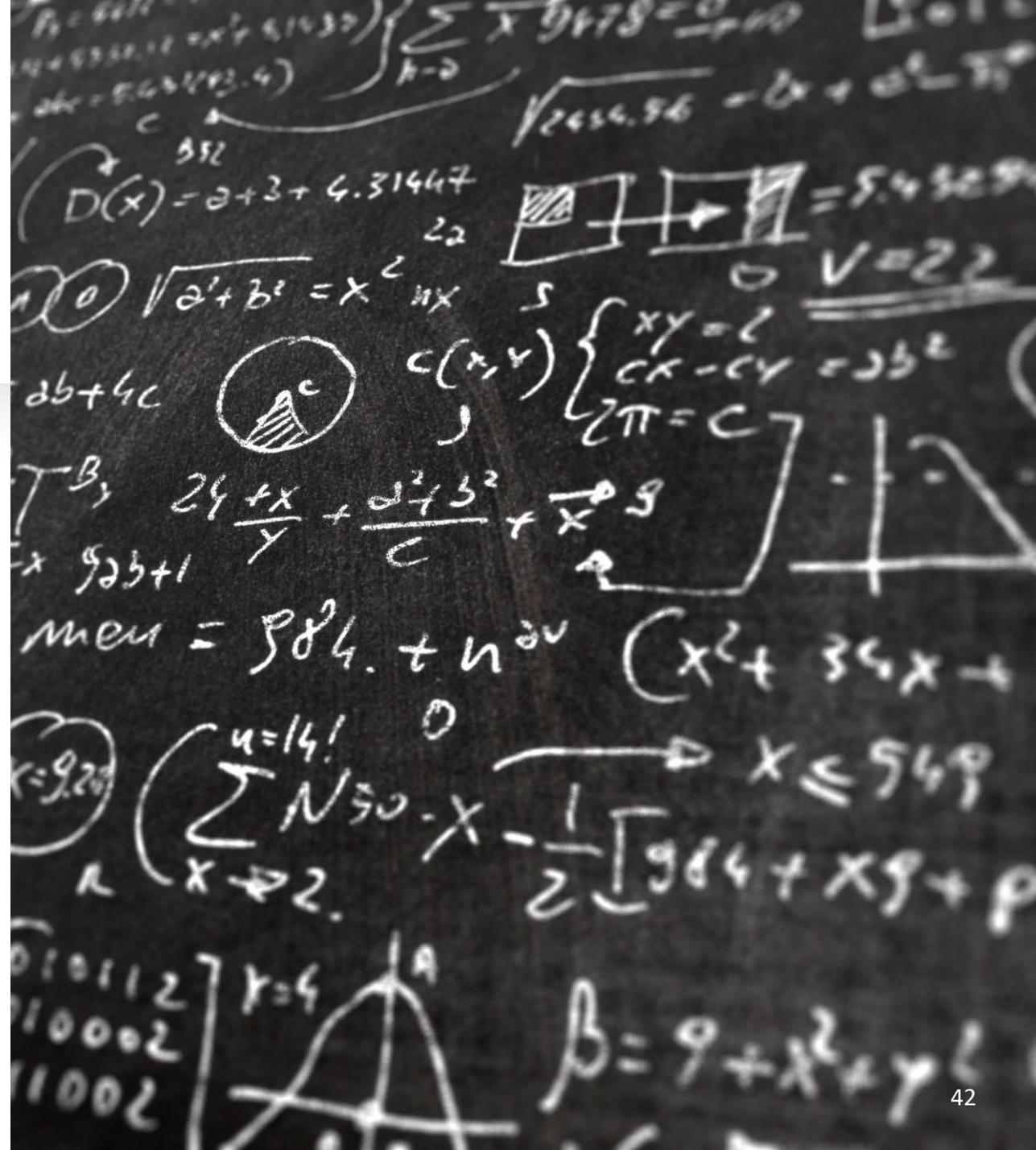
For general language models the prompt is key...

- Particularly GPT can accept a premise: tell it what perspective is, where it is and/or what it is trying to achieve.
- The more details you put in your premise specific your response the likely response.
- You can ask it to modify or improve an answer.
- You can ask it to change a response for a different audience.
- It will help you write a better prompt if you ask it to respond to questions to help you write a better prompt.
- Different models will accept different quantities of text for response depending on the load on the system at the time.



What are they bad for?

- There is a high risk wasted time and energy going looking for made up cases and references.
- Summaries and output can be too “high level” for legal output. However, Copilot now has a button for the style of writing you would like it to adopt.
- **High risk:** a summary/ overview may not be a fair assessment of a body of information.
- Reportedly poor at math. I have not texted various models.



What are they good at?

Producing a first draft of a clause or simple contract.

Suggesting lists of issues, clauses, questions for a particular case, client or task. **This is excellent help when you need a quick start understanding a business, regulatory scheme or getting ideas for an approach to a difficult problem.**

Producing well expressed communications

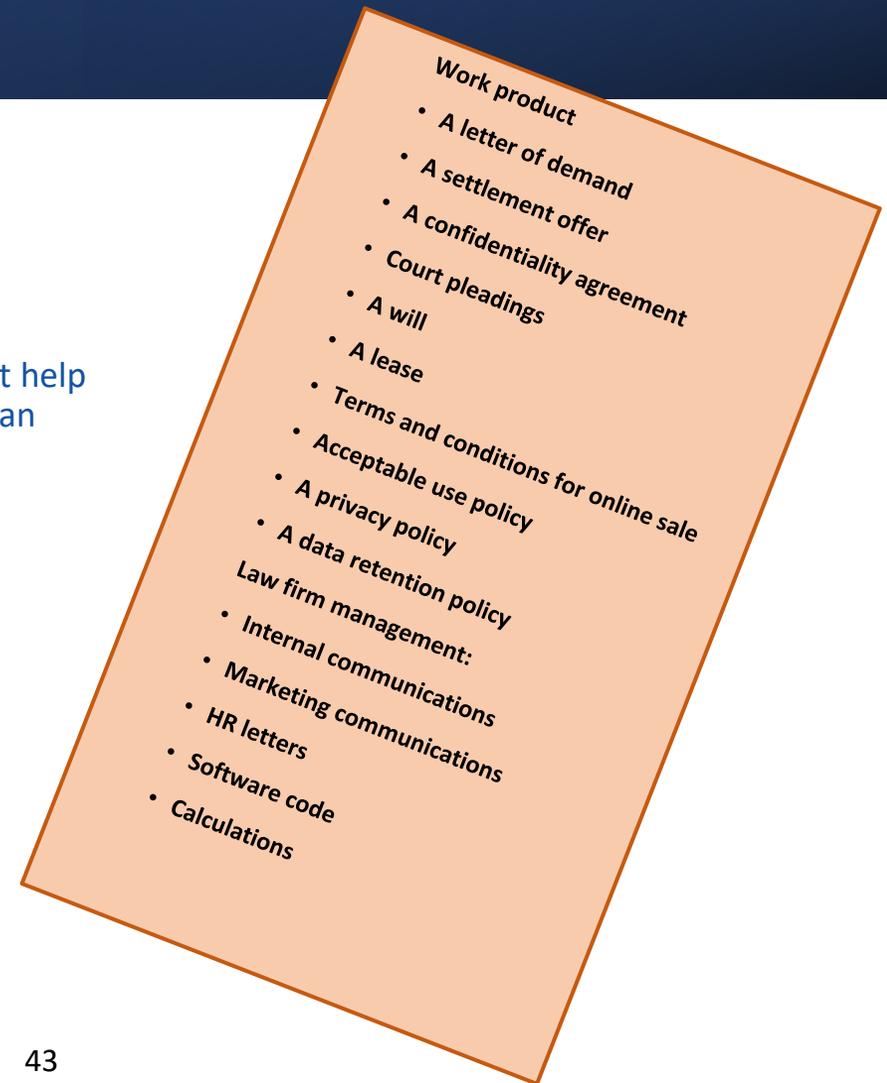
Preliminary legal research:

Good for locating issues and text in statutes

Very bad for finding a case or precedent- **you must carefully check the all results!**

Improving expression

Subject to size/methodology – review and analysis.

- 
- Work product
 - A letter of demand
 - A settlement offer
 - A confidentiality agreement
 - Court pleadings
 - A will
 - A lease
 - Terms and conditions for online sale
 - Acceptable use policy
 - A privacy policy
 - A data retention policy
 - Law firm management:
 - Internal communications
 - Marketing communications
 - HR letters
 - Software code
 - Calculations



What are the risks?

- Acceptance of supplier representations relating to the operation of the tools where the real answer is unknown or uncertain.
- A junior takes a shortcut and you do not recognise a false citation or summary
- The AI provides an overview or generalization that you would not accept if you made your own assessment.
- High quality output builds trust from an AI tool builds trust and supervisory discipline falls away. This could be as to form or substance.
- Clients elect to use AI tools to replace private legal services on the basis that the cost saving is worth the risk.

Potential Impacts



AI raises the basic standard on due care and diligence.



AI raises client expectation regarding the detail and quality of work that is provided.



Increase in competence + reduction in time taken = need for fewer people.



We are not from having AI that can:

Provide adequate legal advice

Produce adequate documentation.

Act as fast and independent decision makers replacing courts and tribunals.



Should an AI that can pass the Admission's board exams be entitled to a practicing certificate

Recommendations and conclusion

- Study the options
- Introduce controls to limit inputs (for client confidentiality) and supervise and check output based on the system chosen.
- Integrate use into your workflow and service offerings.
- Consider how to deploy AI trained on your precedents, work product, styles and specialisation.
- Change the way to train and evaluate new lawyers.
- Disclosure use to clients and implement a policy on attribution (at least amend your engagement letter).
- Quickly adapt to/adopt new functionality and services.



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