



Press Start to Continue: Navigating
Legal Ethics in a Digital World



Presented By:



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Introduction

- Digital gaming and the legal profession
- Influence of digital innovation on both fields
- Ethical challenges posed by these transformations



Gaming and Digital Transformation

- Evolution of gaming industry due to digital transformation
- Move from stand-alone games to globally connected virtual worlds
- Ethical considerations associated with these advancements



Ethical Challenges in Digital Gaming

- Key ethical issues: Fairness, transparency, data security
- Effects on society, AI-powered algorithms, hacks, etc.



Legal Digital Transformation

- Use of digital communication channels, data management, AI tools
- Impact of digital transformation
- Ethical challenges accompanying this digital shift



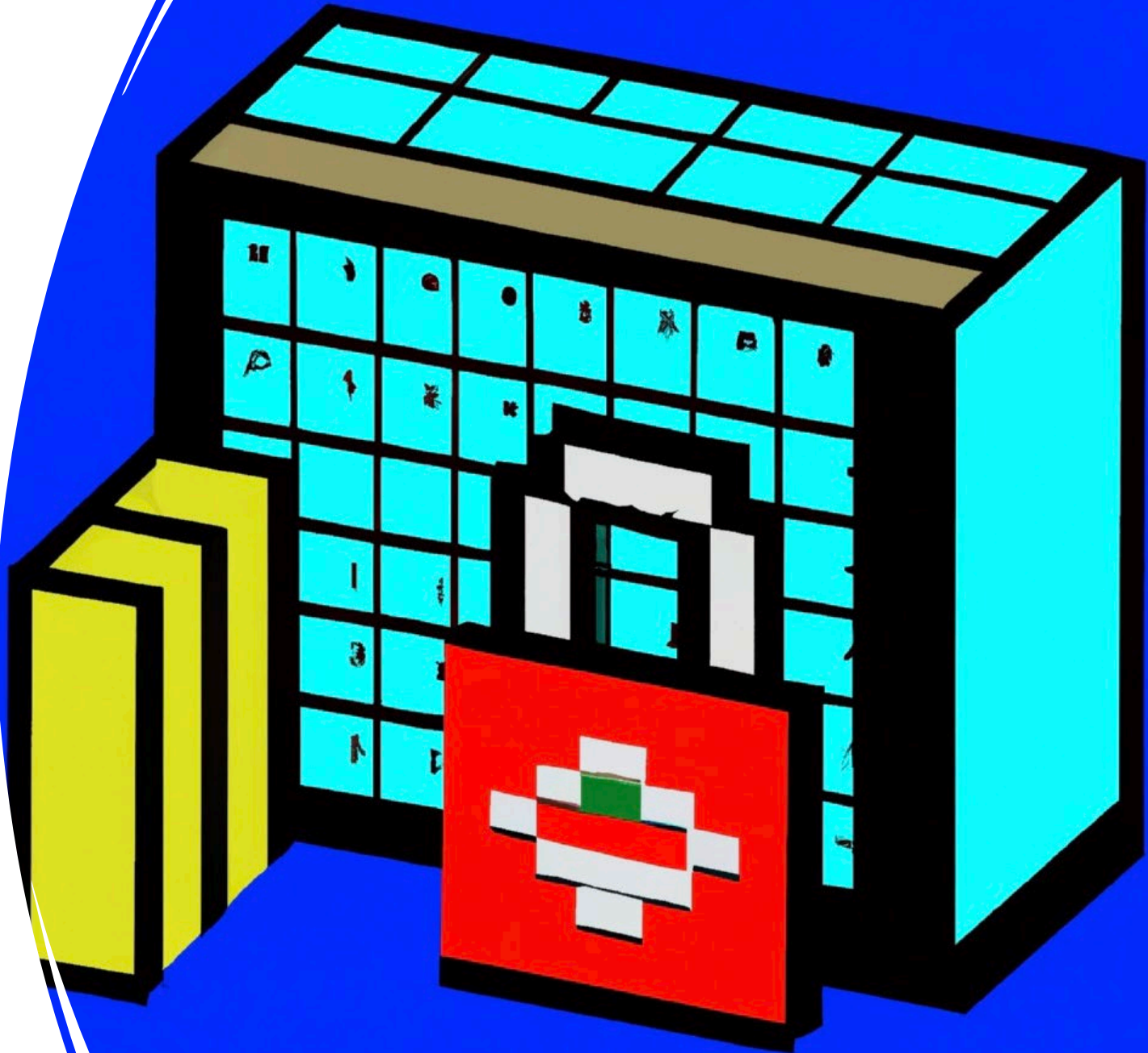
Legal Ethical Challenges in the Digital Age

- Ensuring confidentiality and integrity of client data (Rule 1.6)
- Addressing the potential risks associated with remote working
- Maintaining transparency in digital operations
- Necessity to adapt and balance benefits of digital technology with these challenges



Confidentiality and Data Security

- Parallels between game user data protection and client confidentiality
- Data security and client confidentiality in the digital age (Rule 1.6)
- Importance of robust data protection measures



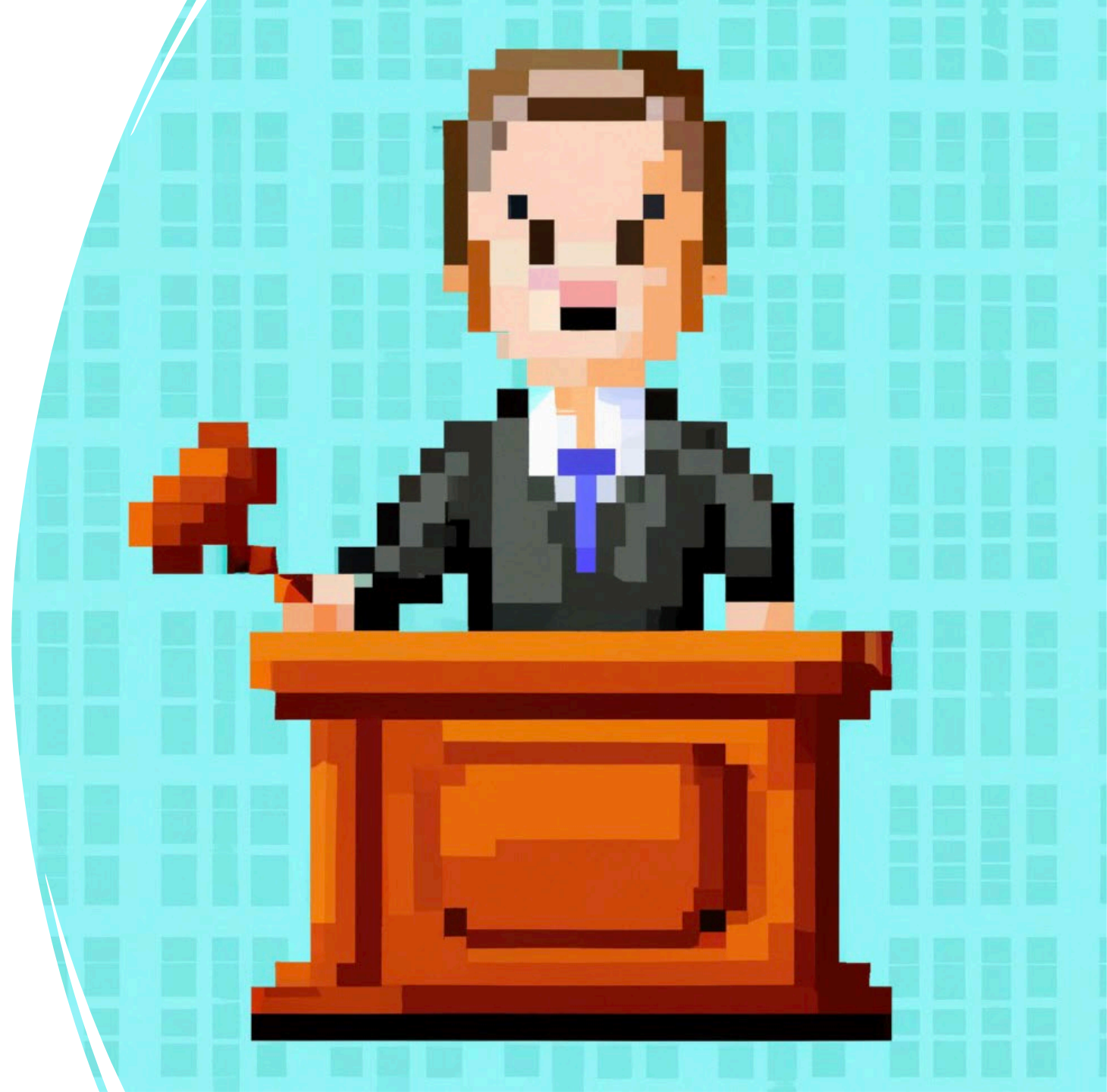
Working Remotely

- Emergence of remote working and its implications
- Potential data privacy risks in remote work, including using open networks in public places or insufficient home network security (Rule 1.3)
- Necessity of maintaining stringent ethical standards in remote working settings



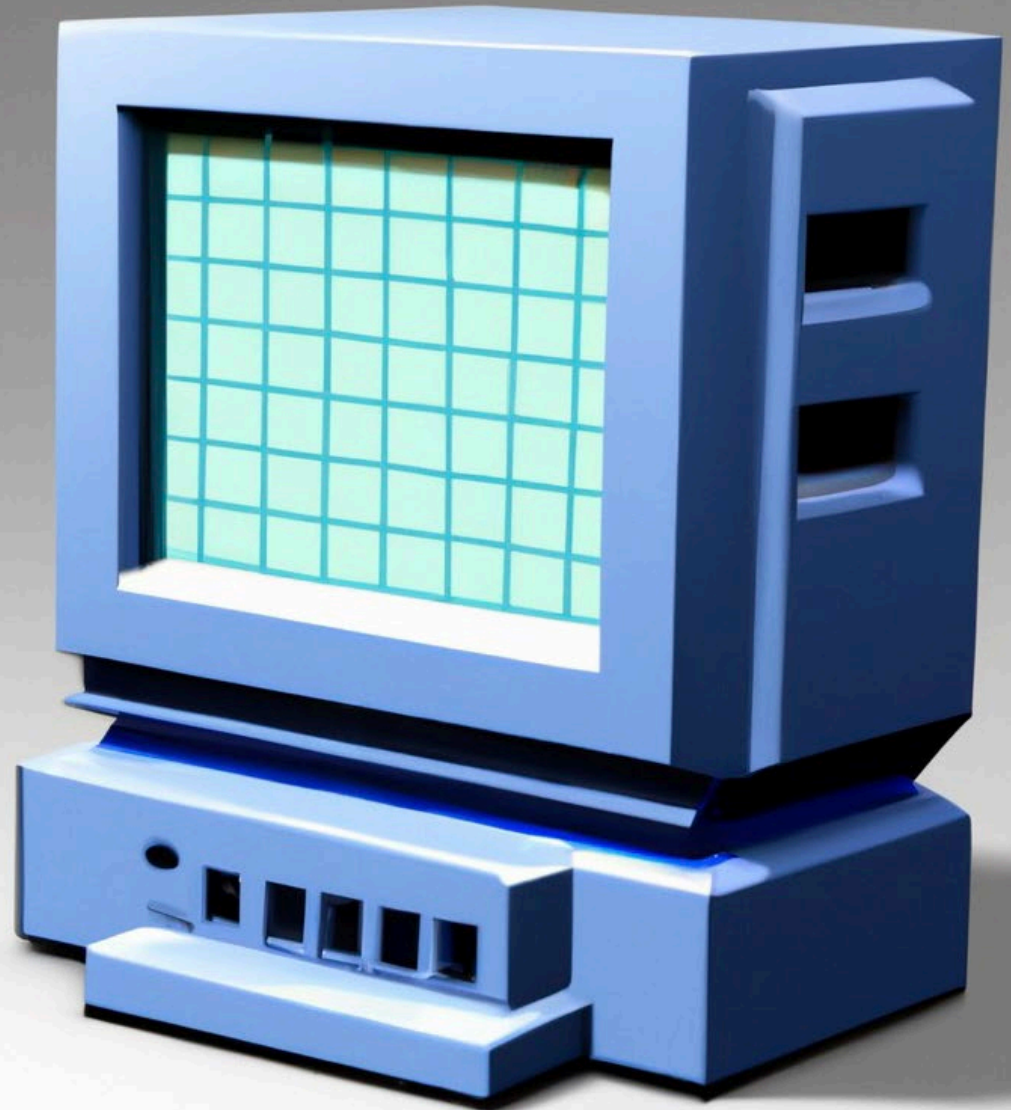
AI and Legal Practice

- Role of AI in data analysis and decision-making (Rule 1.1)
- Ethical questions arising from AI application in legal practice
- Ensuring ethical use of AI in the law



AI and Transparency

- Trust
- Informed Decision Making
- Consent
- Ethical Responsibility



Case Study: The ChatGPT Brief

- **Lawsuit:** Roberto Mata sues Avianca for injury during flight
- **AI Role:** Mata's lawyer uses AI (ChatGPT) for legal brief; cites nonexistent cases
- **Court Reaction:** Lawyer admits error; judge orders hearing for potential sanctions and orders Schwartz to pay \$5,000 in fines and notify each judge falsely identified
- **Industry Impact:** Case prompts legal debate on AI use and verification in practice



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ROBERTO MATA,

Plaintiff,

22-cv-1461 (PKC)

-against-

OPINION AND ORDER
ON SANCTIONS

AVIANCA, INC.,

Defendant.

-----X
CASTEL, U.S.D.J.

In researching and drafting court submissions, good lawyers appropriately obtain assistance from junior lawyers, law students, contract lawyers, legal encyclopedias and databases such as Westlaw and LexisNexis. Technological advances are commonplace and there is nothing inherently improper about using a reliable artificial intelligence tool for assistance. But existing rules impose a gatekeeping role on attorneys to ensure the accuracy of their filings.

CONCLUSION

The Court Orders the following sanctions pursuant to Rule 11, or, alternatively, its inherent authority:

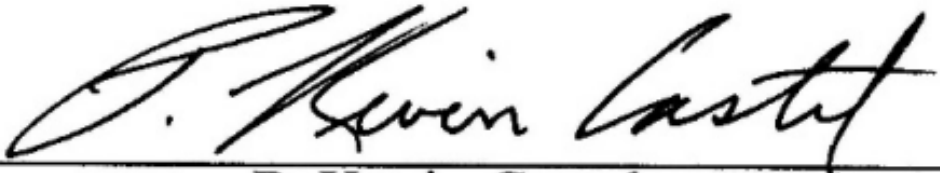
a. Within 14 days of this Order, Respondents shall send via first-class mail a letter individually addressed to plaintiff Roberto Mata that identifies and attaches this Opinion and Order, a transcript of the hearing of June 8, 2023 and a copy of the April 25 Affirmation, including its exhibits.

b. Within 14 days of this Order, Respondents shall send via first-class mail a letter individually addressed to each judge falsely identified as the author of the fake “Varghese”, “Shaboon”, “Petersen”, “Martinez”, “Durden” and “Miller” opinions. The letter shall identify and attach this Opinion and Order, a transcript of the hearing of June 8, 2023 and a copy of the April 25 Affirmation, including the fake “opinion” attributed to the recipient judge.

c. Within 14 days of this Opinion and Order, respondents shall file with this Court copies of the letters sent in compliance with (a) and (b).

d. A penalty of \$5,000 is jointly and severally imposed on Respondents and shall be paid into the Registry of this Court within 14 days of this Opinion and Order.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
June 22, 2023

Appendix A

United States Court of Appeals,

Eleventh Circuit.

Susan Varghese, individually and as personal representative of the
Estate of George Scaria Varghese, deceased,
Plaintiff-Appellant,

v.

China Southern Airlines Co Ltd,
Defendant-Appellee.

No. 18-13694

Before JORDAN, ROSENBAUM, and HIGGINBOTHAM, * Circuit Judges.

JORDAN, Circuit Judge:

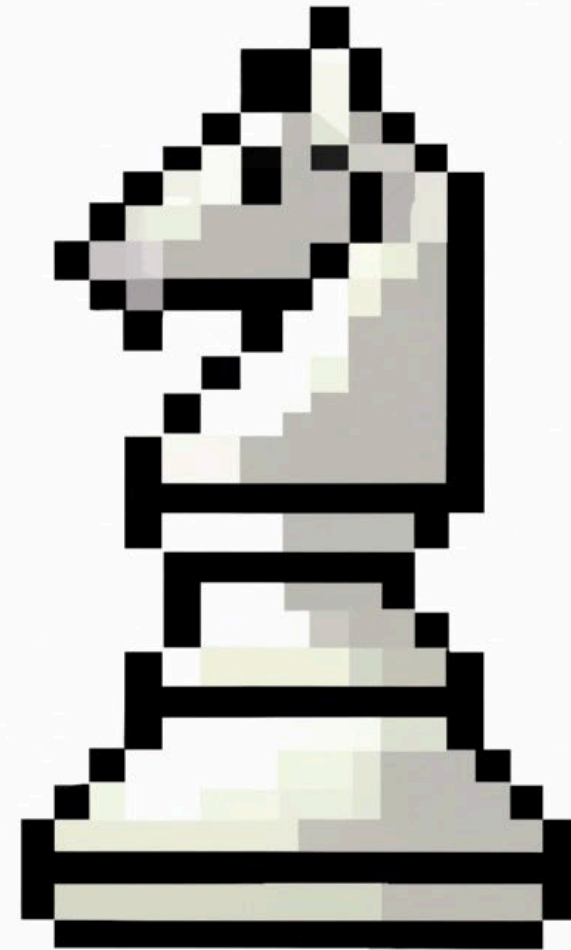
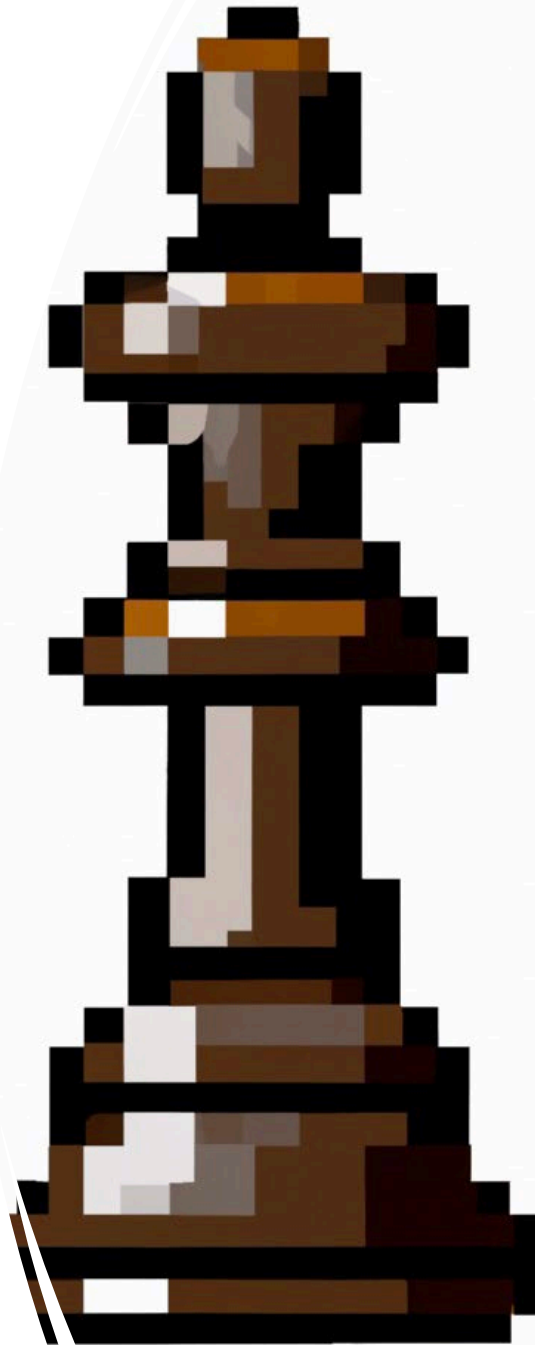
Susan Varghese, individually and as personal representative of the Estate of George Scaria Varghese, deceased, appeals the district court's dismissal of her wrongful death claim against China Southern Airlines Co. Ltd. ("China Southern") under the Montreal Convention. Because the statute of limitations was tolled by the automatic stay of bankruptcy proceedings and the complaint was timely filed, we reverse and remand for further proceedings.

Factual background:

Anish Varghese ("Varghese"), a resident of Florida, purchased a round-trip airline ticket from China Southern Airlines Co Ltd ("China Southern") to travel from New York to Bangkok with a layover in Guangzhou, China. On the return leg of his journey, Varghese checked in at Beijing for his flight

Rule 1.1: Competence

“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 1.6: Confidentiality of Information

“A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent or the disclosure is impliedly authorized to carry out the representation. 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.”



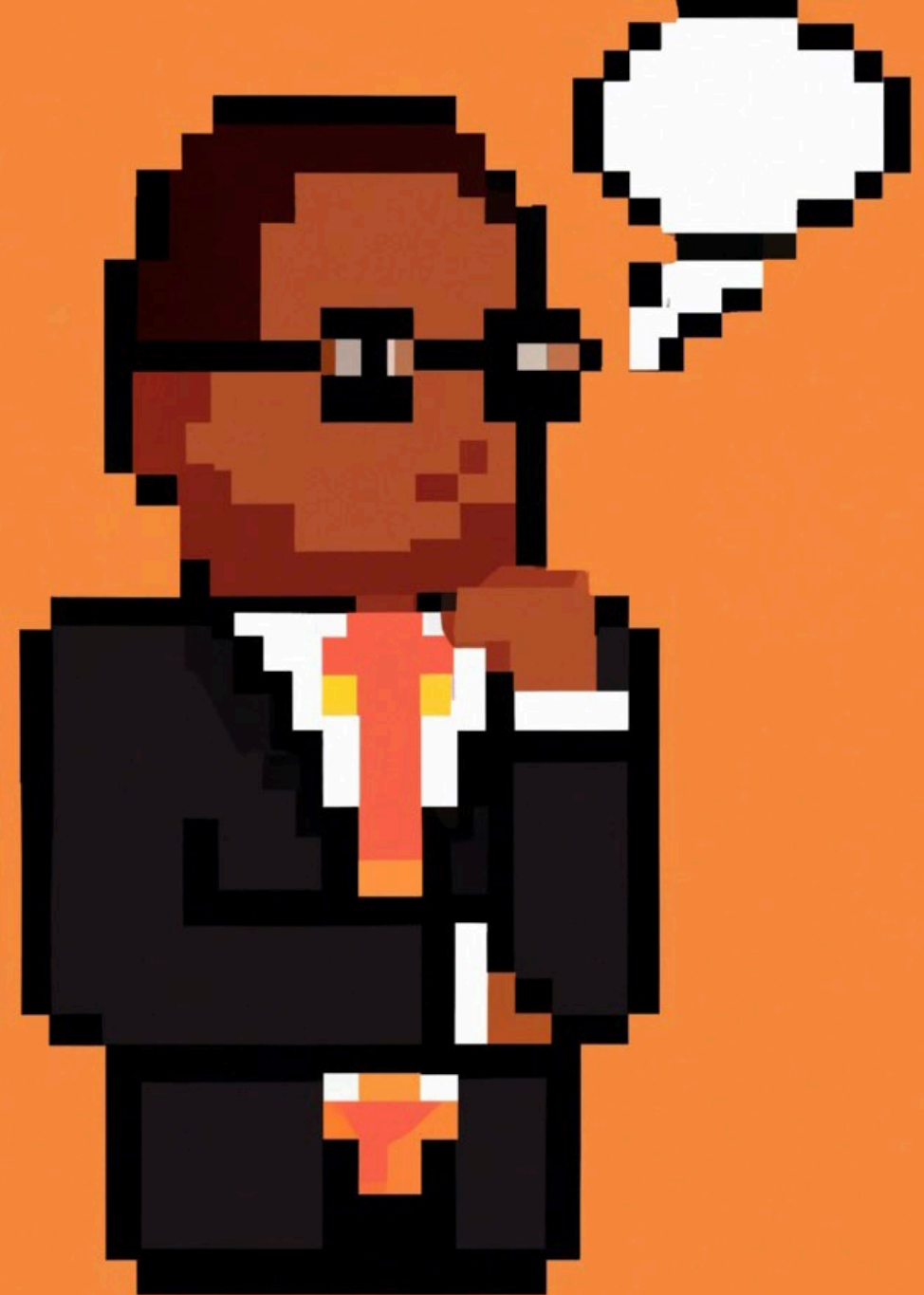
The ChatGPT Brief: Analysis

- What does this teach us?



The ChatGPT Brief: Breach of Rule 1.1

- Understand and verify AI tools before using.
- AI is an aid, not a replacement for human judgement.



The ChatGPT Brief: Breach of Rule 1.6

- Be cautious about potential confidentiality breaches with AI



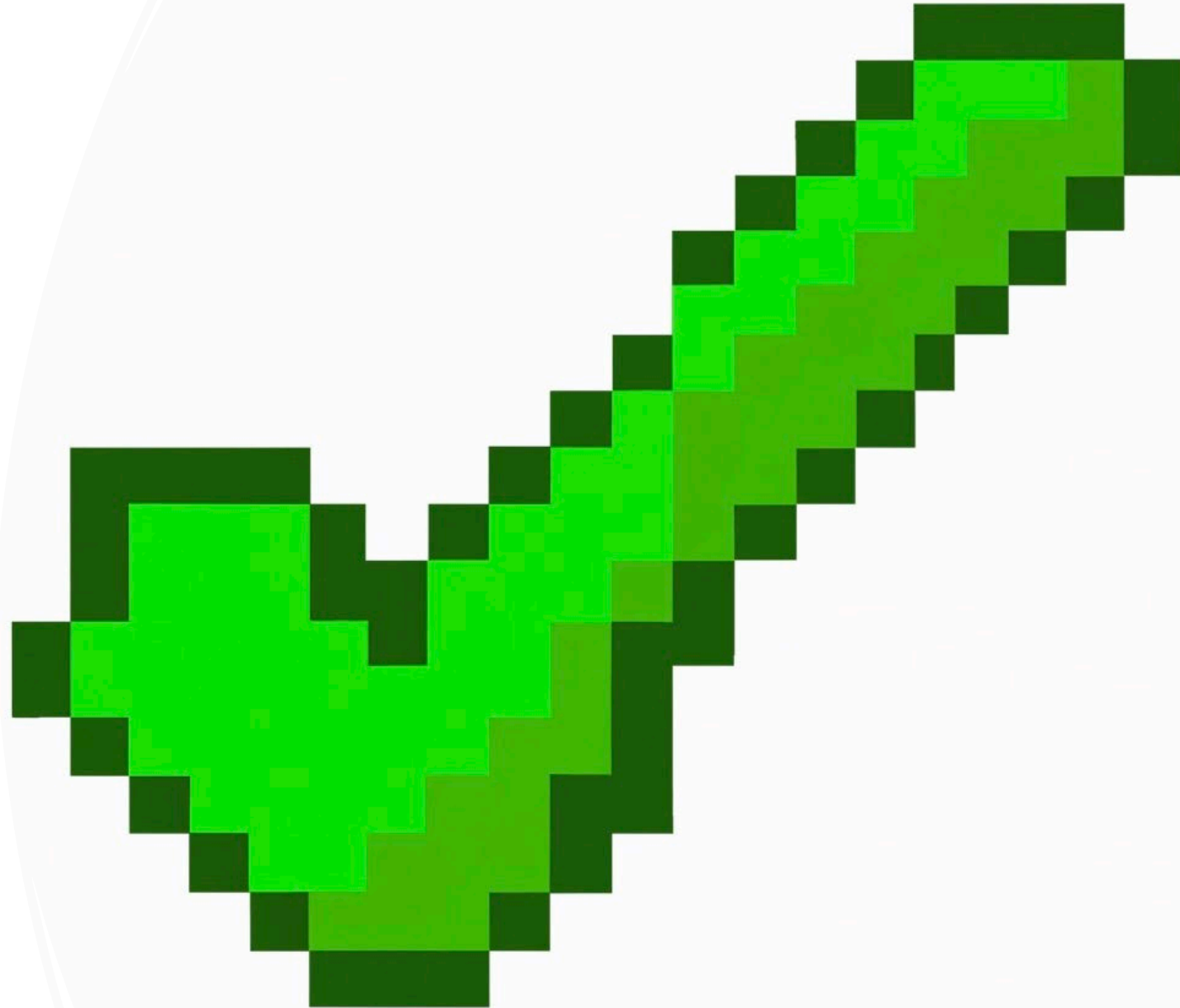
The ChatGPT Brief: Transparency in AI Usage

- Foster trust with transparency about AI usage
- Seek client approval before using AI
- Ensure AI use aligns with clients' best interests



The ChatGPT Brief: Conclusion

- Using AI is powerful, but risky if not used properly
- In its current stage, AI should only be used as a tool (if at all)



Case Study: 'I am not a Cat?'

- Attorney Rod Ponton unwittingly used a cat filter during a Zoom court hearing.
- Despite the filter, Ponton proceeded with the hearing.
- The cat filter incident quickly went viral online.



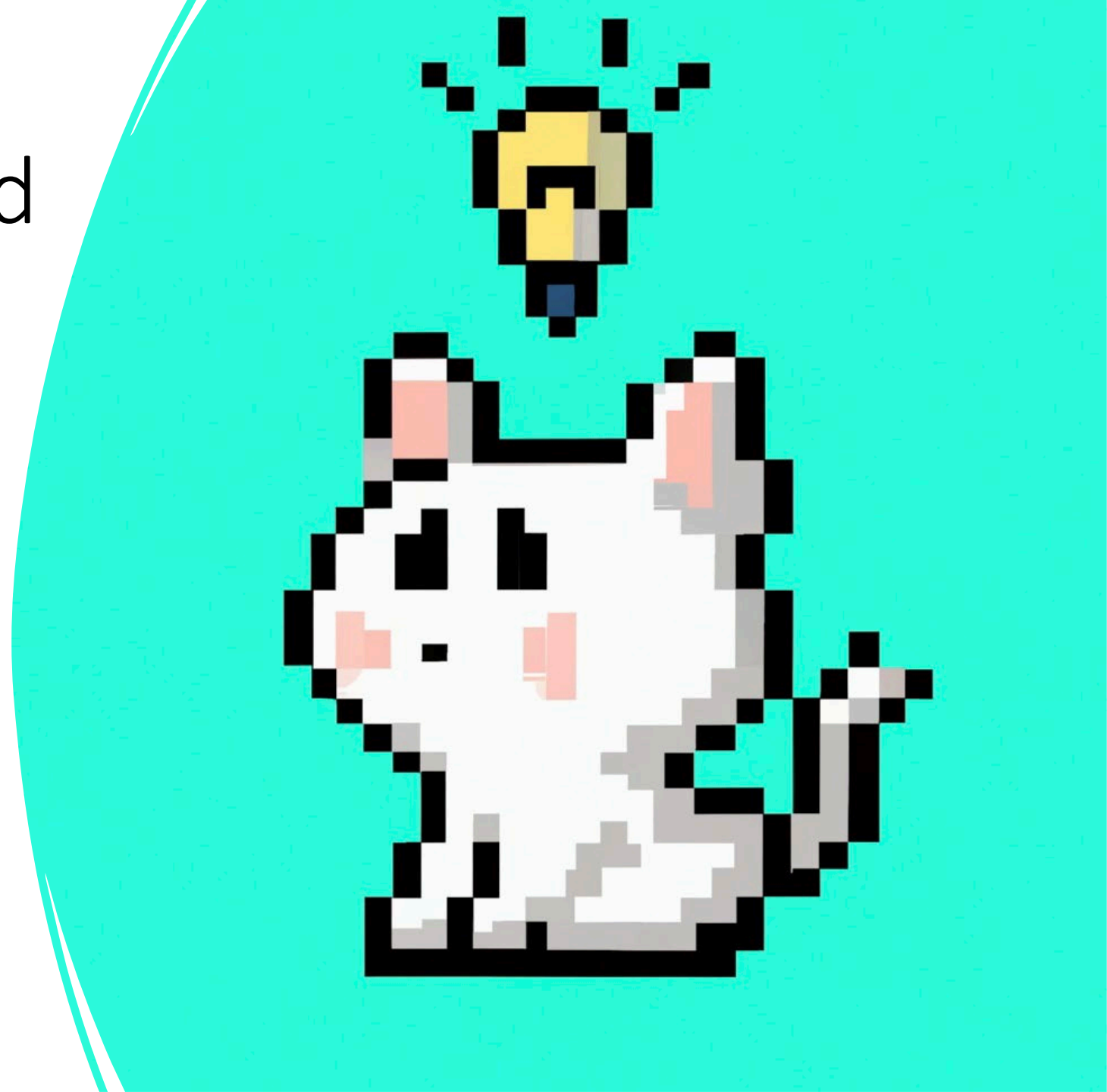
Case Study: 'I am not a Cat?'

[Video Link](#)



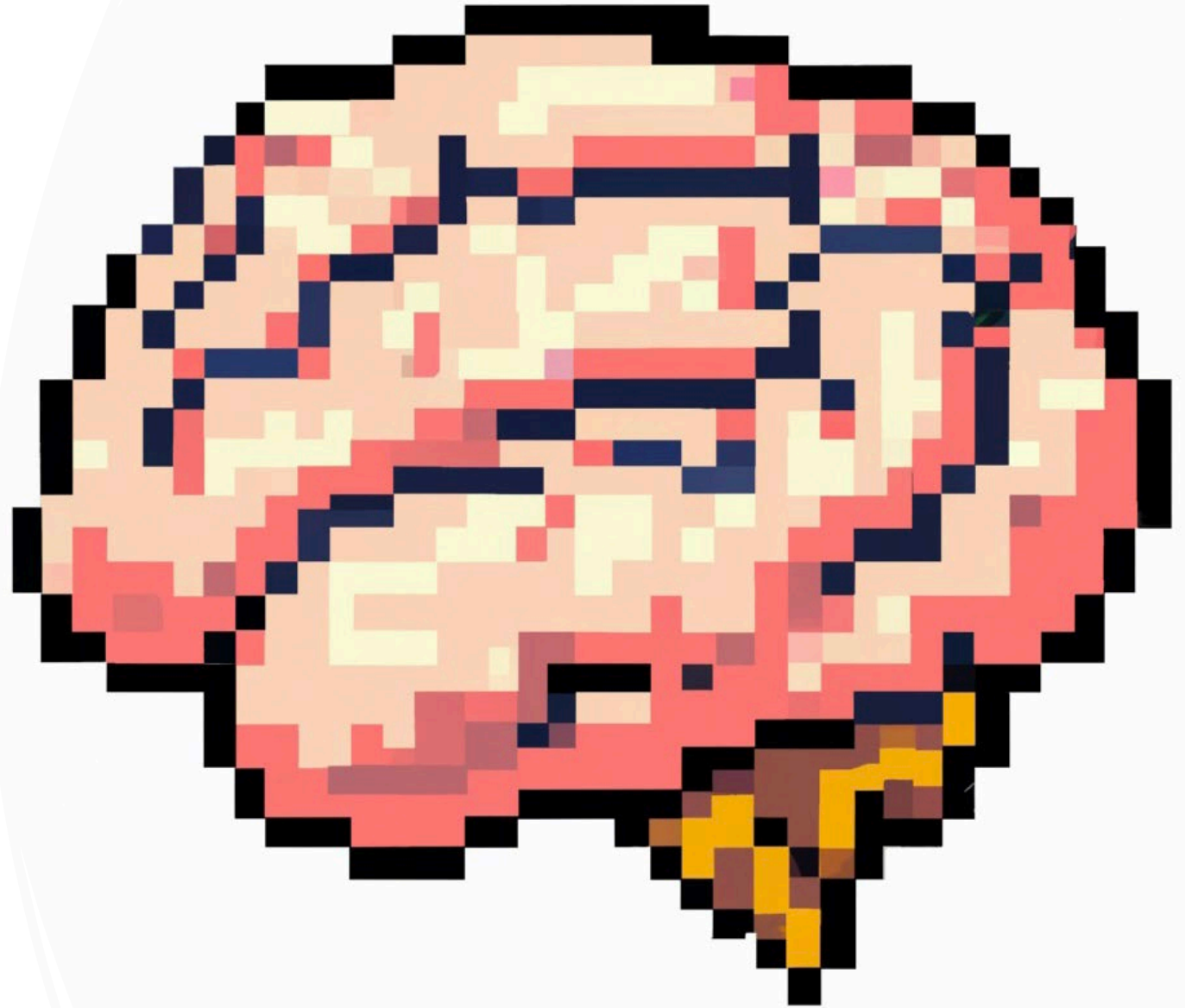
Zoom, but Proceed with Caution!

- Zoom Usage: Essential tool for remote work but introduces potential confidentiality risks
- Lessons from Ponton's Case: Seemingly minor virtual mishaps can lead to significant privacy breaches
- Mitigation Strategies: Adjust Zoom settings and enforce meeting security to protect sensitive information



Lessons for Legal Ethics

- Rule 1.1: Competence
- Rule 1.6: Confidentiality
- Transparency and Consent
- Risk Management
- Adapting to Technology



Will you
“Press Start: to
Continue?”



Q&A

- Any questions?

