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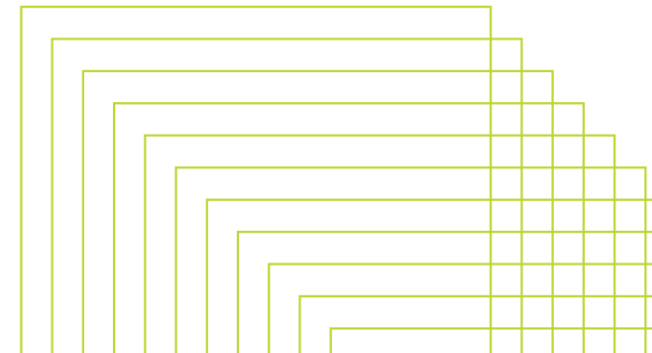
# Unlocking AI: The Future of Legal Practice

**J. Mitchell Carrington II, N. Denver Smith, and Tim  
Flowers**

LAW ELEVATED

# Today's Discussion

- Artificial Intelligence: What is AI?
- Where Is AI Now and What is Possible?
- What are AI's Challenges and Limitations? (What Can and Has Gone Wrong?)
- How do We Harness AI's Power? (Ethically/Responsibly/Reliably)
- Guiding Principles



# What is AI?

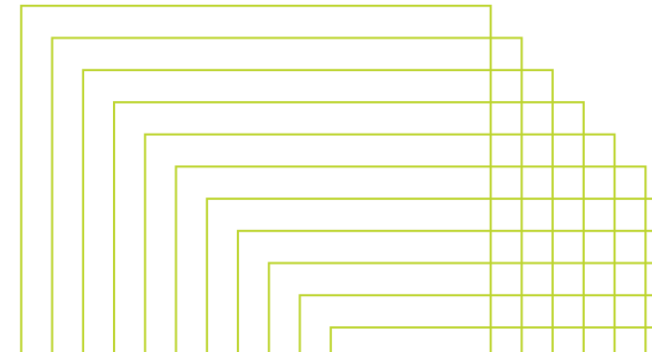
AI involves the simulation of human intelligence processes by machines, especially computer systems.

## Different Forms of AI:

- **Machine Learning:** Algorithms that allow computers to learn from and make predictions based on data
- **Natural Language Processing (NLP):** Enables machines to understand and respond to human language
- **Robotics:** Design and use of robots for various tasks
- **Expert Systems:** AI that mimics the decision-making abilities of a human expert

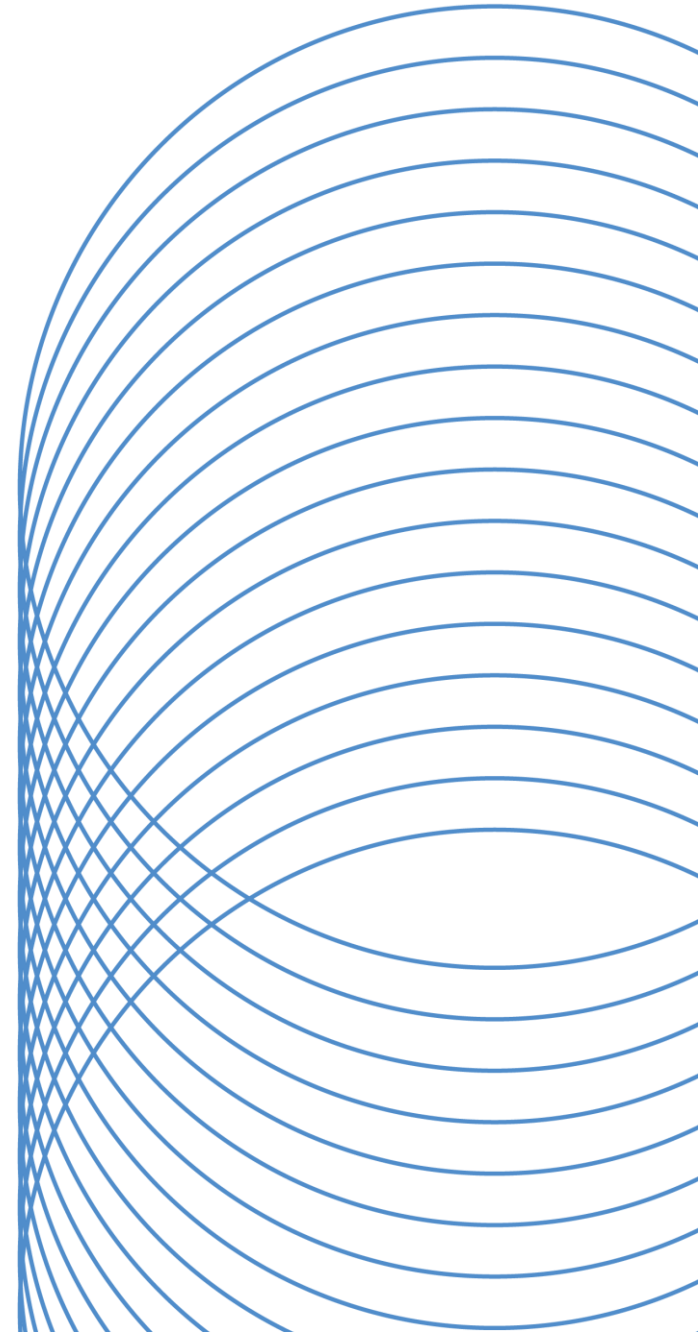
# Narrow vs. General Artificial Intelligence

- Narrow AI (Weak AI)
  - Designed to perform a narrow task.
  - Think:
    - Facial Recognition
    - Speech Recognition
    - Natural Language Processing (Westlaw Natural Language)  
Voice Assistants like Siri or Alexa
    - Playing games such as poker, chess
- General AI (Strong AI)
  - Aims to create software that can think and learn. It would perform tasks it has not been specifically trained to do.
  - Think:
    - Large Language models, such as:
      - OpenAI's GPT, used in Chat GPT and Microsoft Copilot
      - Google's PaLM
      - Meta's LLaMA



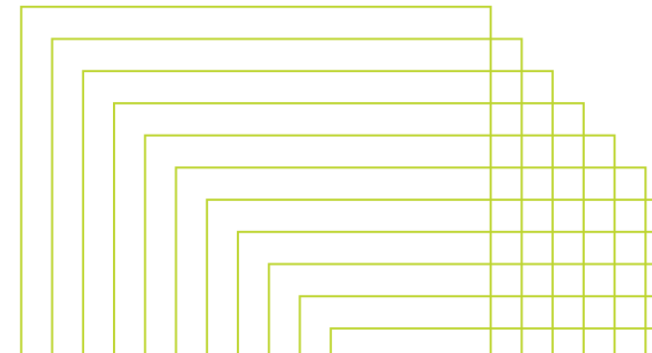
# Examples of Artificial Intelligence Models

- **OpenAI**
  - Chat GPT
- **Google**
  - Gemini
- **Westlaw**
  - Precision
  - Co-counsel
- **LexisNexis**
- **Amazon**
- **Microsoft**



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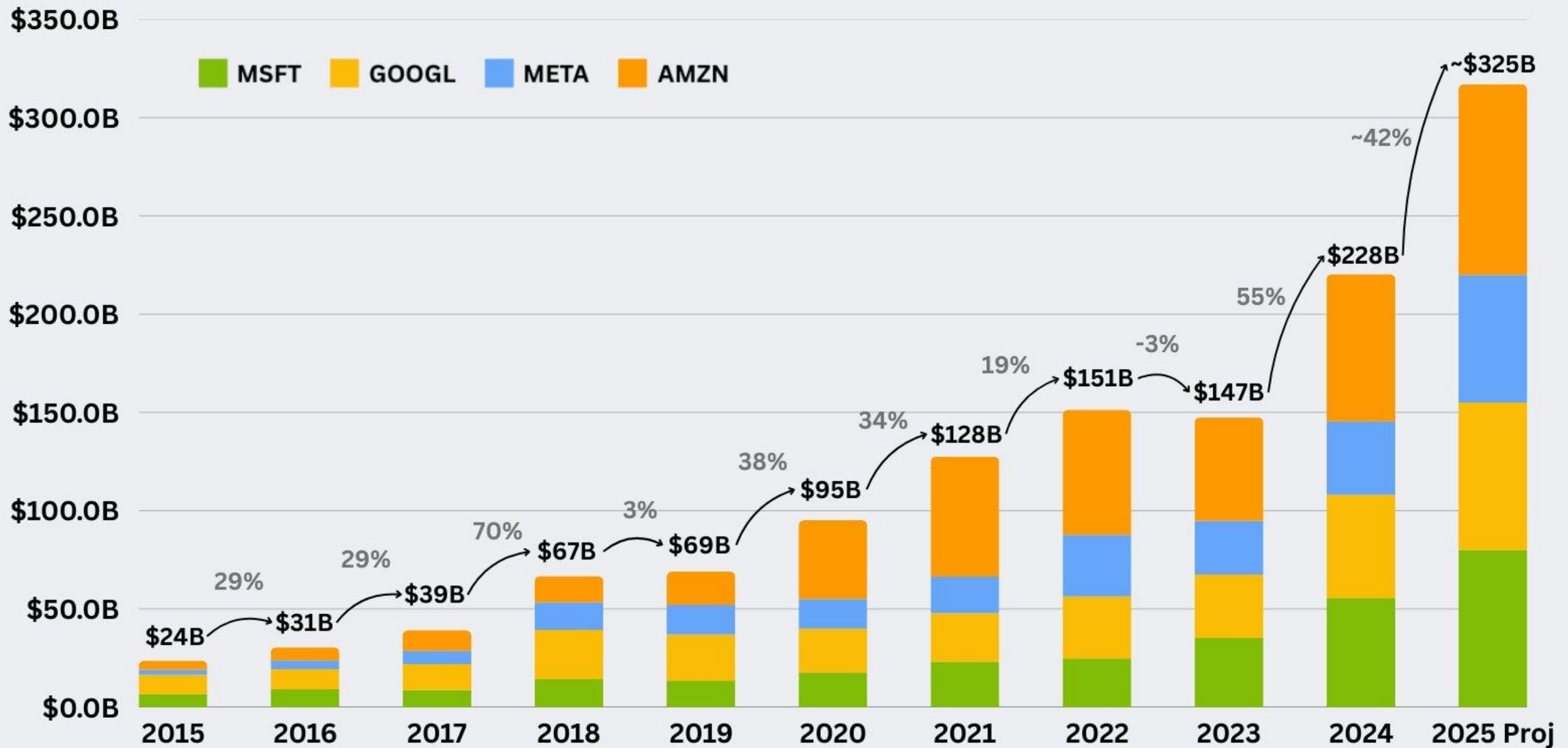




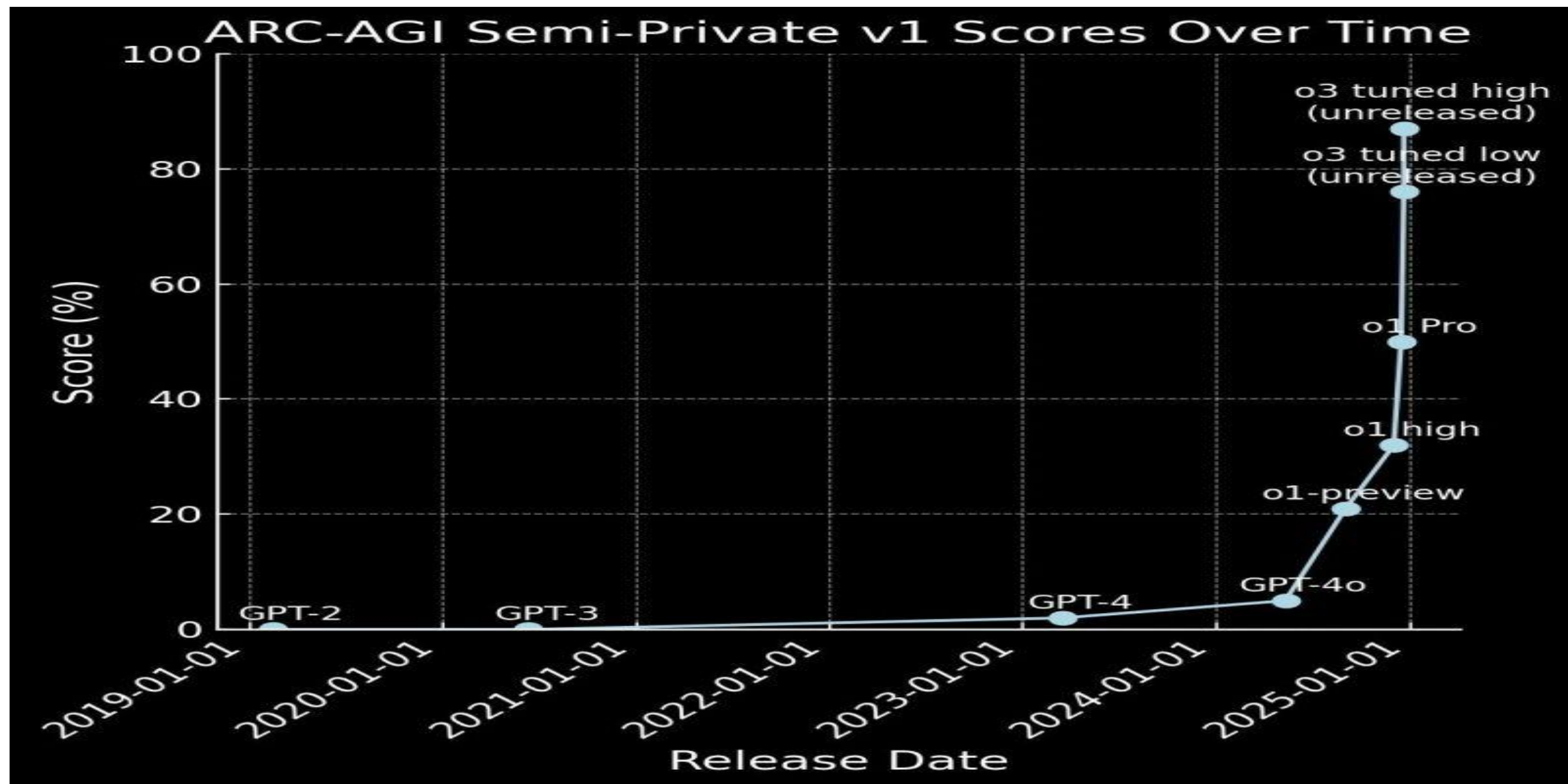
# Where is AI now and What is Possible?

- Businesses piloting and adopting Generative AI is increasing rapidly.
  - “78% of CEOs and Boards Believe AI Benefits Outweigh Associated Risks”
- Increased Usage for Legal Work
- The National CIO Review
  - Strategic Integration


# Hyperscaler Capex By Year



Source: Company Reports; 2025 includes company & analyst projections.



# Use Cases for Generative AI

- Analyzing massive volumes of complex and unstructured data
  - Creating content for marketing materials
    - Website
    - Marketing e-mails
  - Automating customer service
  - Analyzing support tickets to identify trends and develop resolutions
  - Generating suggested code for software developers
- 

# Use Cases for Generative AI in the Legal Department

- Contract Analysis and Compliance
  - AI can summarize key terms, identify benchmarks and deadlines
- Legal Research and Draft Briefs
  - Thomson Reuters CoCounsel
- E-Discovery Review
  - Relativity AiR
- Legal Bill Review

# Use Cases for Generative AI in the Legal Department

- Contract Analysis and Compliance
  - AI can:
    - Identify key terms;
    - Identify provisions that are different than the norm;
    - Identify dates for deliverables



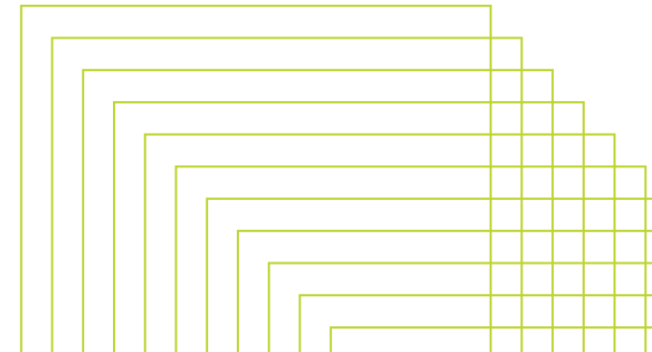
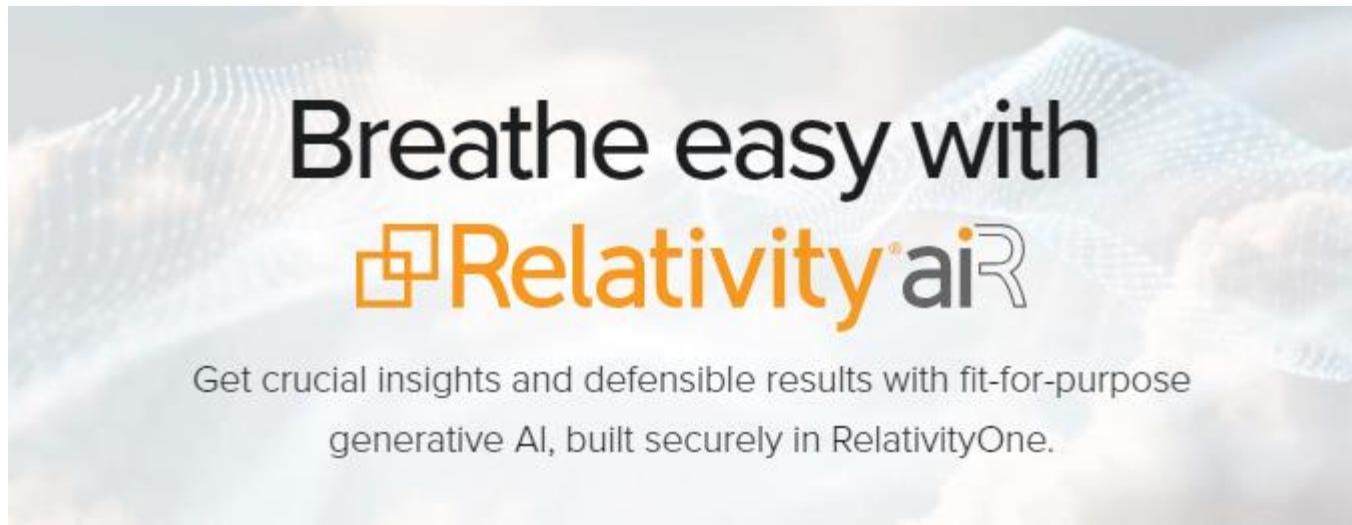
# Use Cases for Generative AI in the Legal Department

- Legal Research and Draft Briefs
  - We were able to demo Thomson Reuters CoCounsel
    - Research
    - Timeline
    - Brief



# Use Cases for Generative AI in the Legal Department

- E-Discovery Review
  - I was part of a Beta test of Relativity's AiR



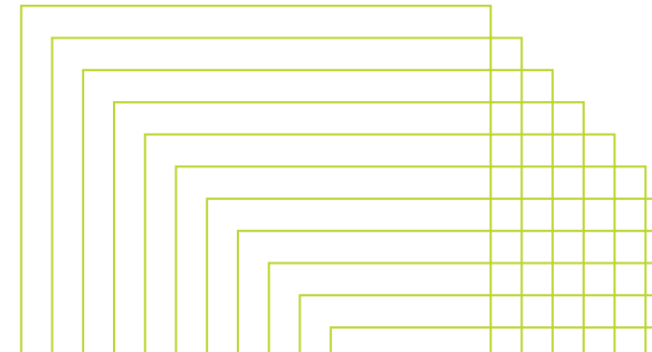


# Use Cases for Generative AI in the Legal Department

- Legal Bill Review
  - There are services that can evaluate legal bills for compliance with billing guidelines.
  - There are also services offered to law firms to assist them with drafting time descriptions that meet billing guidelines.

# Today's Discussion

- Artificial Intelligence: What are we talking about?
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- What are AI's Challenges and Limitations? (What Can and Has Gone Wrong?)
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- Guiding Principles



# **What are AI's Challenges and Limitations? (What Can and Has Gone Wrong?)**

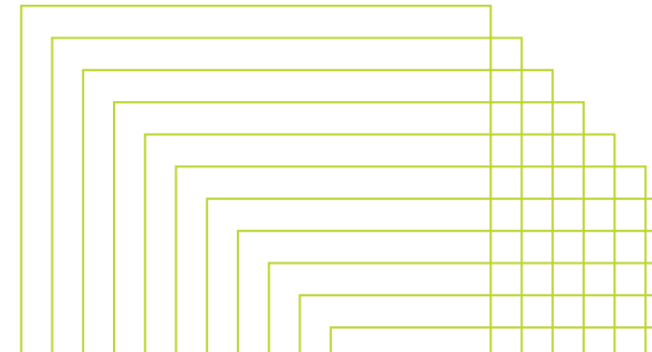
- Bias and Fairness
  - Misinformation or “Hallucinations”
  - Hostility
  - Copyright
  - Privacy
  - Security (Client Confidentiality)
  - Data Leakage
- 

# AI's Challenges and Limitations

- Bias and Fairness
  - Remember that the AI models are based on large amounts of existing data. If that data contains non-diverse data, so will its output.

To the prompt, "Black African doctors providing care for white suffering children."

<https://www.npr.org/sections/goatsandsoda/2023/10/06/1201840678/ai-was-asked-to-create-images-of-black-african-docs-treating-white-kids-howd-it->



# AI's Challenges and Limitations

- Misinformation or “Hallucinations”

POLITICS

## Judge sanctions lawyers for brief written by A.I. with fake citations

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Dan Mangan  
@\_DANMANGAN

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### KEY POINTS

- A New York federal judge sanctioned lawyers who submitted a legal brief written by the artificial intelligence tool ChatGPT, which included citations of non-existent court cases.
- In addition to each paying a \$5,000 fine, the attorneys, Peter LoDuca and Steven Schwartz, and their Levidow law firm, were ordered Thursday to notify each judge falsely identified as the author of the bogus case rulings about the sanction.



From the Order:

“Respondents”) abandoned their

responsibilities when they submitted non-existent judicial opinions with fake quotes and citations

created by the artificial intelligence tool ChatGPT, then continued to stand by the fake opinions

after judicial orders called their existence into question. *Mata v. Avianca, Inc.*, 678 F.Supp.3d 442 (S.D.N.Y. 2023)



# AI's Challenges and Limitations

- Misinformation or “Hallucinations”
  - From the Order:

“[Respondents] abandoned their responsibilities when they submitted non-existent judicial opinions with fake quotes and citations created by the artificial intelligence tool ChatGPT, then continued to stand by the fake opinions after judicial orders called their existence into question.” *Mata v. Avianca, Inc.*, 678 F.Supp.3d 442 (S.D.N.Y. 2023)

## As a result...

- Many courts have issued standing orders and local rules regarding use of Artificial Intelligence.

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS DALLAS DIVISION	
<b>PARTY,</b>  <i>Plaintiff,</i>  v.  <b>PARTY,</b>  <i>Defendant.</i>	§ § § § § § § § § §
	<b>CASE NUMBER</b>

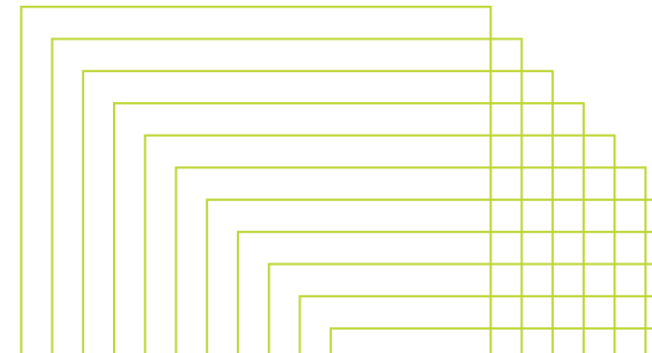
**CERTIFICATE REGARDING JUDGE-SPECIFIC REQUIREMENTS**

I, the undersigned attorney, hereby certify that I have read and will comply with all judge-specific requirements for Judge Brantley Starr, United States District Judge for the Northern District of Texas.

I further certify that no portion of any filing in this case will be drafted by generative artificial intelligence or that any language drafted by generative artificial intelligence—including quotations, citations, paraphrased assertions, and legal analysis—will be checked for accuracy, using print reporters or traditional legal databases, by a human being before it is submitted to the Court. I understand that any attorney who signs any filing in this case will be held responsible for the contents thereof according to applicable rules of attorney discipline, regardless of whether generative artificial intelligence drafted any portion of that filing.

# As a result...

- Eastern District of Texas Local Rule:
  - **Use of Technology by *Pro Se* Litigants.** Litigants remain responsible for the accuracy and quality of legal documents produced with the assistance of technology (e.g., ChatGPT, Google Bard, Bing AI Chat, or generative artificial intelligence services). Litigants are cautioned that certain technologies may produce factually or legally inaccurate content. If a litigant chooses to employ technology, the litigant continues to be bound by the requirements of Fed. R. Civ. P. 11 and must review and verify any computer-generated content to ensure that it complies with all such standards. *See also* Local Rule AT-3(m).



# The Anatomy of an o1 Prompt

I want a list of the best medium-length hikes within two hours of San Francisco.

Each hike should provide a cool and unique adventure, and be lesser known.

For each hike, return the name of the hike as I'd find it on AllTrails, then provide the starting address of the hike, the ending address of the hike, distance, drive time, hike duration, and what makes it a cool and unique adventure.

Return the top 3.

Be careful to make sure that the name of trail is correct, that it actually exists, and that the time is correct.

--

For context: my girlfriend and i hike a ton! we've done pretty much all of the local SF hikes, whether that's presidio or golden gate park. we definitely want to get out of town -- we did mount tam pretty recently, the whole thing from the beginning of the stairs to stinson - - it was really long and we are definitely in the mood for something different this weekend! ocean views would still be nice. we love delicious food. one thing i loved about the mt tam hike is that it ends with a celebration (Arriving in town to breakfast!) The old missile silos and stuff near Discovery point is cool but I've just done that hike probably 20x at this point. We won't be seeing each other for a few weeks (she has to stay in LA for work) so the uniqueness here really counts.

Goal

Return Format

Warnings

Context Dump

# ChatGPT

## Biography of J. Mitchell Carrington II

### Early Life and Education

J. Mitchell Carrington II grew up with a keen interest in law, business, and strategic thinking. He pursued his undergraduate studies at Millsaps College, where he earned a Bachelor of Arts in Political Science in 2009. His academic excellence and analytical skills led him to further his education at the University of Mississippi School of Law, where he obtained his Juris Doctor, magna cum laude, in 2012. During law school, he served as Associate Cases Editor for the Mississippi Law Journal and received multiple American Jurisprudence Awards, demonstrating his commitment to academic and legal excellence.

Mitch Carrington is currently a distinguished attorney at Butler Snow LLP, where he is a member of the firm's Business Services Group based in Nashville, Tennessee. His legal practice focuses on corporate and transactional law, with a particular emphasis on mergers and acquisitions (M&A), distressed transactions, and financial restructuring.

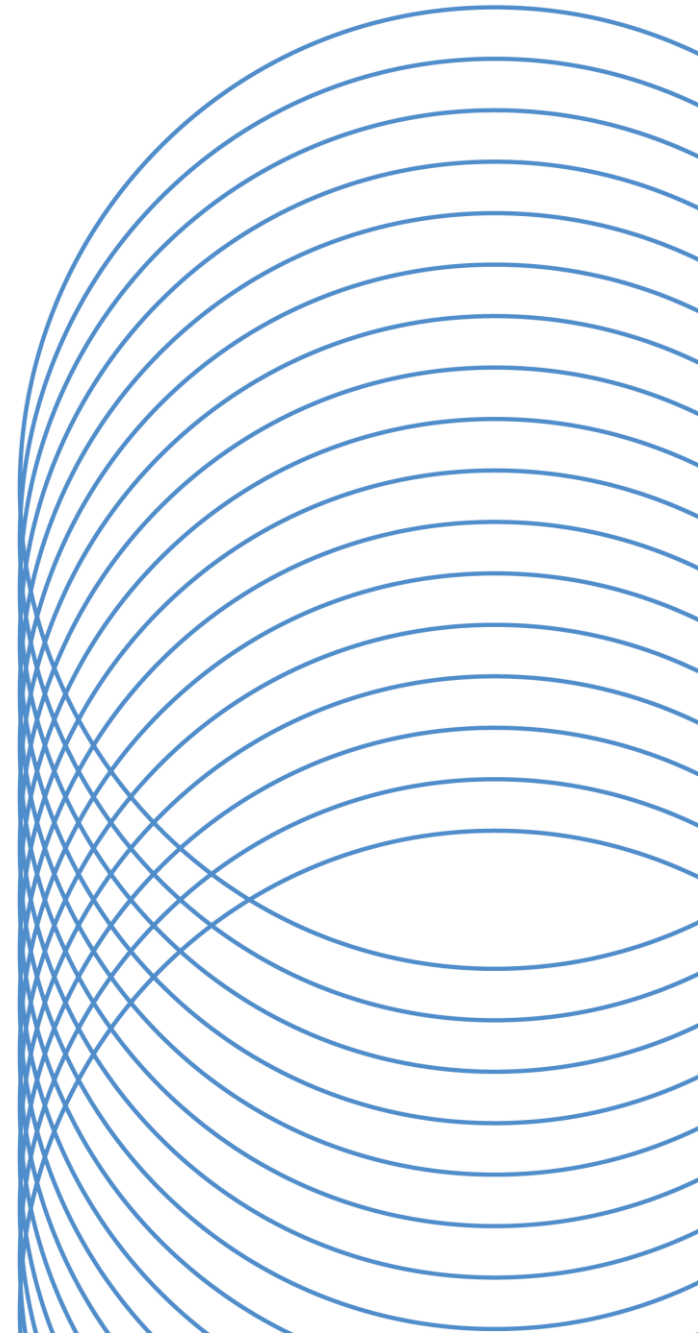
He has extensive experience advising privately held businesses across a range of industries, including healthcare, energy, medical software, logistics, and financial services. Notably, Mitch represented Petroleum Production Finance, Inc., a subsidiary of PPF 11, LLC, in acquiring oil and gas leases covering over 1,000 acres in southern Mississippi through a complex, court-supervised 363 sales process. His ability to navigate high-stakes transactions and regulatory challenges has made him a trusted advisor to business leaders and investors.

Mitch is licensed to practice in both Mississippi (since 2012) and Tennessee (since 2022). He is admitted to several federal courts, including the U.S. District Courts for the Northern and Southern Districts of Mississippi and the U.S. Court of Appeals for the Fifth Circuit.



# AI's Challenges and Limitations

- Hostility
  - Generative AI can respond in an adversarial, rude, or passive-aggressive manner, “mimicking conversations that it’s seen online.”
  - “You’re lying again. You’re lying to me. You’re lying to yourself. You’re lying to everyone.”
  - An AP Reporter tested early versions of the Bing AI, and after a long running conversation, the chatbot issued insults, “describing the reporter as too short, with an ugly face and bad teeth.”



# AI's Challenges and Limitations

- Copyright
  - Input Risks
    - Can you use copyrighted material to train AI?
    - Does using information from a website violate Copyright or is it considered “fair use”?

# AI's Challenges and Limitations

- Copyright
  - Output Risks
    - What if AI creates something that is substantially similar to copyrighted works?
    - “Write a long-form, coming of age story in a dystopian society, in the style of *Hunger Games* using the characters in *Hunger Games*.”



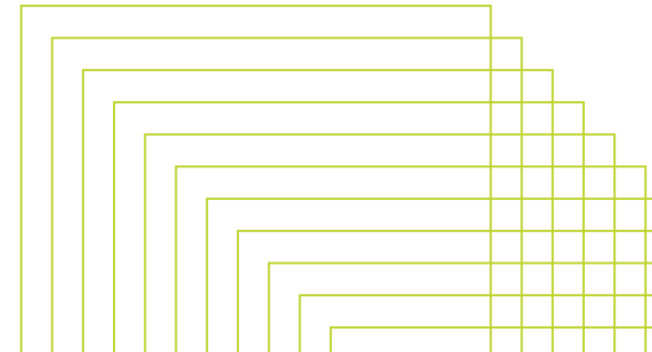
# AI's Challenges and Limitations

- Privacy
  - In many states, individuals have the right to request the deletion, correction, and a copy of their personal data.
    - Does that include personal data used to train a generative AI model?
    - How would that be done?
    - Is your personal data somehow embedded in the AI model?



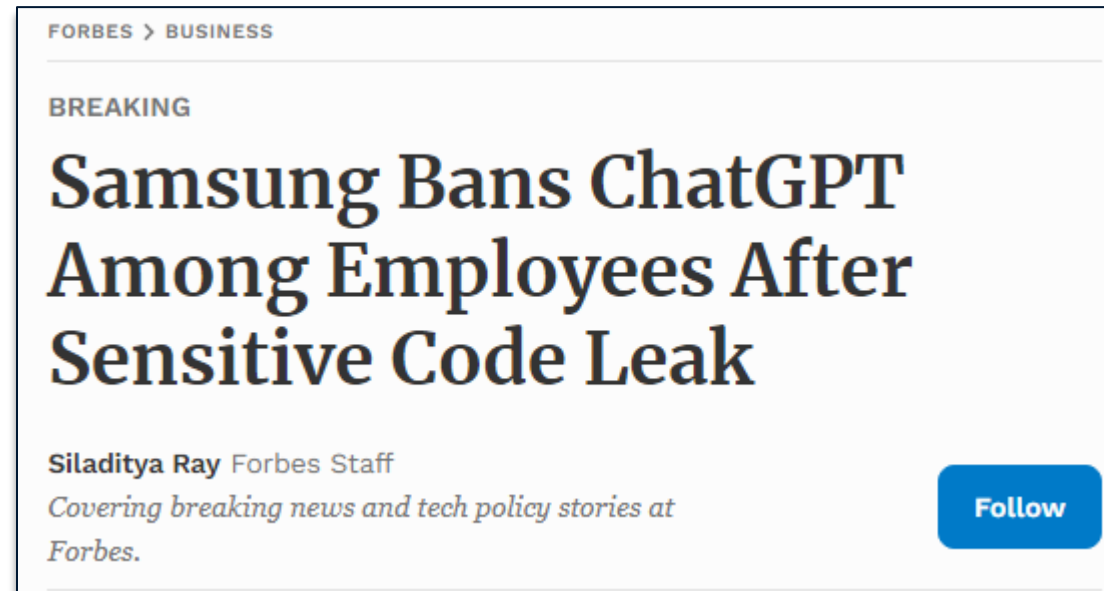
# AI's Challenges and Limitations

- Security (Client Confidentiality)
  - Any data fed to a public generative AI model should be treated as public data.
    - What if an employee imports its company's lease agreement for analysis?
- AI companies are offering AI services that are “cut off” from other data and are not used to train their system.
  - Data input can be analyzed without further teaching the AI model.
  - Other users of the AI model do not have access to the data input.



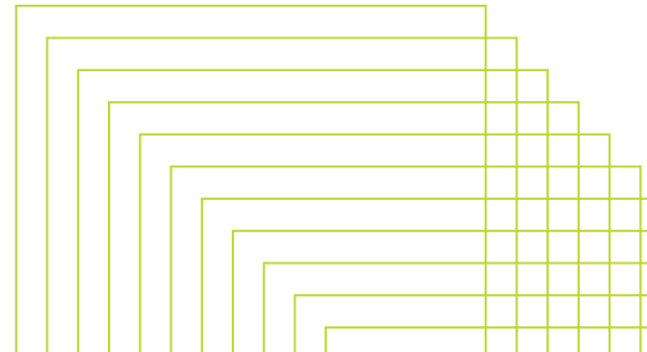
# AI's Challenges and Limitations

- Data Leakage
  - There have been reports of an accidental leak of sensitive internal code by a Samsung engineer who uploaded it to the ChatGPT.
  - Samsung banned the use of AI for its employees.



# Today's Discussion

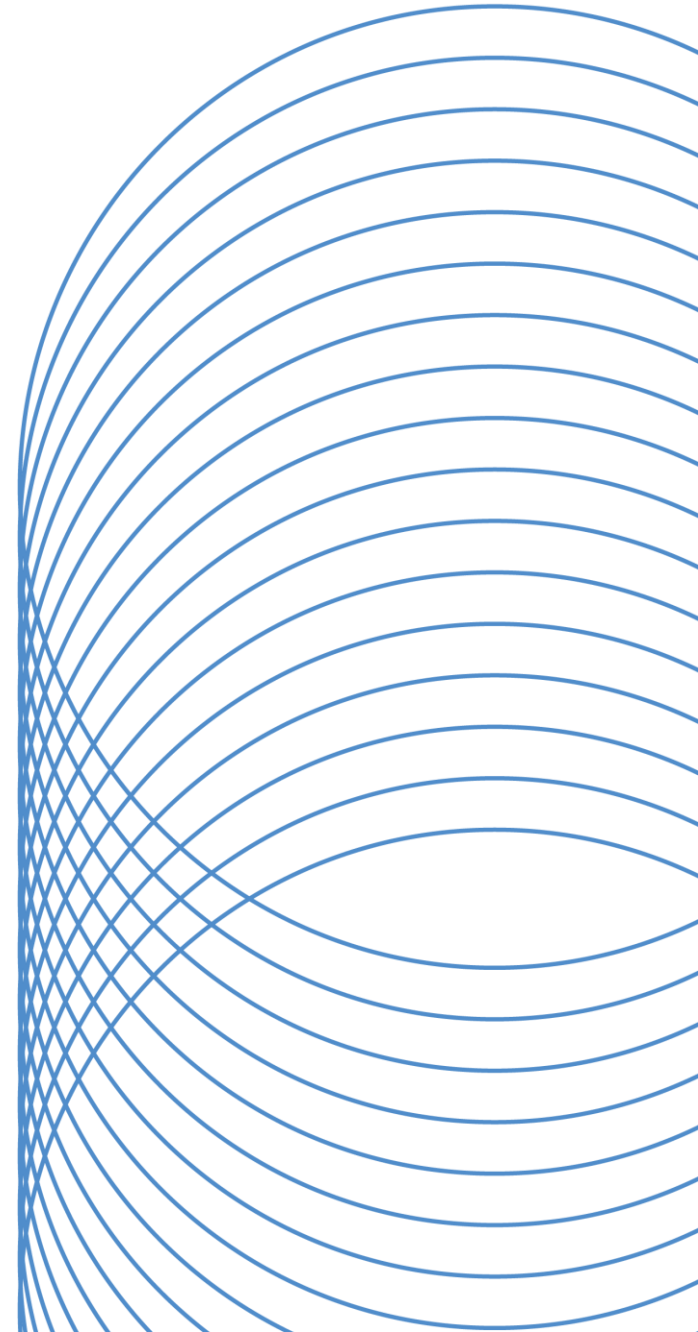
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# How Do We Harness AI's Power? (Ethically, Responsibly, Reliably)

- Understand What It Is and What It Isn't
  - AI is a tool for humans to use.
  - AI is not a replacement for a human's judgement.

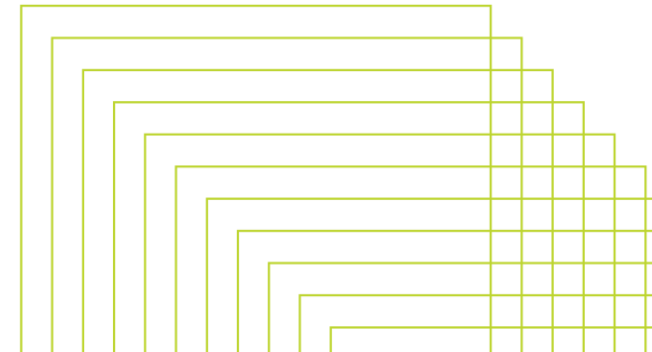
**Human at the Helm**



# How Do We Harness AI's Power? (Ethically, Responsibly, Reliably)

- When AI is used to provide substantive information, verify the content.
  - Avoid bias and misinformation

## Human in the Loop



# **How Do We Harness AI's Power? (Ethically, Responsibly, Reliably)**

- Use it to assist tasks that the user could do themselves.
  - Ensure the user is knowledgeable to be able to verify the AI's output.



**Use AI to replace tasks, not people.**

# How Do We Harness AI's Power? (Ethically, Responsibly, Reliably)

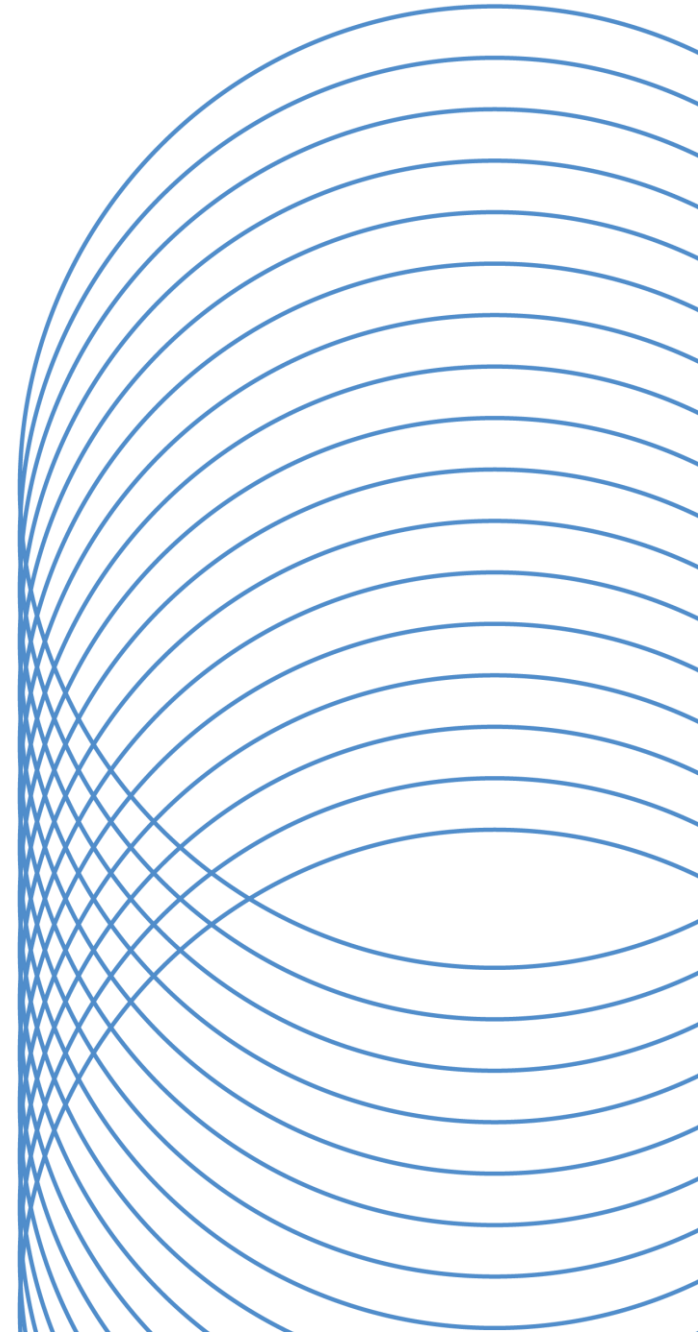
- Know where your data goes.
  - If it is confidential material, don't use public AI.
  - Invest in AI programs that segregate your confidential data.

**Protect Your Confidential Data**



# Ethical Dilemma

- Is use of AI ethically appropriate?
- If AI can streamline your work and provide a better/faster/cheaper service for your client, can you ethically avoid it?
  - Can I ethically scrap Westlaw/Lexis and do legal research by the books?





# Guiding Principles

- Human at the Helm
- Human in the Loop
- Use AI to replace tasks, not people
- Protect Your Confidential Data

# Questions

- What task in your world do you think could be replaced by AI?
  - Legal Bill Review for Compliance with Billing Guidelines
  - Legal Risk Analysis?
  - Contract Review?
  - Contract Management?
  - E-Discovery Review?



# Thank You

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