Balancing Ethics, Inclusion, and Innovation:
Preparing Future Lawyers for the Age of AI

Part 3 of The AI Era:
Leveraging Large Language Models to
Improve the Lawyer's Craft

Jenny Wondracek
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Rebecca Fordon
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Ivy B. Grey
WordRake

#AALS2024

Your Panel Presenters

Jenny Wondracek
Capital University Law

Rebecca Fordon
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WordRake

Session Roadmap

- Practical Use of LLMs by Attorneys

- Equipping Students with LLM Skills

- Practical Examples of GenAI in the Classroom

- Final Thoughts: Each Panelist Shares Key Ideas

Practical Use of LLMs by Attorneys

What must lawyers keep in mind?

- **Privacy:** When you interact with LLMs, you share information and it's stored – make sure that information isn't confidential or sensitive.

- **Hallucinations:** LLMs prioritize creativity over accuracy, so they will invent, alter, shuffle, or reconnect information in large and small ways.

- **Content Issues:** Your output may not be original or unique to you – other users may receive the same output you receive. There are unanswered questions about LLM model use of copyrighted materials.

So You Think You Know Generative AI

Countering Assumptions

Lawyer Edition

Settings Solve Everything!

Myth Busted! Even with chat history disabled, your input is still collected, stored for at least 30 days, and reviewed by humans.

Ivy B. Grey
WordRake

FALSE

R-A-G Removes Hallucinations!

- RAG is Retrieval Augmented Generation

- Points GenAI to reliable information sources like case law

- **Myth Busted!** There is no way to completely avoid hallucinations when using GenAI. As long as RAG tools are built on top of LLMs that draw their data from everywhere, hallucination is always possible.

Rebecca Fordon
The Ohio State University

FALSE_

Avoidance Is the Best Approach

Myth Busted! Avoiding technology out of fear means you're not looking at potential benefits.

Model Rule 1.1: "A lawyer shall provide competent representation to a client. Competent representation requires the *legal knowledge, skill, thoroughness and preparation* reasonably necessary for the representation." ←Be competent

Comment 8: "To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, *including the benefits and risks associated with relevant tech*, engage in continuing study and education and comply with all [CLE] requirements to which the lawyer is subject." ←Use technology properly
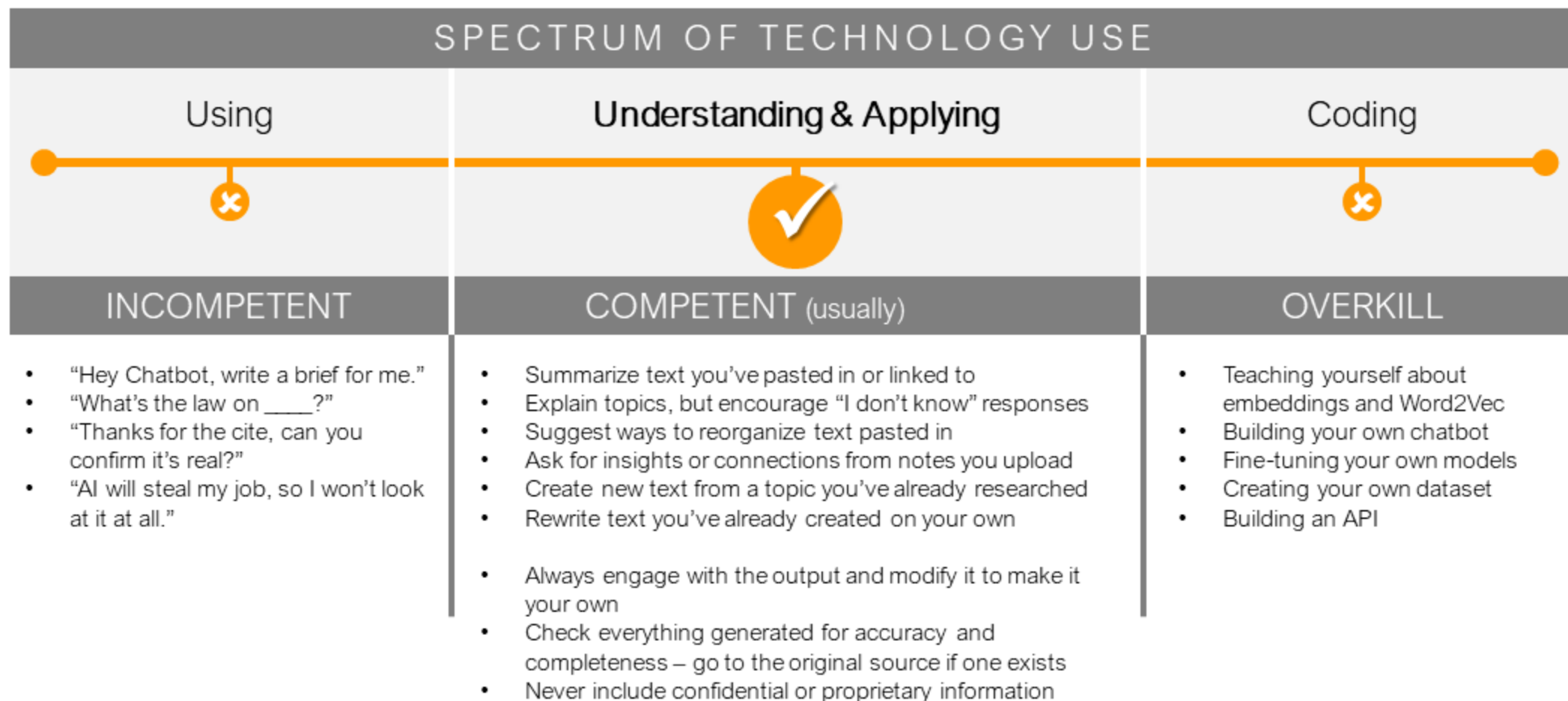
Comment 5: Competently performing legal work includes "*use of methods and procedures* meeting the standards of competent practitioners. It also includes *adequate preparation*." ←Keep up with the tech tools of the trade

Ivy B. Grey
WordRake

FALSE_

Technology Competence – GenAI

SPECTRUM OF TECHNOLOGY USE		
Using	Understanding & Applying	Coding
INCOMPETENT	COMPETENT (usually)	OVERKILL
• "Hey Chatbot, write a brief for me." • "What's the law on _____?" • "Thanks for the cite, can you confirm it's real?" • "AI will steal my job, so I won't look at it at all."	• Summarize text you've pasted in or linked to • Explain topics, but encourage "I don't know" responses • Suggest ways to reorganize text pasted in • Ask for insights or connections from notes you upload • Create new text from a topic you've already researched • Rewrite text you've already created on your own • Always engage with the output and modify it to make it your own • Check everything generated for accuracy and completeness – go to the original source if one exists • Never include confidential or proprietary information	• Teaching yourself about embeddings and Word2Vec • Building your own chatbot • Fine-tuning your own models • Creating your own dataset • Building an API

If You Create It, You Own It

- **Myth Busted!** AI-generated work is not copyrightable. Others may receive the same output that you do!

Jenny Wondracek
Capital University Law

FALSE_

Resources for Lawyers

AI Engagement Framework Presentation
by Ivy B. Grey (WordRake)

Why AI-Generated Text Sounds Wordy and Choppy
by Ivy B. Grey & Danielle Cosimo (WordRake)

Why Lawyers Must Responsibly Embrace Generative AI
by Natalie A. Pierce & Stephanie L. Goutos (Gunderson Dettmer)

Kelvin Legal Data Blog by 273 Ventures
Blog by entrepreneurs applying analytics, artificial intelligence, and computational analysis to linguistic legal data.

Equipping Students with LLM Skills

What must academics keep in mind?

- **Plagiarism:** Assuming that using AI is the same as plagiarizing is a mistake. Over-aggressive policies against AI may harm learning and raise equity issues.

- **Equity & Ethics:** Consider equity issues related to **bias**, **inclusion**, and **access** (this can mean access to course materials or LLM models). Consider equity and inclusion an ethical imperative.

- **Policy Mismatches:** Some firms and judges broadly prohibit use of *any* AI in application materials—even if the school allows it—so students could miss out on opportunities and should be warned before using AI in applications and writing samples.

So You Think You Know Generative AI

Countering Assumptions

Student Edition

There's No Thought Involved in Using ChatGPT

- **Myth Busted!** Students use critical thinking skills when they use ChatGPT well.

- Distilling knowledge to direct ChatGPT to generate useable output shows critical thinking.

- Framing queries and follow up questions shows clarity of writing goals.

- Interacting with ChatGPT can be a valuable part of the "translation" process.

Ivy B. Grey
WordRake

FALSE
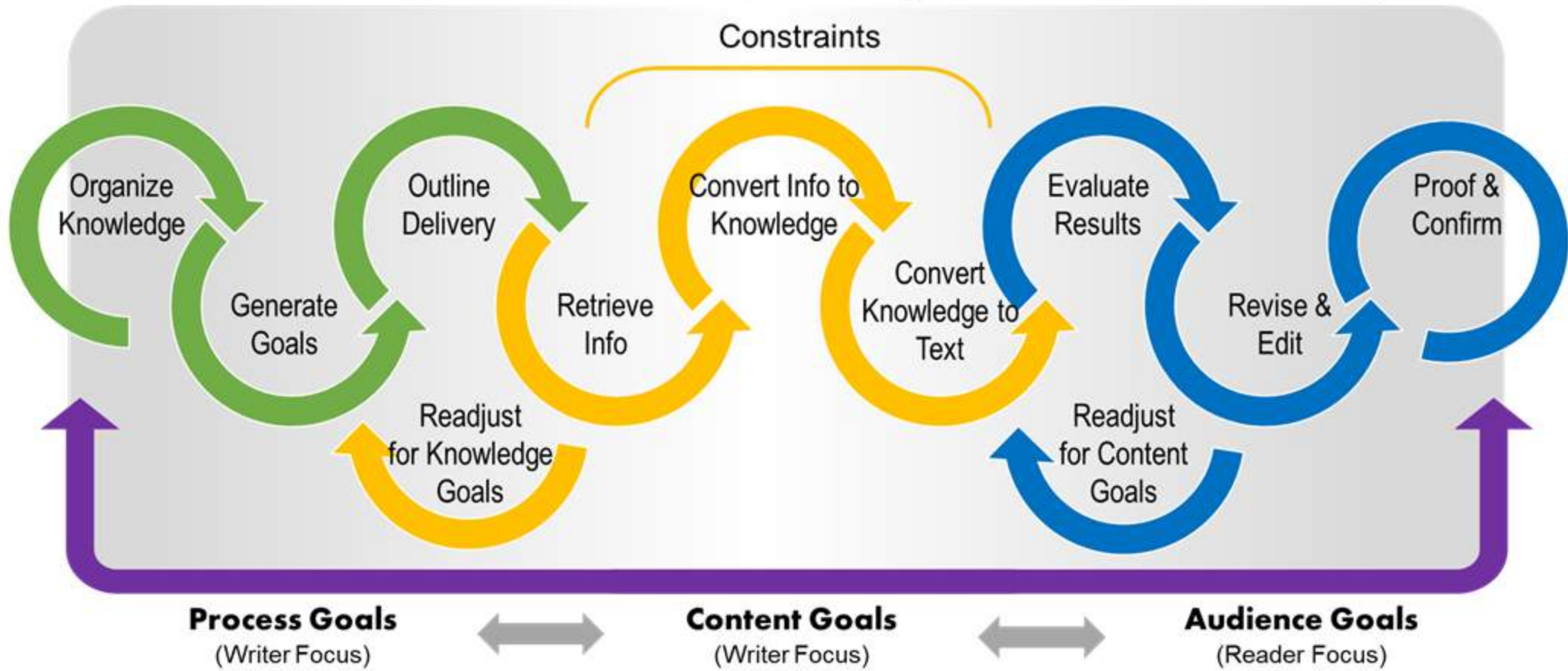
Policies Will Prevent Plagiarism

- **Myth Busted!** GenAI policies will not prevent plagiarism for students who wish to plagiarize – they can access ChatGPT from anywhere.

- No matter your school or classroom policy, students will enter a world where different policies will apply and AI may be prohibited.

Jenny Wondracek
Capital University Law

FALSE

Surprise! AI chatbots don't increase student cheating afterall, new research finds

In fact, these Stanford scholars think using AI in the classroom is helpful -- and inevitable.

Written by **Sabrina Ortiz**, Editor
Dec. 14, 2023 at 9:45 a.m. PT

https://www.zdnet.com/article/surprise-ai-chatbots-dont-increase-student-cheating-afterall-new-research-finds/

TECH

A group of Oxford University students were encouraged to use AI 'thoughtfully and critically' to help them write some essays

Sawdah Bhaimiya   Dec 13, 2023, 7:51 AM ET

https://www-businessinsider-com.cdn.ampproject.org/v/s/www.businessinsider.com/oxford-students-encouraged-use-ai-write-essays-class-2023-12

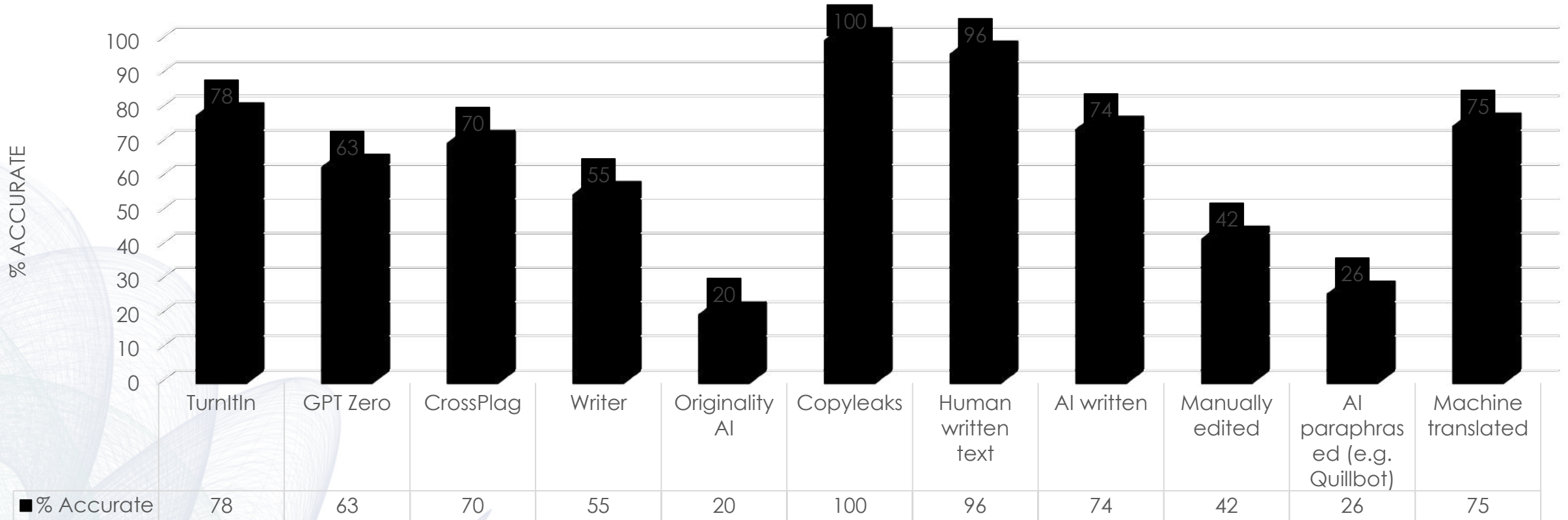# AI Detectors Are Anti-Cheating Detectives

- **Myth Busted!** Tools that claim to detect AI use in writing have been proven to be wrong most of the time.

- AI detection tools often mistake ESL writing for AI-generated writing, so they disproportionately penalize ESL students.

Becka Rich
Drexel University

FALSE

AI DETECTION TOOL ACCURACY

	TurnItIn	GPT Zero	CrossPlag	Writer	Originality AI	Copyleaks	Human written text	AI written	Manually edited	AI paraphrased (e.g. Quillbot)	Machine translated
■ % Accurate	78	63	70	55	20	100	96	74	42	26	75

% ACCURATE (y-axis: 0–100)

Sources:
Deborah Weber-Wulff, et al., Testing of Detection Tools for AI-Generated Text, Arxiv.org April 2023
(https://arxiv.org/ftp/arxiv/papers/2306/2306.15666.pdf).
Michael Sheinman Orensrakh, et al., Detecting LLM-Generated Text in Computing Education: A Comparative Study for ChatGPT Cases,
ArXiv.org July 2023 (https://arxiv.org/pdf/2307.07411.pdf).

New Tech Requires Entirely New Teaching Approach

- **Myth Busted!** You need not change your entire approach to classroom exercises and exams due to ChatGPT's existence.

Rebecca Fordon
The Ohio State University

FALSE

AI Will Only Harm Students—Never Help Them

- **Myth Busted!** Students with disabilities, ESL speakers, neurodivergent students, and students who code-switch when communicating may all benefit from using AI.

Becka Rich
Drexel University

FALSE

Practical Examples of GenAI in the Classroom

Bookend Your GenAI Use

- Try the human-AI-human "sandwich" method for using ChatGPT:

  - **Human:** Start by researching your task then crafting a specific prompt to get a response to work from

    - Define the task + specify the tone + set the role + encourage "I don't know"

  - **AI:** Get a first draft from ChatGPT by creating an outline, then getting responses to go with the outline, and coaching ChatGPT along the way

  - **Human:** Edit the output, verifying results, and using only what works for you. Always transform the output into your own product.

Ivy B. Grey
WordRake

Prompting Classroom Discussion

- Generate 15 different paragraphs about the same topic

- Ask the class to review and rank the paragraphs

- Discuss the results and why students ranked the paragraphs as they did

Rebecca Fordon
The Ohio State University

Prompts

You

I'm a legal writing professor and I am trying to create some different examples for students, showing possible ways to write the "analysis" section of a legal writing memo. I'd like to give you my explanation of what I'm looking for, and then a good example, and a bad example. Then I'd like you to generate some more good and bad examples, labeling them with your guess. I'll tell you how I'd categorize each of your examples and then eventually we'll come up with a ranked list of examples, numbered from 1-10, with 1 being the best and 10 being the worst. Are you ready?

ChatGPT

Absolutely, I'm ready! Please go ahead and provide your explanation, followed by the good and bad examples. Then I'll do my best to generate further examples based on your criteria.

https://chat.openai.com/share/8e9c50a0-c9ea-472e-8d47-3bace324daf2

You

Here's how I'd rate each example, out of 10:

Good example 1: 7/10. It has a clear topic sentence and uses facts from our case well. It also connects our facts to the key point from Davenport, which was the close proximity of people to a dangerous activity. However, it does not use facts from Davenport. It also does not use the key language from the rules - "substantial risk of physical harm to persons" is changed slightly in the first sentence and in the last "perceived risk" is instead used. However the concept of "significant risk" is important because it is part of the definition of "substantial risk". Additionally "recklessness" is a separate concept and should not be raised here.

Good example 2: 8/10. This also has a clear topic sentence, and uses facts from both our case and the Davenport case. It does not pick up as well upon the most important part about the facts of our case and the Davenport case - a dangerous activity in proximity to people. It also does not use the phrases ("substantial risk of physical harm to persons" and "significant risk") well.

Bad example 1: 2/10. This has the right facts from our case, but does not discuss all the relevant facts from the Davenport case. It also doesn't tell us what is important about the facts of our case. It doesn't give any answer as to how the rule should apply, and does not have a strong topic sentence. It does not connect the facts from our case to the the Davenport case well. It also does not present a clear point of view and is too ambivalent.

Assignment Provided to Students

Here is what I'm looking for in an analysis paragraph:

- Thesis statement:
  - Has a thesis statement (as opposed to just jumping into facts) – 1 point
  - Gives me a yes/no answer as to whether the relevant rule will apply – 1 point
  - Uses the phrase that pays = 1 point
  - Hints at the relevant rule – 1 point
- Explicitly references relevant facts from our case – 2 points
- Explicitly references relevant facts from *Davenport* case – 2 points
- Explains what is important about our facts, and connects them to the *Davenport* facts – 2 points

Example 2: Davis's act of firing the Roman candle which subsequently hit Vonnegut's tree presents a clear case of risk of physical harm to persons. The proximity of the event to Williams and Vonnegut's residences, paired with the inherent dangers of the fireworks, echoes the circumstances and risks found in Davenport.

- Clear thesis statement in the first sentence
  - Has a thesis statement (as opposed to just jumping into facts) – yes
  - Gives me a yes/no answer as to whether the relevant rule will apply in first sentence – yes
  - Uses the phrase that pays in first sentence - yes
  - Hints at the relevant rule in first sentence – no
- Explicitly references relevant facts from our case – yes
- Explicitly references relevant facts from *Davenport* case – no
- Explains what is important about our facts, and connects them to the *Davenport* facts – sort of explains what is important but does not connect to Davenport facts (1 point only)
- 6/10

Using GenAI for Academic Support & Coaching

- **Line Editing and Explanation:**

  - Use ChatGPT to give students line-by-line feedback and explanations of changes that no professor would ever have time to offer

  - Try this prompt: "Please carefully review the provided text for spelling, grammar, and style errors. Additionally, assess the use of passive voice. Your task is to identify and recommend corrections where necessary, without altering the original text. For each suggested change, please provide a clear explanation of the recommended revision and any alternatives, if appropriate."

- **Student Repetition Exercises:**

  - Use ChatGPT to help a struggling student get more examples and practice sentences so she could start to recognize error patterns on her own.

Becka Rich
Drexel University

IN THIS ARTICLE

Curious about what Notion is? We'll show you right here, and in the articles to come. Let's go! 📍
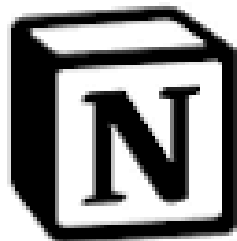
Notion

We like to describe Notion as a set of building blocks for creating things you love to use on your computer, such as:

- Documents
- Databases
- Public websites
- Knowledge bases
- Project management systems
- The world's most beautiful notes... 🙂

Notion is different from other software in a few ways. And once you master these basics, you can pretty much build whatever you want.

Most importantly, don't worry about not knowing everything you can do right away. We'll discover it together. Click below to dive right in!

goblin.tools

Magic ToDo | Formalizer | Judge | Estimator | Compiler | Chef

Exercises & Executive Function

- **The "Home Alone Effect"** – Have student use and evaluate ChatGPT in class based on a project they've already done or a topic they already understand. They'll see that ChatGPT is not as great as it initially seems.

- **Use ChatGPT's Creativity to Fill in Forgotten Terms** – My personal story of using ChatGPT with temporary memory problems.

Jenny Wondracek
Capital University Law

Bringing AI Into the Classroom:
Emphasize Engagement & Analysis Over Prohibition

Train Students to Have Good Judgment About AI

4

Representative Categories:

- Generative
- Extractive
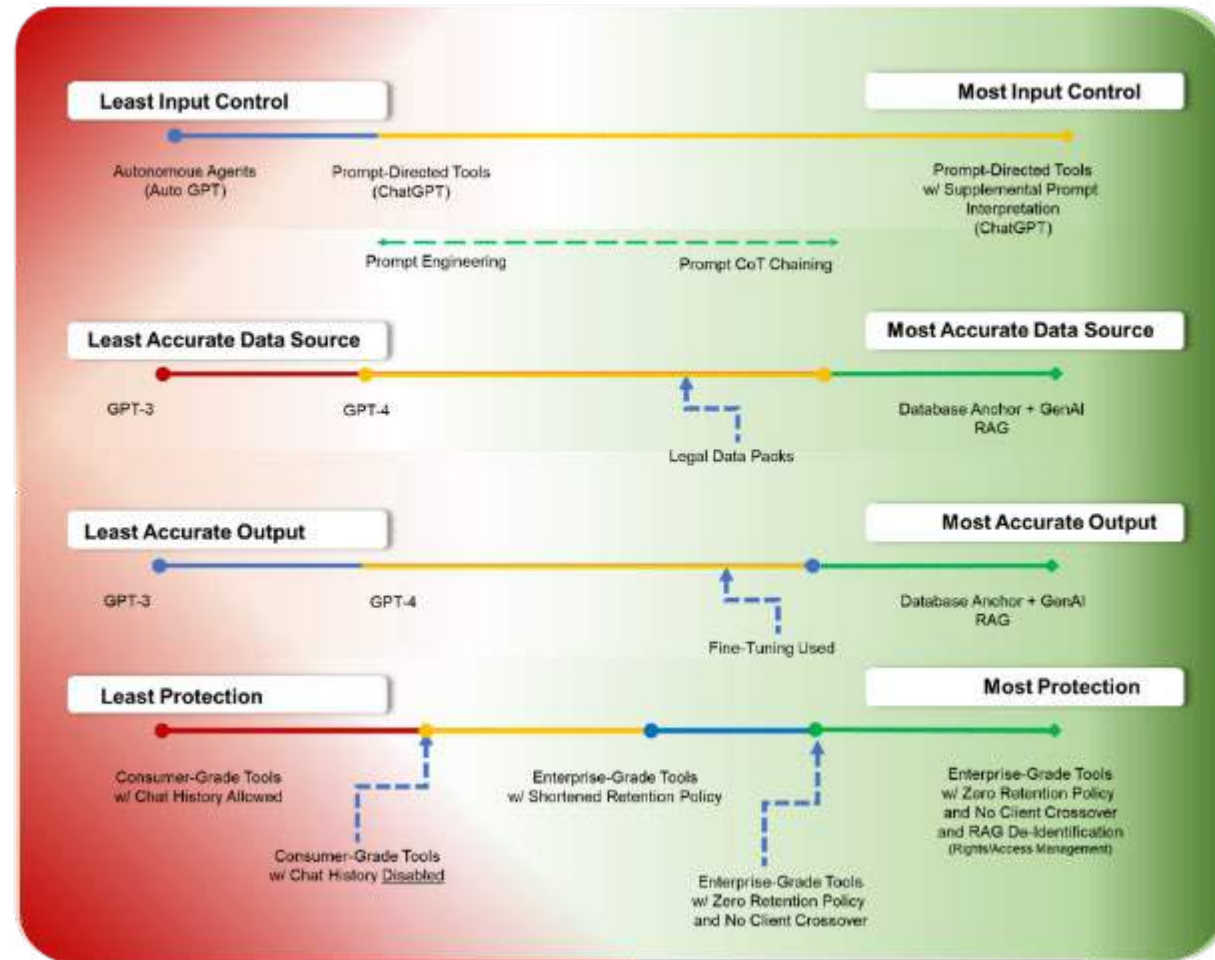- Collaborative
- Corrective

Levers to Manage GenAI Risk

4

Levers to Manage Risk:

- Inputs
- Data Sources
- Outputs
- Data Protection

GenAI Input Control Spectrum

Least Input Control

Most Input Control

Autonomous Agents
(Auto GPT)

Prompt-Directed Tools
(ChatGPT)
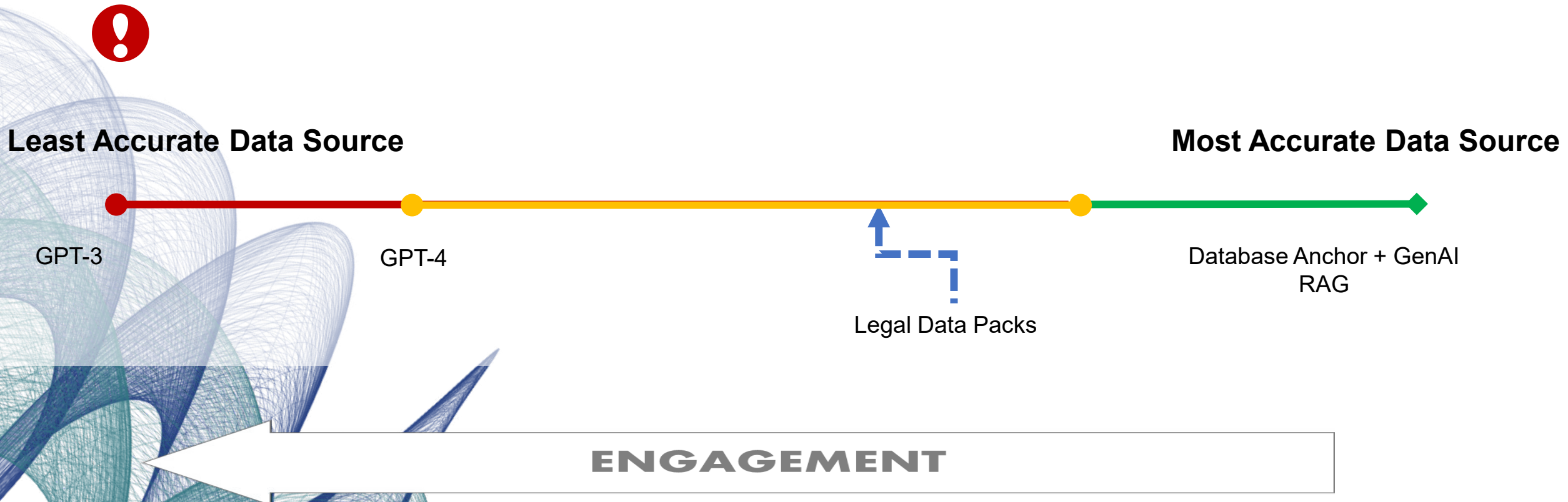
Prompt-Directed Tools
w/ Supplemental Prompt
Interpretation
(ChatGPT)

Prompt Engineering

Prompt CoT Chaining

ENGAGEMENT

GenAI Data Source Spectrum

Least Accurate Data Source

Most Accurate Data Source

GPT-3

GPT-4

Legal Data Packs

Database Anchor + GenAI RAG

ENGAGEMENT

Source: AI Engagement Framework (November 2023)

GenAI Output Accuracy / Predictability Spectrum

Least Accurate Output   **Most Accurate Output**

GPT-3

GPT-4

Fine-Tuning Used

Database Anchor + GenAI RAG

ENGAGEMENT

GenAI Data Protection Spectrum

Least Protection

Most Protection

Consumer-Grade Tools
w/ Chat History Allowed

Consumer-Grade Tools
w/ Chat History <u>Disabled</u>

Enterprise-Grade Tools
w/ Shortened Retention Policy

Enterprise-Grade Tools
w/ Zero Retention Policy
and No Client Crossover

Enterprise-Grade Tools
w/ Zero Retention Policy
and No Client Crossover
and RAG De-Identification
(Rights/Access Management)

ENGAGEMENT

Source: <u>AI Engagement Framework (November 2023)</u>

Final Thoughts

Two Tips from Jenny

- **Read the ToS:** The best technology skill you can teach your students is how to read the terms of service!

- **Context Is King:** Generative AI is like Shelden Cooper in the HR office: All the knowledge in the world, but no human context

Jenny Wondracek
Capital University Law

Two Tips from Becka

- **Don't Stop at ChatGPT:** There are more tools GenAI tool than just ChatGPT—and some of them are better suited to specific tasks.

- **Don't Panic!** AI presents an opportunity to improve access. Setting policies to prohibit use of AI will mean lost opportunities for access and equity.

Becka Rich
Drexel University

Other Generative AI Tools

- **Pi AI** – brainstorming, thinking aloud, emotional regulation

- **Notion** – manage to do lists, advanced note taking, calendar, project management

- **Goblin.tools** – Break down tasks, judge tone, make food from what you have in the pantry, create task list from a brain dump

goblin.tools   Notion   Pi
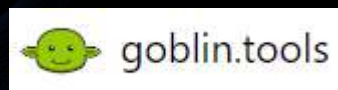
Two Tips from Rebecca

- **Digital Natives Don't Exist:** Don't assume your students already know what GenAI is or how to use it—they don't know Word either!

- **Expert Thinking Brings Expert Results:**
  - You must think like a lawyer to get ChatGPT to give you lawyer-appropriate results.
  - We still need experts because they have the best BS-meter. Experts will quickly recognize when something is off about an AI answer. Because novices don't know what they don't know, they're less likely to recognize an error.

Rebecca Fordon
The Ohio State University

Two Tips from Ivy

- **Do you really need GenAI?** Microsoft Word and Google search can do a lot of what we're asking GenAI to do. Use your tools for the tasks they're designed to do best.

- **Try everything at least twice.** LLM models change and first impressions may be misleading. It's our duty to understand the risks and benefits of technology, so don't reject it after minimal exposure.

Ivy B. Grey
WordRake

Resources for Academics

AI Law Librarians: A Collaborative Blog

A blog about all things AI law librarian-ish, generative AI, and legal research, education, and technology.

Jenny's AI Resources

A guide for various sites, newsletters, and extensions Jenny is using when dealing with AI.

Prof. Ethan Mollick: One Useful Thing on Substack

Translating academic research into mostly useful insights, with some ephemera on the side. Mostly AI stuff recently.

Thank you!

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