

WEBVTT

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I'm Leonard Baynes, Dean of the University of Houston Law Center. I've served as Dean for 12 years. I am now the longest-serving law dean in the state of Texas, and the 7th longest-serving law dean in the nation. It's my privilege to see so many lawyers, judges, academics, students, and legal professionals gathered here today.

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I want to begin by thanking our partner, Akin, for its support of the CLE and its commitment to fostering thoughtful discussions about the future of the legal profession. We are grateful for their partnership.

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For those who may be visiting for the first time, welcome to the University of Houston Law Center. It's a top-tier law school with three nationally ranked programs, our part-time program, intellectual property program and information law, and health law. We're proud to be part of a great public Tier 1 research university.

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And we've always taken seriously our responsibility to prepare lawyers, not just for the profession as it exists today, but for the profession they will face tomorrow.

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00:01:05.682 --> 00:01:24.402

And right now, it's hard to think of a development that's shaping the legal profession more rapidly than artificial intelligence, AI. AI is changing the way lawyers work, the way courts operate, the way legal services are delivered, and the way law schools prepare the next generation of attorneys.

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00:01:24.472 --> 00:01:27.042

The technology is moving really fast.

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00:01:27.472 --> 00:01:29.612

And so are the questions it raises.

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00:01:29.722 --> 00:01:39.261

That's one reason we are especially excited about the launch of the Center on AI, Law and Legal Profession under leadership of Professor Seth Chandler.

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00:01:39.322 --> 00:01:52.662

Professor Chandler has done a tremendous job bringing together scholars, practitioners, judges, and technology leaders to help us think seriously about both the opportunities and the challenges that AI presents.

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00:01:52.662 --> 00:02:00.311

Today's conference reflects exactly the kind of conversation the AI Center was created to foster.

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In many ways, today's CLE is the kind of bridge building that Law Center does in so many of its conversations and dialogues, bringing together legal educators, practitioners, judges, and technology leaders to learn from each other.

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Over the next few hours, you'll hear from an outstanding group of speakers through three panels. The first panel is called Training Lawyers When AI Can Research, Reason, and Write.

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00:02:30.722 --> 00:02:46.421

The second panel is from Experiment to Operating Model, Responsible AI in practice, and the third panel is AI at the Courthouse Door and Inside Chambers. Our hope is that you leave today's program with new ideas

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00:02:46.652 --> 00:03:06.481

practical insights, and perhaps a few new questions. AI is evolving quickly, but the legal profession has navigated profound changes before. What matters is that we approach these developments through responsibly, thoughtfully, responsibly, and with a commitment to the values that defined our profession.

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00:03:06.662 --> 00:03:18.011

Thank you all for being here, we are honored to host you. We're excited to have you

as part of this conversation. Now let's get started. So the first panel, I'm the moderator of, and we have three panelists.

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00:03:18.522 --> 00:03:23.091

And it's called Training Lawyers When AI Can Research, Reason, and Write.

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00:03:23.102 --> 00:03:42.022

Before we begin, let me say a few words about why this panel is particularly important to us at the University of Houston Law Center. As a law school, we recognize artificial intelligence is not simply another legal technology, it's changing the way lawyers research, write, analyze information, and solve problems.

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00:03:42.022 --> 00:03:46.471

That reality presents both opportunities and challenges for legal profession.

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00:03:46.472 --> 00:03:54.221

At the University of Houston Law Center, we have embraced the responsibility to help shape the conversation, rather than simply react to it.

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00:03:54.312 --> 00:04:12.691

We are incorporating AI into discussions about legal research, writing, professional responsibility, and skills training. We've encouraged our faculty to think creatively and critically about how these tools can enhance learning while preserving the essential human skills that define effective learning.

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00:04:13.122 --> 00:04:27.551

And of course, we recently launched the Center on AI Law and Legal Profession under leadership of Professor Seth Chandler, to serve as a hub for research, dialogue, and innovation at the intersection of AI and law.

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00:04:27.902 --> 00:04:29.792

That brings us to today's panel

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called Training Lawyers When AI Can Research and Write. For generations, legal education has focused on teaching students how to find legal authority, analyze legal problems, and communicate effectively.

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00:04:41.092 --> 00:04:51.861

But as AI becomes increasingly capable of performing many of these tasks, law schools, employers, judges, and the profession more broadly are confronting new questions.

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00:04:51.962 --> 00:04:53.982

What skills will matter the most?

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00:04:53.992 --> 00:05:04.131

What should law students learn? How should lawyers be trained? And how do we ensure that technology enhances rather than diminishes professional judgment?

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00:05:04.132 --> 00:05:17.382

We're fortunate to have three outstanding scholars to help us explore these topics today. I will introduce each of them when... but right before they speak, and then all three will come back in a moderated discussion led by me.

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00:05:17.742 --> 00:05:29.912

So, our first panelist is Seth Chandler, the man of the hour. He's the director of the University's Law Center's Center on AI Law and Legal Profession, and holder of the Beirne, Maynard, and Parsons Professorship.

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00:05:29.912 --> 00:05:42.232

Professor Chandler has long worked on the intersection of law, technology, mathematics, and public policy. In recent years, he has emerged as one of the leading voices nationally on AI and legal education.

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00:05:42.232 --> 00:05:49.332

Through his scholarship teaching in the Legal Ed AI Initiative, he has helped shape the conversation about how lawyers,

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00:05:49.742 --> 00:06:02.651

law schools should adapt rapidly, advancing AI tools. Earlier this year, he was recognized by National Law Review as one of the top 50 legal innovators in academia

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00:06:02.652 --> 00:06:13.671

in 2026, honoring his pioneering work in integrating artificial intelligence in legal education. Let's welcome Professor Seth Chandler

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00:06:13.772 --> 00:06:17.392

to the podium. Virtual podium, that is. Thank you.

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00:06:17.492 --> 00:06:29.971

Well, thank you so much, Dean, for this opportunity and for your support for the Center and the work in AI. Let me, share screen, and, hope that this all works.

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00:06:32.272 --> 00:06:55.162

Okay, so I want to talk about why AI is a great thing for law, and I believe usually it's better to demonstrate and to show people than just to tell people, so I want to demonstrate to you that large language models are a great tool for learning, teaching, and practicing the law. I want to demonstrate to you that LLM mastery is well within your reach. It is not all that complicated.

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00:06:55.302 --> 00:07:03.111

Audio shared by UH Law Alumni Relations: And I want to persuade you to apply critical thinking skills when hearing all that negativity about AI.

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00:07:03.452 --> 00:07:19.161

So, let's play this button here, and we'll talk about a website that I've built using AI. The Supreme Court's new term brings seven constitutional cases worth teaching. This site gathers them in one place, for students, teachers, and anyone curious.

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00:07:19.332 --> 00:07:22.252

Every case begins with a short video lesson.

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00:07:22.392 --> 00:07:39.061

The Eighth Amendment provides that excessive fines shall not be imposed. The case page sets out the dispute, the question presented, and each side's account of the law. The precedent pathway lists the decisions the case turns on, each linked to the full text of the opinion.

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00:07:39.062 --> 00:07:54.152

A teaching guide supplies discussion prompts and a 30-minute class plan. And students work problems. They take a position on fairness, doctrine, and prediction, change one fact to see what moves, then defend their argument in dialogue.

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00:07:54.152 --> 00:08:03.521

Seven cases, each ready before argument. This video was made with AI, too. Claude wrote the script, captured the screens, and cut it together.

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00:08:05.692 --> 00:08:20.042

Okay, so not only can you use AI to get the materials for a website, and then make a video about a website, you can also basically construct an entire course using AI, and that's what I want to show you, is

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00:08:20.042 --> 00:08:27.792

The page for my Large Language Models for Lawyers class. So, let's, let's see that.

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00:08:29.742 --> 00:08:37.012

LLMs for Lawyers is a course at the University of Houston Law Center, taught this fall by Professor Seth Chandler.

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Its students are second- and third-year law students. Most have no background in computer science.

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00:08:42.962 --> 00:09:01.792

The schedule moves quickly, prompting, research agents, legal products, data analysis, speech and video, and coding across 27 class meetings. Six weeks in, with

that training and close mentoring, each student has chosen a legal problem and begun building something to address it.

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00:09:01.802 --> 00:09:04.741

There are 19 projects. Here are 6.

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00:09:05.722 --> 00:09:23.702

The first, by Cheap, is a tool for trucking accident defense in Texas. It reads a petition and the plaintiff's medical bills, flags, gaps, and anomalies in the claimed damages, and drafts discovery requests that stay within Texas limits. Defense litigators will score its output.

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00:09:24.342 --> 00:09:36.572

Dailey is building a home for the Houston Law Review, a site that displays its articles in typeset form, with a converter that turns a finished Word article into a web page in steps a non-programmer can repeat.

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00:09:36.772 --> 00:09:40.692

The aim is to free the review from a publishing platform's fees.

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00:09:41.232 --> 00:09:57.311

Leamon is building a decision game for a course on risk in international energy projects. The player advises an investor, chooses the deal's structure and dispute resolution, then faces a scripted catastrophe. A recovery move works only if its legal prerequisites are met.

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00:09:58.152 --> 00:10:15.061

Medde-Witage is building a patent invalidity researcher from Public Records. Enter a patent number, and it reports how the patent got through the patent office. Every reference the examiner saw, each rejection and reply, and how the claims narrowed, each tied to a page in the file.

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00:10:15.832 --> 00:10:32.341

Nanni is building a tool for reviewing police body camera footage. It puts several cameras on one synchronized timeline, builds a transcript marked by camera and time, and answers questions such as when an officer draws, giving the camera, the time,

and the basis.

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00:10:32.932 --> 00:10:43.422

Nichols is building a constitutional law study companion. A student works a doctrinal decision tree, answers hypotheticals, and maps how the leading cases relate.

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00:10:43.572 --> 00:10:48.402

The system names the missing step in an analysis and suggests what to do next.

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00:10:48.942 --> 00:11:01.151

13 more are underway. Among them, a judge that rules on mock trial objections, an oral argument simulator that interrupts, a deadline calculator, and a family law consultation simulator.

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00:11:02.512 --> 00:11:20.661

Each of these students will leave with something to show employers beyond grades and journal work, a tool they built for a legal problem. They have also learned to take on hard work in an unfamiliar field, to keep going when it breaks, and to say plainly what their tool cannot do. Professor Chandler is proud of them.

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00:11:22.342 --> 00:11:40.001

And I am very proud of them. I saw a student this morning who was working on his project, which is a fabulous project, because the student doesn't like AI all that much, and he wants to build a Chrome extension that will track distraction... use AI to track distractions, like checking your Facebook or your LinkedIn page.

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00:11:40.002 --> 00:11:47.732

But let me just show you another one very quickly here. This is the body cam one. A welfare check becomes a DWI arrest.

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00:11:48.082 --> 00:11:49.712

14 cameras.

61

00:11:49.852 --> 00:11:51.621
13 hours of footage.

62
00:11:51.802 --> 00:11:52.712
1 clock.

63
00:11:52.982 --> 00:11:54.751
21 minutes, that matter.

64
00:11:54.932 --> 00:11:58.581
And a tool that refuses to pretend certainty.

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00:11:58.802 --> 00:11:59.812
Open File.

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00:12:01.412 --> 00:12:15.161
So again, I think that's a product that could be very useful. And let me just stress that AI is not just for courses on AI. This is a book that AI and my students last spring co-wrote

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00:12:15.162 --> 00:12:23.172
on issues in contemporary constitutional law, where they collaborated with AI in the production of legal scholarship.

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00:12:24.252 --> 00:12:38.111
But, you may be thinking, well, great, but I don't teach in law school, so let me show you how you might use AI to perhaps onboard a new lawyer into a case that the firm has

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00:12:38.112 --> 00:12:49.941
picked the O.J. Simpson murder case, because there's a lot of information on it. Obviously, in your situation, you would be using a real current case rather than this one. But let me just show you what you can create, and again.

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00:12:49.992 --> 00:13:00.412

This wasn't all that much work, to be honest. January 24th, 1995. Openings begin today in People vs. Simpson, and a new lawyer has just joined the defense.

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00:13:00.412 --> 00:13:11.362

This site is that lawyer's briefing. The defense theory, six open problems, and a reading order with time estimates. A timeline keeps June 12th apart from the Bronco chase on June 17th.

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00:13:11.362 --> 00:13:28.792

Witness cards give the expected testimony of Park, Kaelin, and Furman, and the plan for each cross. Judge Ito profiled through his rulings. Motions, sorted into file, hold, and do not file. The exhibit binder, the gloves, the bronco, the vial of blood.

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00:13:28.792 --> 00:13:37.892

And objections, scripted word for word. Privileged client material sits behind a passphrase. An AI system built all of this in under an hour.

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00:13:37.892 --> 00:13:49.431

Any firm could feed in the documents from its own cases and give every new associate or partner a file like this. Even this video was easy. Claude wrote the script, captured the screens, and cut it together.

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00:13:51.042 --> 00:14:09.781

Okay. And it's not, let me show you how you can draft with Claude. So, here we've got a document that actually I'm going to be giving in class next week, and you... what I've done is I have Claude running on the side, I'm going to give it a skill, a Claude skill, called Belcher Proof.

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00:14:09.782 --> 00:14:13.251

What Belcher Proof does is it purges

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00:14:13.252 --> 00:14:33.191

written documents of the worst of AI writing, of all those M dashes, and it's not an X, it's a Y, and all those awful things that people, including me, despise, but the good news is you can get rid of it. And so here you can see, Claude for word going through, coming up with proposed changes.

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00:14:33.192 --> 00:14:39.972

Then it's, it's in track changes mode, and so hopefully in a moment you will actually see...

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00:14:40.002 --> 00:14:57.082

the, implementation. So I would strongly encourage you to use AI as a drafting companion. Sometimes it's not so great, but a lot of times it's very helpful in clarifying matters. It doesn't substitute for your thinking, but I find that it augments your thinking.

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00:14:57.302 --> 00:15:15.541

Alright, so that's Claude for word. Another thing I think that we'll be seeing more of in the near future are simulators. I think we're going to basically be training lawyers in simulations. Here's a deposition simulator from Alto Claro that they've come up with. Here's one from

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00:15:15.592 --> 00:15:20.871

My Appeal Coach, which was also nice enough to send me this mug, a little product placement there.

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00:15:20.872 --> 00:15:45.061

And it's a moot court simulator that's been built by a local practitioner. Here's one, actually, that a faculty member here, Jeff Newberry, an adjunct faculty member, built. Basically, he talked to me for an hour, and within an hour, he was able to build something pretty cool, where you are interviewing a client who's been convicted and thinking about how to appeal the judgment. You have... and so the student learns

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00:15:45.062 --> 00:16:02.432

what sort of questions they need to be asking, maybe a little bit on how to respect the client, and the like. And remember, this is basically Flight Simulator 1.0, which I am old enough to have remembered playing, whereas this is Flight Simulator today. And so, yes, there may be deficiencies in these products.

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00:16:02.432 --> 00:16:26.641

But I expect those to be relieved in the months ahead. Also, I suspect a number of you work occasionally with math and data, and one of the things that AI is absolutely best at is dealing with math and data. Modern AI has become remarkably good at mathematics and data analysis. In 90 minutes, an AI agent took 100,000 insurance records, built a cost model, guarded it against overfitting

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00:16:26.642 --> 00:16:42.992

and estimated what quitting smoking would save. For a household facing an asset test, AI helped derive exactly when a higher levy makes it save more, and checked every formula numerically. And it helped reduce every American version of the insurer's duty to settle to a single inequality.

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00:16:45.012 --> 00:16:57.812

Okay. So, what can you do to up your own AI game? And I would suggest that the two things you should do are to learn how to create skills, which is really not very hard, it's basically just repeating in English

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00:16:57.812 --> 00:17:17.522

what you want the AI to do, or it can even watch you and learn from what you're doing, and make that into a routine, and to use connectors in order to make sure that AI's proclivity to hallucinate is reduced. And in fact, we've got one of the creators, or two of the creators, of one of those connectors right here with us on the

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00:17:17.522 --> 00:17:31.592

CLE today, but learn how to use skills and connectors. It just isn't very hard. Where can you find skills? You can find skills at lawve.ai. I just published one there myself today

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00:17:31.592 --> 00:17:55.711

the SCOTUS Argument Analyzer, which goes through the transcript of a Supreme Court argument and tries to figure out what actually went on. There's a wonderful one called Sustainable Opposing Counsel Review, which ruthlessly criticizes basically anything. Here's its work on Marbury v. Madison, but there's lots of stuff. There's CopyEdit, which works within Claude for Word, does a great job.

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00:17:55.712 --> 00:18:02.741

If you're in the patent field, there's Antecedent, very clever name, which looks for prior art and the like.

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00:18:02.742 --> 00:18:05.812

Let me say a few words about the center

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00:18:05.922 --> 00:18:29.892

for AI, Law and the Legal Profession that we're building here at the Law Center. We're trying to train our students, we're trying to work with the legal community, and let me just invite all of you here on the CLA to realize that you can play a role. We definitely need mentoring of our students, we need help... our faculty and administrators, I think, need to collaborate to understand what's actually going on in the real world, what skills do you want?

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00:18:29.892 --> 00:18:53.051

You can... I'm sure many of our students would love to work with you on AI projects, and it's like, you know, the kid's the only one who knows how to use the remote. It's the same thing here. It's these kids are growing up with AI, they are going to be AI native more and more, and I think the more that we collaborate with them, the better. Here's the link to the website, which is a skeleton right now, but I expect it to be

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00:18:53.052 --> 00:19:17.861

fleshed out. And let me just say, there is opportunities for development. AI is not free. Students... I've got students who, you know, they're out of tokens for their project, and so they've got to figure out how to do that. I wouldn't mind if professors got some reimbursement for tokens and subscriptions, and we have things to trade. We can do trainings for in-house counsels, nonprofits, which I've done, solo firms, big law.

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00:19:17.862 --> 00:19:27.091

I think there are a lot of opportunities for development and further collaboration with the Bar in AI.

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Finally, let me just talk a little bit about all the negatives. Let's talk about the negativity. You've heard it all. AI is not very good, it's bad for the planet, it'll rot our brains, it might end the world. Start with quality. Hallucinations? Easily controlled. Slop? Mostly controlled. With the right skills. Judgment? AI's mistakes are shrinking, and the fair comparison is with flawed humans, not perfect ones. And if a model can reason its way toward the Navier-Stokes problem,

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00:19:51.662 --> 00:20:04.262

it can handle your summary judgment motion. Here's what I've noticed. Most of the complaints come from people using older or free models, or Microsoft Copilot. AI in 2026 is a different animal from AI in 2025. The environment?

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00:20:04.262 --> 00:20:18.422

Water is a fair concern, but almonds and golf courses use plenty, and they aren't holding up our economy. Electricity? We don't protest steel plants. Brain rot depends on how you use it. And pea doom? Nothing you do in Harvey, or in Claude, is going to end the world.

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00:20:19.802 --> 00:20:26.282

Alright. So, let me just say, if you need a list of people to follow to learn more about

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00:20:26.472 --> 00:20:50.661

AI here are people that I recommend. There are many more, and I'm sorry I couldn't fit everybody on the slide, but I hope this gives you a good idea. Many of these people are actually here with us today. Thank you. If you need podcasts to listen to, I recommend the AI Daily Brief, or Matthew Berman. There's a fantastic blog, [legaled.ai](#), subscribe, which talks about many of the things we're talking about today.

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00:20:50.662 --> 00:21:10.242

And Artificial Lawyer if you want the latest news. And so let me leave it there, and thank you so much all for attending, and for what I hope will be a future great collaboration between the Houston, Texas, and national communities, and the University of Houston Center on AI Law and the Legal Profession. Thank you very much.

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00:21:21.912 --> 00:21:40.292

Thank you, Professor Chandler, for that very informative discussion of AI. I now have the pleasure of introducing our second panelist, and ex-panelist is Professor Daniel Schwarcz. He's the Fredrikson & Byron Professor of Law and Distinguished University Teaching

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Professor at the University of Minnesota Law School. He is one of the country's most respected legal scholars and teachers. His work on the implications of artificial intelligence

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00:21:52.622 --> 00:22:10.291

for legal services and legal education has helped shape the national conversation about the future of the profession. He combines a deep scholarly expertise with a practical focus on how lawyers and law schools can adapt to rapid technological change. Let's welcome Professor Daniel Schwarcz.

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00:22:11.742 --> 00:22:36.571

Thanks so much. I'm really honored to be here. So I'm going to try to cover a lot of ground in my time here. So I'm going to talk very briefly about the landscape of AI, and then I'm gonna try to give you some empirical evidence, actually, about what AI's effect is on lawyer productivity, what some of the risks are, and then just give you some takeaways about when to use AI and how to use AI, but also how AI will shape legal education.

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00:22:37.112 --> 00:23:02.111

So we have, as Professor Chandler mentioned, seen just tremendous growth in the potential of AI over recent years, and it's important to recognize that the rate of change is quite significant, as Professor Chandler mentioned, meaning that if you've used AI in the past, it doesn't necessarily mean that you have a good sense of what it is doing well in the future. But we also, of course, have heard a lot of statistics

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some information about what AI is capable of.

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00:23:04.792 --> 00:23:19.962

And much of this comes from so-called benchmarks. And what benchmarks do is effectively give AI an exam or a test and see how it scores. And we all have heard

that AI can pass the bar exam. Well, it turns out nowadays, not only can AI pass the bar exam, it can ace it.

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00:23:19.962 --> 00:23:37.461

But what I would say to you is that this actually doesn't really tell lawyers what they really need to know. What lawyers really need to know is not how AI can do on some exam. What lawyers really need to know is what can lawyers who use AI do compared to lawyers who do not use AI? And that's where a lot of my empirical work comes in.

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So I've tried to really drill down on that question by empirically testing what happens when you give lawyers, junior lawyers, access to AI and a bit of training, and you ask them to perform tasks

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compared to lawyers who are not using AI. So I've done a number of these randomized controlled experiments, where what we do

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is we recruit hundreds of junior lawyers, 2Ls and 3Ls, so not quite junior lawyers, but folks who actually operate much like junior lawyers. And then we randomize them so that they perform some tasks with AI and some tasks without AI. And the results are going to be pretty consistent with what you've already heard.

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00:24:14.532 --> 00:24:37.881

So here is some data from one article that I did, and this shows you the average time to completion of different groups with AI and without AI. And the folks in red over here are the folks who are using AI, and the folks in blue are the ones who weren't. And if you just want to focus on the averages over here, what you're going to see is the red line over here shows that for each of these different tasks

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the folks who were using AI in our study, were completing the tasks much more quickly than the folks who weren't, right? On average, we got about 12, 13, 14% reductions in the amount of time that was spent on the task, and so that in and of itself is quite significant. But when we got to another test, where we were actually looking at a more recent vintage of AI models.

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These were early reasoning models and early retrieval augmented generation models. We found that not only was AI actually helping our participants perform better, I'm sorry, complete tests faster

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00:25:14.422 --> 00:25:38.831

is also asking... helping them perform better. So again, you can see that over here. The blue line over here is the average quality of folks in each of these tasks who did not have AI, and then the red and the green lines are different types of AI models that they were using. Either an initial reasoning model, or what's called a retrieval augmented generation model that's akin to Harvey, or Co-Counsel

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or in our case, we were using a tool called Vincent. And what you'll see here is that across a number of the different tasks that we tested, the folks in our studies who were using AI to complete tasks were consistently producing better work product, higher quality work product, than the folks who learned. And that was true across 5 of the 6 different tasks that we tested, and whether or not the AI reasoning model was helping more.

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Or the retrieval augmented generation model was helping more, depended on... the task. Now...

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As Professor Chandler alluded to, there are, of course, risks associated with using AI. And Professor Chandler alluded to the hallucination and confidentiality risks, and I'm going to sort of skip over those for now, for purposes of time.

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But I really want to focus on this risk that I think is the biggest risk of AI, and that's the risk that if you use AI, it can crowd out human legal reasoning. Now, I think we need to take this risk very seriously, but let me say that it's also a risk that we can actually interrogate empirically, and we're trying to do so. So, in recent work, we've tried to interrogate whether or not, and the extent to which

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actual human lawyers who use AI end up seeing that usage actually crowd out their short-term legal reasoning. So here is the basic setup of our design. Again, we were using a randomized controlled experiment.

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00:26:58.582 --> 00:27:06.712

And we recruited upper-level law students. And what we did is we gave them two, and wanted to focus on two of these tasks that were particularly important.

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00:27:06.712 --> 00:27:19.492

First, we had them sort of read very complicated source materials involving servitudes on personal property, a somewhat obscure topic, and we had them synthesize that material. That was task one.

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00:27:19.492 --> 00:27:24.562

Then Task 2, I'm gonna skip over Task 3, the Task 2, the key of the recall quiz

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00:27:24.562 --> 00:27:45.692

past three, we actually, we actually, what we did is we gave them a hypothetical scenario, and we asked them to apply the rules that they had synthesized in Stage 1 to that hypothetical scenario in the next stage. What did we vary, though? Well, what we varied is the extent to which our participants had access to AI in Stage 1.

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00:27:45.692 --> 00:27:50.831

In other words, did they use AI when they were trying to understand and synthesize the rules?

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00:27:50.972 --> 00:28:09.411

Half of our participants, our control group, had no AI. Our treatment group did have AI. No one then had access to AI for when they were asked to synthesize those materials and actually apply them to a hypothetical scenario. So going in, our actual hypothesis was that for Stage 1,

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00:28:09.662 --> 00:28:17.172

Of course, people who had AI would outperform those who didn't. That's sort of

suggested by my prior research that I showed you earlier.

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00:28:17.172 --> 00:28:41.901

But our hypothesis, consistent with concerns that AI use could sort of result in cognitive offloading, or undermine actual human understanding, was that once we got to the second stage, where folks were actually applying the legal rules to a hypothetical scenario, our results would flip. And the folks who had used AI in Stage 1 would actually underperform relative to the folks who had not used AI in Stage 1.

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00:28:41.902 --> 00:29:04.592

Because the folks who had not used AI in Stage 1 would better understand the legal source materials. And as a result, because they hadn't relied on AI as a crutch, they would actually do better once no one had AI. Well, what did we find? Well, the good news is that our first hypothesis was true, and it was consistent with our trends, right? We found that for Stage 1,

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00:29:04.772 --> 00:29:29.381

our participants who were using AI were significantly outperforming those who were not, and they were doing so much more efficiently. So, on average, they were completing tasks about 12, 13, 14% more quickly. But we also saw that not only were they were doing better, and not only were they doing as much better as we had done before, they were actually outperforming the folks who had AI,

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00:29:29.382 --> 00:29:45.822

outperforming folks who did not have AI by roughly in the range of 65 to 70%, which is an even stronger effect than we had seen before, but consistent with the fact that our participants in this experiment were, again, using a more advanced AI model. But here's the key thing to see.

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00:29:46.012 --> 00:29:55.872

What we found was actually inconsistent with our additional hypothesis. In other words, we found that our participants who used AI in Stage 1

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00:29:55.932 --> 00:30:00.202

outperformed the participants who did not use AI in Stage 1,

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00:30:00.202 --> 00:30:24.922

even in the second stage, when neither of them had AI. Okay, so in other words, inconsistent with the idea that AI makes you a worse lawyer, we found, in our particular circumstance, that AI made our participants better lawyers, even when the AI was no longer available. Now, how was that possible? Now, once we got our results, we started thinking about it, and we actually ended up doing some statistical analysis and finding a pretty intuitive answer.

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00:30:25.052 --> 00:30:32.242

And that answer was, what AI did is it enabled our participants to better understand the source materials.

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00:30:32.382 --> 00:30:37.772

They better synthesized the rules, they better understood those materials. That, then

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00:30:38.062 --> 00:30:53.701

resulted in persistent benefits that continued on even after the AI had been taken away. And so when they were asked to apply the law they had sort of read about and staged in the earlier stage, those folks would use the AI in that stage to better understand it

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00:30:53.702 --> 00:31:00.071

actually saw that better understanding continued to help them, even though they no longer had AI.

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00:31:00.072 --> 00:31:00.762

Now...

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00:31:00.762 --> 00:31:20.012

That doesn't mean that AI use is always going to be better in terms of short-term risks, right? And I do think there are times when, if you rely on an AI in one context, and then the AI is no longer available to you, you can be a worse lawyer as a result. One example might be, I wouldn't want to have AI write an entire brief for me, and then go

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00:31:20.012 --> 00:31:30.672

do an oral argument in front of a judge based on an AI brief, even if the AI brief was fantastic, because I believe I wouldn't understand the material as well if I hadn't written it myself.

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00:31:30.742 --> 00:31:50.312

But, what this evidence, I think, shows is that a lot of these questions are context-dependent, and dependent upon how you use AI. Now, I do want to caution that I do think that there is a lot of concern about long-term de-skilling from AI use. We actually don't have a lot of good empirical data here that's law-specific.

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00:31:50.312 --> 00:31:52.921

But the best data we have comes out of China.

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00:31:53.132 --> 00:32:18.132

And it involves high school students. So it's not specific to lawyers, and it's not specific to law. But what was found in China was that when you looked at folks, high school students, who had access to AI and those who didn't, the folks who had access to AI, and you can see they're over here in panel A, and you can see that the folks who had access to AI are in red, they were producing homework that scored much better, and of course, they were

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00:32:18.132 --> 00:32:21.881

much less time on it. But the key thing is in Panel C.

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00:32:21.972 --> 00:32:40.861

Once the AI was taken away for them over the long term, and now we're talking about 6 months in high school students, there was a precipitous decline in their performance. So, in other words, we do need to be concerned about the fact that consistent AI use in the wrong way can result in descaling.

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00:32:40.922 --> 00:32:59.872

So where does this all lead us? I think one of the key things it should lead us to is the conclusion that if you use AI well, it can be a tremendous tool. But in order to use AI well, there's a really simple rule you need to follow. And that rule is you must be able to assess, adapt, explain, and build upon the AI output.

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00:33:00.102 --> 00:33:24.311

If you're getting AI output, and you're not in a position to judge its quality, if you're not in a position to build upon it, if you're not in a position to explain it, then it will undermine, in my view, your learning. If you are in a position to challenge it and question it and assess its accuracy and its quality, then it can be a force multiplier. And I'll just say that there are a whole bunch of examples where human lawyers

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00:33:24.312 --> 00:33:40.161

engage in tasks where they're actually very well situated to evaluate the quality of the output, and I think that's particularly true for senior lawyers. After all, one of the jobs of a senior lawyer is to evaluate whether work that they've gotten from a junior lawyer is good, or actually may be missing certain things.

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00:33:40.542 --> 00:33:58.912

Moreover, I want to suggest to you that actually the real skills lawyers need to use AI effectively are not technical skills at all. In fact, what they are are legal skills. Because to use AI effectively, there's really what you need to be able to do is be precise with language, to be able to give the relevant context,

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00:33:58.912 --> 00:34:05.162

to be able to spot assumptions, to be able to ground your requests.

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00:34:05.162 --> 00:34:30.131

So where does this leave us for legal education? I mean, what I think this... where I think this leaves us is that we absolutely need to prepare our students for using AI in the future, but there is risk with using AI. And so the core thing we need to do is actually teach them how to use AI by first teaching them how to be good lawyers. So in my view, this means that at the beginning of law school,

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00:34:30.132 --> 00:34:54.942

we should be limiting AI use, but then as law school progresses, we should be introducing AI use and encouraging lawyers and young law students to use AI in a way that actually reflects many of the core skills that they've learned in the course of learning how to be a good lawyer. So I'm going to end my presentation here by noting that everything I've talked about is available in much, much more detail.

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00:34:54.942 --> 00:35:08.561

If you want to look at my scholarship. And actually, to make that very easy to all of you, what I'm going to do is post in the chat links to all of my work.

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00:35:08.562 --> 00:35:20.982

So, I strongly encourage all of you to click on the links, to download the articles, and to read it, so that you can learn for yourself what the empirical strategies are here, and what the actual empirical evidence suggests.

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00:35:23.352 --> 00:35:27.111

Thank you, Professor Schwarcz, for that engaging and

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00:35:27.112 --> 00:35:50.312

deep discussion of the use of AI. Really appreciate that. Next, I'd like to introduce the final panelist for this particular panel. She is Professor Alyson Drake. She's Assistant Professor of Law, Assistant Dean for Legal Research Services, and Founding Director of the Initiative for Evidence-Based Legal Education at the University of Houston Law Center.

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00:35:50.312 --> 00:36:04.522

Professor Drake works... work focuses on how students learn and how legal education can be improved through research-based teaching methods. She brings a unique perspective to today's discussion because of her expertise in both legal research

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00:36:04.522 --> 00:36:22.021

and educational design. As AI increasingly changes how lawyers access and use information, her insights into learning, professional development, and research training are especially invaluable. Please join me in welcoming Professor Alyson Drake.

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00:36:23.512 --> 00:36:36.482

Thank you so much, Dean, for the introduction. So, as the Dean mentioned, my expertise is really in pedagogy, and so the lens I'm going to speak through today is in how we know law students best learn.

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00:36:36.482 --> 00:36:46.502

I've been thinking a great deal lately about what a curriculum would look like that trains what I think of as the lawyer in the loop, the person who's going to be doing the critical thinking on top of

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00:36:46.502 --> 00:37:08.681

using the AI. So earlier this semester, my colleague Rob Brownell and I sat down, and we started to catalog what we're thinking of as the discrete skills students need to be AI-ready, and what we discovered, as we just heard from Professor Schwarcz, as we tried to articulate those discrete skills, was how much overlap there was with what skills we already teach. It's not new content for legal education.

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00:37:08.942 --> 00:37:26.421

Of course, there's a conceptual layer underneath all of this, understanding how the technology works and where its particular failures sit, but the ability to use AI well depends overwhelmingly on the practical and analytical skills that law students are already being taught.

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00:37:26.452 --> 00:37:36.652

What has actually changed is the environment those skills now have to operate in, and that's what students and the people who hire them, I think, need to fully reckon with.

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00:37:36.742 --> 00:37:50.912

When a rushed human makes a mistake, it tends to be more obviously visible. When AI makes a mistake, it doesn't show up the same way. The error looks finished instead of sloppy, and so the signals that we've spent our careers learning to read

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00:37:50.912 --> 00:37:58.082

don't necessarily work in this environment because the tool sounds just as confident when it's wrong as it does when it's right.

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00:37:58.082 --> 00:38:09.762

And the sheer value of output also goes up, whereas a research project in the past may have taken an afternoon of checking your own work, clarifying points of misunderstanding, and correcting them

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00:38:09.762 --> 00:38:21.312

was sort of natural part of that time. Now, with research taking, you know, it could take 90 seconds, checking has to become its own deliberate habit, or it simply doesn't happen.

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00:38:22.112 --> 00:38:32.821

And so the AI environment is, where the potential for lawyering mishaps lives, before we even get to who's actually using those tools.

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00:38:32.842 --> 00:38:42.192

So, general AI products, the sort of open AI tools that a lot of us are regularly using, which our students come in fairly familiar with these days.

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00:38:42.192 --> 00:38:55.651

I think carry some built-in suspicion. I'm sure everyone in this room has heard that AI tools like ChatGPT can hallucinate sources and information, and so they bring a healthy level of skepticism to using those sorts of tools.

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00:38:55.712 --> 00:38:59.591

But what I've observed in teaching law students to use these tools

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00:38:59.592 --> 00:39:17.361

in Westlaw and Lexus' AI products are that they don't bring with them that same level of skepticism. Students come into law school already believing that Westlaw and Lexis are reliable tools, and they come to rely on them during their first year of law school as the best tools for legal research and analysis.

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00:39:17.462 --> 00:39:34.681

And that trust, I think, was fairly earned by the platform's traditional content. And so when we add an AI layer on top of that, and there's the same logo, the same interface, the same institutional voice, that trust from the traditional platform transfers over automatically to the AI tools.

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00:39:34.732 --> 00:39:46.402

And so there's this idea that Westlaw and Lexis' tools, because they have the primary and secondary sources of law underlying them, must be free of some of the issues that we see in the open source tools.

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00:39:46.532 --> 00:39:54.332

But in reality, these tools do hallucinate, just in different ways than the OpenAI tools we hear about in the news

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00:39:54.332 --> 00:40:07.582

which means that the verification habits someone builds on one platform doesn't reliably carry over to another. And because of our confidence in the tools, we don't necessarily have the same level of skepticism.

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00:40:08.452 --> 00:40:23.331

And so I think it's worth taking a look at what some of these different types of hallucinations are. I think we're all sort of used to this idea of fabricated citations. This is the one that we picture when we hear AI hallucination, and in many ways, it's the easiest one to catch

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00:40:23.332 --> 00:40:36.862

because mechanically, it's checkable. You don't need to know the law, you just need to pull it up and see whether it's real. Westlaw and Lexus are less likely to hallucinate in this way. If they do, the source normally isn't linked, so there's a clear tell

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00:40:36.992 --> 00:40:53.582

with misattribution, the citation is a real source. But the case exists, but it doesn't actually say what the tool is claiming that it says. And so you can't simply confirm that by saying that the case exists. You have to read it and know enough about the area of law to recognize

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00:40:53.582 --> 00:41:09.071

that the proposition they're saying it stands for doesn't actually follow. And so this isn't just a process problem, it's tied with a level of expertise that a novice may not have yet. And without having worked their way through the research and built context

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00:41:09.072 --> 00:41:14.832

as they gained understanding, it's harder to know what's going on in that area of law.

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00:41:14.882 --> 00:41:27.902

And then finally, we have this layer of overconfidence, even in the face of an incomplete answer. The answer arrives with total certainty. There's none of the hedging that a careful human researcher might naturally include.

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00:41:27.902 --> 00:41:35.662

And so, it makes the researcher feel more confident that they don't need to go and do the level of checking that they might normally have done.

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00:41:35.662 --> 00:41:38.952

Just like keyword searching does, it's, it's...

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00:41:38.952 --> 00:41:51.492

It's also only answering what's been asked, and so it's very easy to lose important context or things that you might serendipitously have discovered through more traditional research methods.

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00:41:51.492 --> 00:42:02.121

And that's not to say that there aren't ways to learn to follow up that might be helpful with the misattribution and overconfidence issues, but it's something that I think novices and experts alike need to be aware of.

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00:42:02.812 --> 00:42:14.172

One other thing about Westlaw and Lexus specifically, now that we have these sort of three types in front of us, is... is that they're much more prone to the second and third, type of hallucinations. So.

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00:42:15.172 --> 00:42:31.182

What students walk in expecting is the fabricated hallucination, but what they're most likely to face are the second and third types, and they need really, explicit instruction to know what to be looking out for, and that it's going to look

different across different platforms

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00:42:32.202 --> 00:42:35.882

on top of this environment that's different

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00:42:36.222 --> 00:42:38.772

with these different types of hallucinations.

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00:42:38.892 --> 00:42:54.301

If we place a novice law student or a very early career attorney, we're sort of hoping that these folks are going to come in as digital natives who are already fluent with these tools, but fluency with a piece of software and fluency with the law are two entirely different things.

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00:42:54.412 --> 00:43:10.832

When an expert reads a response that's spit out by the AI, they aren't just checking facts one at a time, they're pattern matching against years of reading real cases. So something can feel wrong to them before they even have fully articulated why.

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00:43:10.832 --> 00:43:18.661

A novice doesn't have that built-in alarm yet, because the knowledge structures in their long-term memories aren't as interconnected or as deep.

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00:43:18.662 --> 00:43:31.571

In reality, a novice ought to be verifying everything that the AI puts out, but because of the borrowed trust that I mentioned before, the confidence that we have in these tools, because they're Westlaw and Lexis.

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00:43:31.632 --> 00:43:37.252

They, they sort of... it quiets that instinct to go check everything that they should be having.

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00:43:37.332 --> 00:43:56.492

Unlike when they work through a problem in the traditional way, novices and even

experts or experienced researchers can bump into confusion, when they're researching the traditional way. They can come across a sub-issue they don't fully understand, or they can, you know, identify a related issue that they didn't know was something that they had to worry about.

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00:43:56.492 --> 00:44:04.872

If you don't know that you have to worry about something, it's hard to ask the AI tool to do it, so novices are at a real disadvantage in those situations.

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00:44:05.792 --> 00:44:21.271

But that struggle of building context is where a lot of the learning actually happens in research. It's where a researcher discovers how shallow their own understanding is. Well, it doesn't cost them anything to find out, because they're still in the research process.

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00:44:21.362 --> 00:44:43.261

When you hand that same student a neat, seemingly comprehensive AI-generated answer instead, none of that happens. There's no wandering into nearby material, there's no serendipitous encounter with a thing that they didn't know that they needed to learn. The answer arrives whole to them, and they're never confronted with how shallow their own understanding might be.

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00:44:43.262 --> 00:44:50.292

And so these digital natives, who we assume are well-positioned to use these tools because they grew up around technology

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00:44:50.292 --> 00:44:52.542

are, for research specifically.

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00:44:52.542 --> 00:45:01.612

In many ways, the worst position to catch the issues when AI fails. An expert can spot things that the novice is not able to do.

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00:45:02.852 --> 00:45:10.291

And so, when I think about what law schools really need to be teaching, it comes down to discernment.

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00:45:11.372 --> 00:45:24.921

Students have a whole toolbox of options when it comes to legal research and analysis, and the real skill is knowing which, you know, which tasks or steps a given tool actually helps with and which it doesn't.

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00:45:24.922 --> 00:45:34.451

Being exposed to a tool is not the same thing as being trained to use it well. And so I see our sort of professional duty as educators is to close that gap.

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00:45:34.582 --> 00:45:47.431

If exposure alone doesn't produce competence, we have an obligation to actually teach the skill deliberately, the way that we teach any other research method, rather than handing students the AI tool and assuming that fluency follows.

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00:45:47.632 --> 00:45:54.132

Now, discernment cuts both ways, as we saw from both Professor Chandler and from Professor Schwarcz.

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00:45:54.132 --> 00:46:17.341

These tools are really good at many things. Through a series of assignments with my students, we do these mini AI moments. My students have practiced with AI at various stages of the research process. I have them run identical questions, different ways, with an AI tool and without it, and compare, not just whether they arrived at an answer, but whether the AI answer, was complete

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00:46:17.342 --> 00:46:24.262

if they'd feel comfortable only relying on the AI tool, and whether the use of the AI would ultimately improve their process.

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00:46:24.262 --> 00:46:34.782

And we've identified some places where it's generally useful for helping a novice with their research, such as finding the right legal language for an area of law that they don't know well yet.

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00:46:34.782 --> 00:46:52.812

For giving a broad overview, potentially, but all of the students who... that I've worked with have said that even when they've gotten that broad overview, they wouldn't feel confident in it until going and doing their own research, afterwards, which is exactly what the discernment, level is that I want them to have.

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00:46:53.142 --> 00:47:03.791

It's also where what I call the novice tax shows up. If a student still has to verify every AI-assisted answer through traditional research, and if they're doing that

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00:47:03.792 --> 00:47:17.512

which I sort of think that they should be, because they don't have the subject matter expertise not to, then the tool didn't actually save them very much time. It just added one step on top of what they were already going to take. And so it's about learning to use

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00:47:17.622 --> 00:47:22.132

the AI tool in coordination with the more traditional skills.

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00:47:22.372 --> 00:47:38.362

And discernment isn't something that you can teach once and expect to last into practice. A single introduction to these skills in the first year or even in a second year course isn't going to sustain them, because the tools themselves continue to evolve. Students need real, repeated opportunities

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00:47:38.362 --> 00:47:45.362

to exercise this judgment again and again across the curriculum, and not just in one required course.

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00:47:46.642 --> 00:47:47.772

And so...

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00:47:47.902 --> 00:47:58.492

I think this means that there's a lot we can do in sort of how we're training, but

also in how we're supervising the use of these tools. We have a lot of attorneys here who supervise.

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00:47:58.502 --> 00:48:16.971

And the same environment that reshapes how a novice researcher researches is also reshaping how we have to supervise them. You know, for years, supervisors relied on their own version of that pattern matching I described a moment ago. You could tell from the shape of a draft roughly how much the person actually understood.

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00:48:16.972 --> 00:48:33.162

A sloppy draft meant someone was still working it out. A clean, confident one usually meant they'd gotten there. And that correlation has held because producing clean, confident-sounding work is actually hard for humans to do, right? Only true understanding could reliably produce it.

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00:48:33.162 --> 00:48:48.331

And AI breaks that correlation. A student who doesn't understand the area of law at all can hand you a draft that reads as clean, organized, competent, because the tool is doing the work of sounding competent, but not the work always of actually being competent.

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00:48:48.522 --> 00:49:07.221

And so what we have to do is assess how we're shifting this, not necessarily just the quality of the artifact in front of us, but the quality of the judgment that is behind it. So can this, young attorney tell you why they trust this authority, not just produce the authority? Can they walk you through a step you didn't prepare them for live?

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00:49:07.222 --> 00:49:14.632

And so, we need to focus now on not just whether the work looks right, and start asking whether the person behind it is able to defend it.

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00:49:14.802 --> 00:49:15.692

Thank you.

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00:49:24.872 --> 00:49:35.131

Thank you, Professor Drake, and, thank you for Professor Schwarcz and Professor Chandler for a very robust conversation. Can we make this, gallery? Yes, thank you.

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00:49:35.132 --> 00:49:57.771

So, I have the luxury and the privilege of asking some questions about the... to the panelists about some of these issues, which some of them have articulated a little bit, but I want to clarify. Well, one is that we've seen several law schools say, articulating what their policies are with respect to AI. I mean, some have been very restrictive, you see a university of

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00:49:57.772 --> 00:50:05.131

UC Berkeley, and Chicago, and UT... UT Law School in Texas seems to be following a middle course.

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00:50:05.172 --> 00:50:27.381

And so this is complicated, and I think Professor Schwartz, alluded to some of this in terms of... and Professor Drake in her remarks, and Professor, I'm not sure if you had any remarks, but where do you think we should be? At the University of Houston, I would say that we let all flowers bloom, to some extent, and we have, you know, the AI Center, but it's really in the faculty's interest of how much she wants to use or she wants to use it.

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00:50:27.382 --> 00:50:37.942

With respect to the students, and certainly, you know, I mean, and there, of course, we have, academic integrity issues and whatnot, but it's really a faculty-driven decision.

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00:50:37.942 --> 00:50:40.092

Here, at the moment, and part of it is because

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00:50:40.092 --> 00:50:58.421

as we've been advised, the technology changes rapidly, and so if you commit to one thing now, it might be something very, very different later. So, we've seen what these three schools have indicated. If you were dean of a law school, what would you do in terms of your policy choices with respect to AI?

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00:51:00.092 --> 00:51:23.881

Well, I have pretty strong views on this, and I actually believe pretty firmly that in the first year, we should not be having our students be using AI. I think the risks that AI can undermine long-term skill development are real, and as I said, the evidence to me suggests that the best way to actually develop AI skills in the legal profession is to first develop the competency in legal skills, right?

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00:51:23.882 --> 00:51:47.621

Once you have the competency to actually be a good lawyer, then I think you're actually really well positioned to use AI well. So I prefer an approach where AI is not introduced in the first year, then in the second and the third year, it's introduced as a way to sort of get students interested in it, and to get them thinking about how to use the skills they're developing in conjunction

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00:51:47.622 --> 00:52:01.412

with AI. You know, there are obviously different approaches, and I think it's clear that, at the end of the day, our students need to be equipped to use these skills, because it is improving productivity, it is actually even making you a better lawyer, but...

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00:52:01.412 --> 00:52:08.351

I think we need to be cautious initially. So I'm a bit of a conservative on that front in terms of when to use AI.

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00:52:08.352 --> 00:52:21.631

Thank you. Any others? Yeah, I would... Go ahead, Professor Chandler. Well, I'm gonna more or less disagree. And, it just seems to me, first of all, that it's not 2024 anymore. These students have been using AI.

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00:52:21.632 --> 00:52:35.562

And as we move further into the future, they will have been using AI for much of their higher education. And so the notion that we're going to cut it off strikes me as unrealistic, likely to cause problems

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00:52:35.562 --> 00:52:45.782

and requires us to define what we mean by AI. It's pretty hard, actually, to insulate yourself from AI these days. It's in Google Chrome with a little summarize button at the top.

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00:52:45.782 --> 00:53:01.301

It's in Grammar check, it's in Westlaw, and so before we start prohibiting AI, I think it's important that we even figure out what do we mean by AI. But the other point is that, you know, I can hear

242

00:53:01.342 --> 00:53:07.671

faculty of yesteryear saying, oh, they've got to learn how to use the slide rule, because that's a fundamental

243

00:53:07.672 --> 00:53:25.582

thing, and that's... and if we cast them out in the world and they don't know how to use a slide rule, what will they do? But in the future, I think we're not going to be on desert islands, we're going to have AI, and so therefore it strikes me as the skill that our students need to know is how to collaborate

244

00:53:25.602 --> 00:53:36.862

with AI. Now, Professor Drake quite rightly tells us that, yeah, but to use AI properly, you actually have to know something. You have to be able to evaluate it.

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00:53:36.862 --> 00:54:01.832

I think, honestly, part of that is going to go away as AI gets better, and AI can be used in an adversarial fashion to check AI, but I agree, it is not going entirely away. And so, part of me kind of agrees with Professor Schwarcz that we do need to get fundamentals, but I think this idea of banning, often by very ill-informed faculty members who last

246

00:54:01.832 --> 00:54:14.292

you know, picked up Microsoft Copilot in 2025 and fainted is not the right way to go. I would rather see students learn how to use it effectively and responsibly

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00:54:14.292 --> 00:54:19.582

and to be aware of the hazards that both Dan and Alyson have pointed out.

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00:54:19.832 --> 00:54:25.981

I would just mention one other thing, because I think I'm more of a middle ground between the two of them, but

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00:54:25.982 --> 00:54:45.421

what I'm hearing a lot is that the firms expect our 1Ls in their first summers to be able to use these tools, and so I think that we have a responsibility, at least for there to be some exposure and use in the first year. I... but I fully agree that they need to have the fundamentals before they're able to use them, effectively. So, I think...

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00:54:45.542 --> 00:54:51.361

maybe in the spring of 1L year would be when I would start to introduce them, if I was given all the power.

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00:54:52.182 --> 00:55:06.491

Deans don't have all power, but that's beside the point. So, Professor Drake, you really talked a lot about what the student needs, and it, you know, they have to check, but what fundamental skills do we need the student to have

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00:55:06.492 --> 00:55:12.322

you know, before using AI, right? Is there... is there any foundational skills that they need?

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00:55:12.412 --> 00:55:23.121

number... so, two-part question, and are there any cognitive losses that the student has by using AI? Right, so I always analogize to, like, GPS, or

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00:55:23.122 --> 00:55:36.032

spell check, or all these other things. They're great devices, but I grew up in a time where I didn't use them, and my brain was wired differently. Maybe that's good or bad, but my brain was... I looked at some document and

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00:55:36.032 --> 00:55:55.132

somebody said, I can't believe you found that typo. Well, because I grew up in a time when you had to find a typo. So, and, you know, spell check is helpful, but

spellcheck is not perfect. So, what do you think? What cognitive skills do you lose? And if you lose from this, and do we lose something from losing those cognitive skills?

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00:55:55.132 --> 00:56:04.292

And what foundational... skills to do the student need in learning about AI before they use AI.

257

00:56:04.822 --> 00:56:23.212

Yeah, so I think there's a couple of things. I mean, I... a big part of what I mentioned is students have to be able to critically assess the AI output. It's really hard to do that when you don't know what good legal reasoning and good legal writing even look like, right? And so until you have those foundational bases,

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00:56:23.212 --> 00:56:43.041

it's hard to rely upon the output that you're getting, even if you're able to sort of put some of these different, sort of, you know, follow-up prompts in place to sort of check the work. There's just this inherent inability, because you don't have the expertise, to be able to assess that, the quality of the work that you're looking at.

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00:56:44.372 --> 00:56:47.901

Any thoughts from, Professor Chandler, Professor Schwarcz?

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00:56:49.532 --> 00:57:14.521

about cognitive skills, or... Yeah, I mean, I would absolutely, I would absolutely agree with that, but again, with the caveat that sort of, you know, it's complicated and context-dependent, so I think once we start getting our students in a place where they have those foundational skills, and they're able to be, sort of critical of the work, then actually what, you know, at least some of the research that I discussed shows, and this is particularly

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00:57:14.522 --> 00:57:35.332

the AI and Human Legal Reasoning paper, is that actually AI can make you a better lawyer because you can see the quality, and then you can build on it. Or you can better understand the legal opinion, or you can better understand how two or three legal opinions fit together. And so, I don't think that we can sort of give one confident answer about, like.

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00:57:35.332 --> 00:57:38.162

What will happen in terms of cognitive

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00:57:38.162 --> 00:57:45.331

de-skilling or cognitive upskilling, and a lot of it depends upon our students and young lawyers

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00:57:45.332 --> 00:58:07.142

being in a position to be self-critical about that, and I think the way that they get self-critical is, I actually completely agree with Professor Drake on this, is by being able to have the legal skills as the foundation to say, this is a good argument, this is a bad argument, this might be making this type of assumption, let me interrogate it, let me look at the underlying source material to see if this is accurate or not.

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00:58:07.142 --> 00:58:08.092

And so...

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00:58:08.302 --> 00:58:33.182

my bottom line is, we need to be concerned about this, and particularly over long-term horizons, right? I do think, right, if you're talking about folks who are using AI all the time, and using it not to read cases, and using it not to think about answers to questions, it's really problematic. The other thing I'll just say as a response to Professor Chandler, it's actually not complicated at all to ban AI. You just need to, at least on exams, you just need to use a lockdown

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00:58:33.182 --> 00:58:55.682

browser. You just need to say, you know, you're not allowed to access the internet, we're going to watch you on your phones, you're not allowed to use your phones, the only screen you're allowed to have is on your computer. Now, that doesn't change what they do outside of class, but I'll tell you, it does substantially change their incentives. Once they know that's how they're going to be examined and graded, they are not going to be wanting to use AI a lot

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00:58:55.682 --> 00:59:11.481

to actually do their work, because they will rightly assume that doing so will not actually prepare them as well for the ultimate exam. So I think you set the incentives properly for the exam, and everything else follows. Well, I guess I also give closed book exams, and

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00:59:11.482 --> 00:59:34.752

I do believe that they need to do something. What I would like to do, because I think it would better mirror the skills that they need, is to make half of the exam closed book, so that there's certain things that are instinctual, and half of it collaborative with AI, so that they do what they will do in the real world. So we sort of have both System 1 thinking, fast, what do you actually know about the statute of limitations, or what do you know about the Dormant Commerce Clause

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00:59:34.752 --> 00:59:48.661

versus a more sophisticated system to thinking where you're actually reasoning with cases. There are some logistic problems we've run into in trying to have that kind of an exam, but I think that's where we ought to be heading as we think about best uses of AI.

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00:59:50.022 --> 01:00:09.621

So, it's interesting you talk about exams and assessments, and what role do you or you think about doing in using AI to actually grade an exam or grade a paper? Do you think that's... I mean, from the student's perspective, like, they may want a human, maybe, I don't know, to grade.

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01:00:09.622 --> 01:00:16.352

But I could see where grading is, like, sometimes the worst thing for faculty members. The teaching is wonderful, the writing's wonderful, but the grading is...

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01:00:16.742 --> 01:00:18.982

Horrible. Yeah.

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01:00:19.082 --> 01:00:28.222

It's not the greatest part of the job. And so, have you used AI for grading? Do you think it's appropriate, or how do you use it in an ethical way, I guess is what I would say.

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01:00:28.222 --> 01:00:53.192

Yeah, so I'll take this quick, because I have... I actually... in research I didn't share, but let's see if I can just share it quick. I'll show you the data on this. So, we've actually done, experiments on this particular question as well. And so what we found is that actually AI grading correlates very well with human grading. So this particular study over here, we found that if you just give an AI a

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01:00:53.192 --> 01:01:16.161

rubric, and this was an older rubric, and we compared it to how a human graded an exam, a real exam, versus the AI. We found correlations in about the 90th percentile, which means an AI can grade an exam pretty accurately. We also actually started looking at, and this is research that's under development, whether or not the actual qualitative feedback that an instructor gives, like, let me give you comments on your exam and show you what you do well and what you don't do well,

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01:01:16.162 --> 01:01:23.651

how that measures up with what an AI does. And the basic thing to look at here is that ones are sort of strongly prefer human feedback.

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01:01:23.652 --> 01:01:48.351

5 strongly prefer AI feedback, and three is sort of in the middle. And what we did is we actually had professors grading other professors compared to AI blindly, and we found that actually, in general, either the AI feedback was about as good as the human, or it was better. So, where does that leave us? Well, where that leaves me is I still don't think we should be using AI to grade, because I think that will... there are a lot of procedural reasons why that's unfair.

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01:01:48.422 --> 01:02:13.401

But 100%, we should be using AI to help train our students, and teach our students, and say, you know, here's a practice problem, do the practice problem. Let's actually feed into the AI and see how it did. Let's use the AI to give you feedback. And by the way, I don't think this is limited to law school exams. I think, actually, this is probably true up and down the entire legal training pipeline, where we can be using AI to help tell folks, you're producing good product

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01:02:13.402 --> 01:02:24.492

not, here's what's good, here's not what's good. And so I think AI is going to be actually a huge part of how we train lawyers and give individualized, formative feedback to lawyers in the future.

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01:02:24.942 --> 01:02:28.152

Thank you. Any other thoughts from Professor Chandler or Professor Drake?

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01:02:28.392 --> 01:02:48.121

Yeah, I think for low-stakes assessments, I would feel comfortable using AI, particularly if there were multiple assessments that way. And what do you mean by low-stake? It counts for a point, it counts for a completion grade. You know, in law school, traditionally, the final exam counts for a very large portion of it.

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01:02:49.362 --> 01:02:55.712

If the students would let me, if the dean would let me, and he hasn't banned me from doing it.

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01:02:56.002 --> 01:03:04.322

I would strongly consider using AI. I will tell you, even I feel a little bit squeamish about it, because

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01:03:04.442 --> 01:03:23.611

I do notice it misses things that I would have spotted. On the other hand, it will spot things that I didn't, and it will give feedback faster and probably more fully than I will give. I'm sure I'm not the only one whose comments on an exam are a few scrawls, which I don't think are terribly informative, and most students never look at it.

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01:03:23.612 --> 01:03:30.971

Whereas the AI is, you know, have its glorious paragraphs of why they misunderstood the standing issue. So...

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01:03:30.972 --> 01:03:48.461

I think we are heading into a world in which we will have increasing confidence in using AI for feedback. I would also add a technical side of it, which we are now developing these classifier language models, which work 100 times faster, 100 times less expensively

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01:03:48.462 --> 01:04:07.742

than traditional language models, and they may be very good for giving real-time feedback to students as they're writing. That, you know, you change a word and the persuasiveness score goes up or down in real time, and so I think we're heading for a new era in the ability to score writing, much as you might score a sporting contest.

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01:04:08.322 --> 01:04:33.021

Professor Drake, last point on this topic. Yeah, I'll just say that I agree with both Professor Chandler and Professor Schwarcz. I think it's great for formative feedback. As somebody who teaches a skills course, I quite often will use it, even on... when students have done reflective work on me to get a sense of what the whole class is doing in a way that's really very... it's much quicker, but I'm able to still get a picture, I'm still able to give good global feedback to my students, and so...

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01:04:33.052 --> 01:04:40.701

I will use it for those low-stakes opportunities, but I'm still not comfortable... I wouldn't be comfortable using it for something that is more heavily weighted.

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01:04:41.302 --> 01:04:55.801

Great. Well, let's thank our panelists, Professor Schwarcz, Professor Chandler, and Professor Drake. Thank you so much for your participation. Now we're going to move into the second panel. Let me, introduce the topic and the moderator.

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01:04:56.832 --> 01:05:02.632

So, the second panel is called From Experiment to Operating Model, Responsible AI in Practice.

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01:05:02.632 --> 01:05:19.581

Our second panel shifts the focus from legal education to legal practice. As the title suggests, from experiment to operating model, responsible AI in practice explores an issue that's on the mind of many law firm leaders, corporate counsel, and legal professionals

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01:05:19.582 --> 01:05:29.401

everywhere. How do we move beyond experimentation and use AI in ways that are effective, responsible, and consistent with our professional obligations?

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01:05:29.402 --> 01:05:34.382

Before we begin, I want to again thank Akin for its partnership and support of today's conference.

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01:05:34.382 --> 01:05:58.092

We're grateful for his commitment to advancing thoughtful conversation about the future of legal education and legal profession, and we're especially pleased that this discussion will be moderated by Alison Chen, the partner in charge of the Akin's Houston office, and a proud graduate of the University of Houston Law Center. Alison's one of the country's leading transactional tax lawyers, advising clients on complex business transactions.

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01:05:58.092 --> 01:06:07.661

Across a wide range of industries and transactions, particularly in the energy sector. She's also an accomplished law firm leader and a staunch supporter of the law center. In its mission.

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01:06:07.662 --> 01:06:27.112

We're always proud to see our graduates leading at the highest levels of the profession, and Allison exemplifies the talent, leadership, and commitment to excellence that characterize so many of our alumni. So please join me in welcoming Alison Chen, who will introduce the distinguished members of her panel. Thank you so much.

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01:06:28.082 --> 01:06:40.881

Thank you, Dean Baynes. We appreciate the opportunity for Akin to co-host this webinar, and I'm super excited to moderate this session. So, over the next hour, we're going to hear from three different presentations

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01:06:40.882 --> 01:06:48.141

on how AI is actually being used in legal practice, followed by discussion among our panelists. So, to start us off.

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01:06:48.142 --> 01:06:54.821

We have, Alex Shahrestani, who is going to help translate the technology for

lawyers.

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01:06:54.822 --> 01:07:18.181

Alex is the managing partner of Promise Legal, and what makes his perspective especially valuable is that he brings both experience in law and software development. Alex also serves on the State Bar of Texas AI Task Force, and is a frequent panelist on the State Bar's Ask a Human AI webinar series, which is actually one of my favorites, where he helps

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01:07:18.182 --> 01:07:25.042

people like me, practicing lawyers, work through the practical questions that arise as those tools evolve.

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01:07:25.342 --> 01:07:47.632

And, if today's presentation leaves you wanting more, I invite you to visit the State Bar's website for more of those webinars. So, Alex, to kick it off, we have a really broad audience today with lawyers from private practice, in-house legal departments, government, the courtroom, etc, and they're all coming to this topic with very different level of seniority

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01:07:47.632 --> 01:07:59.221

and experience as well, so I'd like to just start by having you level set for all of us by sharing the legal AI tools available today, and how are they different from search engines that we're used to.

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01:08:00.142 --> 01:08:25.122

Yeah, so we're gonna dive in a little bit into sort of the similarities and differences between search engines, which is something that most people are comfortable with, and AI. And I notice there's a lot of conflation between the two. A lot of times I'll give these talks, and the questions often center around why an AI didn't retrieve an accurate answer, despite the apparent certainty of the AI that it is correct.

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01:08:25.121 --> 01:08:47.461

So, we're gonna talk a little bit about that, and the reason for this is I believe that you need to understand at a high level, how the AI works to be able to apply the lessons you're learning from these other talks. So, when you're asking yourself questions about ethics, or how competent the work product you're delivering are, and

trying to

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01:08:47.462 --> 01:09:01.051

trying to figure out how to address deficiencies in those areas. You need to know what you're doing and, like, at what level you can interact with the outputs of the AI to improve those outcomes.

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01:09:01.052 --> 01:09:15.831

So I've got some slides here for you today, and they're very light. They're mostly for the sake of illustration. So, hopefully, by the end of this, you'll feel a little bit more confident in understanding what AI even is.

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01:09:16.082 --> 01:09:18.502

Okay, so...

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01:09:19.272 --> 01:09:36.002

the analogy I like to use when I'm discussing AI and search engines is basically making it a comparison to looking through a room full of filing cabinets with client folders in it, or folders of information.

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01:09:36.002 --> 01:09:52.771

So, you can imagine a day in the office where you ask your legal assistant, or perhaps a junior associate, to go and find a particular case file for you. They go into the room, they open the correct filing cabinet, and then they pull out a handful of folders that they think are applicable for you.

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01:09:52.772 --> 01:09:57.421

When they return those folders to you, you're able to open them up, and you're able to see

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01:09:57.452 --> 01:10:07.972

actual pieces of paper that somebody created that are unchangeable between the time that the associate retrieved the document and the time it was delivered to you.

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01:10:08.552 --> 01:10:16.382

The information is not changing. You can retrieve it at any time without any major differences in that content.

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01:10:16.832 --> 01:10:22.032

Generally, it's a reliable source for you to rely on

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01:10:23.222 --> 01:10:39.391

with an AI, it's similar in that it still has that search function, where perhaps you tell your associate you need the particular folders or files, they go and they retrieve the folders for you that they think are relevant and bring them back. But the difference is

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01:10:39.392 --> 01:11:04.341

you can kind of think about the AI results as those transparency projectors from high school or college. You remember the clear sheets that have the printing on them, it gets thrown up on a light projector and projects up onto the wall. Now, the AI returns a bunch of those kinds of results, but it returns, instead of an individual projection piece or an individual folder, it returns

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01:11:04.342 --> 01:11:17.601

the entire stack as one big thing that it then throws onto the projector. And as you can imagine, that would create some level of discord. It looks like a jumble up on the board.

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01:11:17.712 --> 01:11:25.022

But we'll walk through how this works and why it results in an output that looks coherent.

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01:11:28.912 --> 01:11:46.321

So, this is what a typical result might be. This is just an excerpt from Alice's Adventures in Wonderland. When you retrieve a particular file, you might get something like this. When you retrieve something with AI, it's gonna look more like this.

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01:11:46.412 --> 01:12:02.131

So this is, several different pages from that same book that are overlaid on top of each other, much in the same way those transparency projectors might appear on the board. And you can see here, there's not really much you can make out of this, with the exception of...

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01:12:02.132 --> 01:12:07.962

there are certain patterns that start to make themselves known in the content.

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01:12:07.962 --> 01:12:21.611

So, if we zoom in a bit, you can see, for example, in the second line, the letters B and I. In the first line, you can see the T, there's an M dash in there. There's a couple of portions in the text that are particularly bold.

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01:12:22.922 --> 01:12:31.021

And with those kinds of patterns present in the text, the AI starts to put together a pattern of what the content should look like.

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01:12:31.772 --> 01:12:55.791

So, I've done the task of highlighting some of these, apparent similarities between the various returned results. What the AI does with a pattern like this is it says, okay, I understand, based on these results, that the first letter needs to be T, and then the first two letters on the second line need to be BI, and there's a couple of other items in here that are highlighted

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01:12:55.792 --> 01:12:57.791

that indicate the same thing.

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01:12:57.792 --> 01:13:09.262

But then, in between, it's still got that sort of fuzzy mess of stuff going on. The AI does its best to fill in the pattern with pieces that fit the underlying jumble.

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01:13:09.822 --> 01:13:10.902

So...

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01:13:11.042 --> 01:13:30.062

for us, it's kind of hard to pick out, like, that there's a particular letter in here, but you can see a couple of letters in here, perhaps if you squint and look real closely, like, you might see where there appears to be spaces more present than others because a particular letter stands out, or you see a particularly, bolded letter D that

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01:13:30.062 --> 01:13:39.981

the AI will fill in what it thinks goes there, based on the constraints of what is a clear pattern established in the return set of results.

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01:13:40.422 --> 01:14:02.631

So hopefully, you're with me so far on, sort of, the difference in what is retrieved from a search engine and an AI. So, again, with the search engine, you're gonna retrieve a very particular result, you're going to retrieve a piece of paper that has information on it that is not changing and is easy to read, and has particular information that you might be looking for.

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01:14:02.632 --> 01:14:05.392

AI retrieves a stack of stuff.

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01:14:05.432 --> 01:14:10.122

And then presents you with the patterns it surfaces within that stack of stuff.

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01:14:10.552 --> 01:14:22.071

So, how does this lead to, hallucinations, errors and outputs, confusion, and why is there sometimes correct information present in the results from the AI?

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01:14:23.152 --> 01:14:47.861

So, there's a variety of different factors that go into this. The first thing that you need to know, we'll get to this slide in a second, the first thing you need to know is that AI is trained, generally speaking, trained on the same few different sources of data. They're trained on Wikipedia, generally. They're trained on a repository of website information called the Common Crawl.

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01:14:47.952 --> 01:14:55.782

This is something you can look up and look into, but it's essentially a non-profit whose mission since the early or mid-2000s

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01:14:55.782 --> 01:15:10.842

was to index every single piece of data on the internet, and so every quarter, every year, sort of differing intervals based on their funding, they go and they scrape the entire internet, and they have this big archive. And so

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01:15:10.842 --> 01:15:24.591

the purpose of it initially was so people could create these search engines and have the content that is present on the internet indexable for the search engine creators.

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01:15:24.762 --> 01:15:49.762

But the AI companies realized, oh, this is a great resource for us to train our models to learn to understand language and to gather information. And then there's a couple of other sources that are out there, but between Wikipedia and Common Crawl, you're talking, like, 85% of the content that is fed into the model to train it. There's also... court cases are part of that, but it's a very small percentage of what's out there. Edgar is another

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01:15:49.762 --> 01:15:52.632

source for those of you who are in transactional practice.

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01:15:52.632 --> 01:16:06.731

But these, these results are then turned into this trained model, which then goes and retrieves these results, and it... the results come back in these... the form of this messy sort of pattern. So...

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01:16:06.762 --> 01:16:28.211

over the course of the whole internet, it goes and it creates patterns based on similarities between types of information across the entire internet, and that's how you're able to get some of this information into the AI in the first place. It's because it's based on content that it got from Wikipedia, the internet at large, and then a couple of other sources out there.

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01:16:29.232 --> 01:16:30.132

Now

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01:16:31.632 --> 01:16:38.092

when you think about how the AI is retrieving this information, where it's creating this pattern for being matched.

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01:16:39.192 --> 01:17:00.382

The more complex a question you present to the AI, the more different patterns it's retrieving for you. So if you ask a very narrow, specific question, like, what section of the business organization's code governs series LLCs, that's a very specific question with one particular answer.

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01:17:00.382 --> 01:17:06.221

If you ask, what do I need to tell a client who's considering an entity formation.

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01:17:06.222 --> 01:17:11.401

And you're not sure of what the jurisdiction of the client might be.

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01:17:11.492 --> 01:17:34.002

That is a very broad question, and so the AI is going to pull back a lot of sources covering all the different bases of where that answer might come from. So rather than pulling a number of results that are specifically answering what section of the business organization's code governs series LLCs, it's instead pulling, different types of entities, different jurisdictions.

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01:17:34.002 --> 01:17:42.402

Understanding the context of what a client might be, and what sort of differences go into determining which client needs what kind of entity type.

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01:17:42.402 --> 01:17:45.961

And among all those results, it's trying to generate a pattern.

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01:17:46.332 --> 01:17:56.471

And because the information in that results is not likely to overlap on existing facts, it fills in the blanks where facts should be.

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01:17:56.702 --> 01:18:08.941

So, stated another way, if you ask a very narrowly tailored question, for example, about what section of the business organization code covers series LLCs, all of those results that come back

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01:18:08.942 --> 01:18:20.702

are more than likely going to state what section of the business organization code applies, and so the pattern that emerges from those results is that section of the business organizations code.

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01:18:20.702 --> 01:18:35.711

So, the broader your question, the less likely you are to get a factual answer and response. The more narrow the question, the more likely you are to get a factual response, again, because of how that pattern matching works.

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01:18:35.852 --> 01:18:37.811

Now, across...

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01:18:37.852 --> 01:18:51.872

the results that represent factual answers, you can still get incorrect information. And that's because of how you might interpret different categories of these factual patterns. So...

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01:18:51.872 --> 01:19:09.642

there are certain kinds of facts that are... that have always been true, and they're unchanging, and they're well known. There's facts that are well-known, and they occasionally change, and then there's facts that are perhaps well-known, and then they change often. And so, some examples of those might be.

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01:19:09.642 --> 01:19:33.831

A well-known and unchanging fact would be when was the United States founded? Something like that. You can imagine how many websites out there have the answer July 4th, 1776. And every single one of those websites is represented in the LLM's

training data, so when it retrieves the pattern, it's almost certainly going to get that pattern loud and clear, and it's going to return a correct answer to you.

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01:19:34.512 --> 01:19:35.532

Now.

361

01:19:35.622 --> 01:19:58.621

AI companies like to do little tweaky things to make your experience of the AI better, but assuming they don't do any of those tweaks, there are some kinds of questions that you would expect it to get correct that it would get wrong. So, one example would be, who's the current president of the United States of America? That's a very well-known piece of information. It's probably represented over

362

01:19:58.622 --> 01:20:01.342

a large portion of the internet.

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01:20:01.402 --> 01:20:21.621

But that's a changing fact, depending on the time you ask the question. And all of those outdated sources that say, Obama, or they say Bush, or they say Clinton, or Reagan, or whatever it says, are still present in that data. So if you ask an AI, who's the current president of the United States of America.

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01:20:21.622 --> 01:20:27.772

Without the additional adjustments from these companies who want you to have a good experience, there's...

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01:20:28.002 --> 01:20:43.311

more or less an equal chance that it would tell you Obama, Trump, Biden, perhaps Bush, just based on the sheer number of data points in the dataset that posit that as the answer.

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01:20:43.572 --> 01:20:46.411

Then there's other kinds of information, like,

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01:20:46.412 --> 01:21:11.391

what is the weather today? That's an easy piece of information to find. There's tons of websites out there that will tell you the current weather and the current location for any given day of the year, but because that's such a constantly changing piece of information, the likelihood that you're going to get an accurate response from an LLM is really low. Now, so, that sort of represents why you get these different, different degrees of accuracy from the LLM.

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01:21:11.392 --> 01:21:30.371

And then there's also some additional categories that more or less apply to us. So, one is the obscurity level of these facts. And for lawyers, our facts are kind of obscure. So, it's not hidden information to go find court precedent, or, like, statutes, or anything like that.

369

01:21:30.372 --> 01:21:53.172

But it's not something that people are constantly writing about, and when they do, they're not necessarily reflecting things accurately. Like, I remember going to law school and reading newspapers with a different eye, because I was like, oh, you know, I had always assumed that the newspapers were reporting these things accurately, and while they can generally get the spirit of the law right,

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01:21:53.172 --> 01:22:07.442

there's often lots of little nuances that are lost in these articles, but they're probably far more plentiful than the actual case law, the actual statutes, things like that. And so, you'll get a mess in your responses because of the nature of our profession.

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01:22:07.722 --> 01:22:24.852

And that's not even to speak of things out there that are not true, fiction, lies, misunderstandings, changing information, things like that, are also large portions of the data that's being respon- that's being provided to these LLMs.

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01:22:24.852 --> 01:22:30.331

But not necessarily, getting you to a factual answer that you're looking for.

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01:22:30.332 --> 01:22:55.322

And so that's sort of the long and short of why the LLM can hallucinate and get things wrong. There are different things you can do to improve your outputs, and

we're gonna talk about those with the rest of the panels, but they mentioned in the previous panel, RAG, Retrieval, augmented generation. There's other sorts of tools you can do, like fine-tuning, and you can do API calls, and lots of little neat tricks.

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01:22:55.322 --> 01:22:58.792

Which we're gonna go ahead and get into now. Thank you.

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01:23:11.522 --> 01:23:27.681

Thank you, Alex, for helping us understand some of that background on the tools. So now, let's bring that discussion down to the lawyer's desk, and how does AI actually look like on real litigation matters? We have two presenters to walk us through that question.

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01:23:27.682 --> 01:23:35.742

Kyle Dingman is a partner at Scott & Scott, and has served as first or second chair in more than two dozen bench and jury trials.

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01:23:35.742 --> 01:23:50.401

And Stephanie Duff-O'Bryan is a senior counsel at Cleveland Krist, where she handles high-stakes commercial disputes. And together, they are experienced litigators and the founders of DingDuff, a tool that lets lawyers use CLAW

378

01:23:50.402 --> 01:24:09.952

to search, and work within those court opinions, statutes, and rules, the data that, we were just going through. And they have spent a lot of time thinking about where AI could genuinely help lawyers, and also times where lawyers' judgment remain essential. So, Stephanie and Kyle, let's see it in action. I'll turn it over to you.

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01:24:10.072 --> 01:24:33.501

Thanks, Alison. So, I'm Stephanie. Again, I'm a litigator at a seven-person trial shop called Cleveland Krist here in Austin, Texas. In our practice, we mostly do business and commercial litigation, often in the financial sector. So we're tiny, but our cases are really big, which means we've really been testing the boundaries of AI to help our otherwise pretty small team, handle fairly large cases.

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01:24:33.692 --> 01:24:53.041

And before that, I was an enforcement attorney at the Consumer Financial Protection Bureau, where we also ran very large cases on very small teams before the days of AI. So it's been very interesting to see how it is changing legal practice for small teams. And then before that, I was in commercial litigation at McGinnis Lochridge. And so I'll let Kyle say hi.

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01:24:53.632 --> 01:25:00.411

Hey everyone, my name's Kyle Dingman. I am a litigation partner at a pretty large law firm, Scott & Scott.

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01:25:00.552 --> 01:25:08.561

And, I wanted to, to spin off of something that Professor Chandler mentioned

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01:25:09.122 --> 01:25:24.681

one of the most useful skills that you can have right now, if you are a law student, or if you're an attorney, or whatever, is the ability to use AI to build things that you need. Ding Duff is an example of that. It's called DingDuff because Stephanie and I wanted

384

01:25:24.762 --> 01:25:32.032

something that would do legal research before it existed out in the marketplace, before there was Westlaw co-counsel or whatever.

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01:25:32.172 --> 01:25:34.512

And...

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01:25:34.942 --> 01:25:42.191

we built it. Like, it was meant just to have two people, right? And so, like, we've ended up sharing it with other people, but, like

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01:25:42.622 --> 01:25:57.592

building this has saved me so much time, and has been so immensely useful for my practice, and there's lots of other things that I've built just because it's so easy to do now, and it's really one of the, the best skills that you can have.

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01:25:59.482 --> 01:26:18.432

Let me pop over to... there we go. Alright. One of the things Professor Chandler mentioned is that you really want to have... you want to be using, both skills and a connector when you're having the AI do any kind of legal research. The connector is extremely important, is the last

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01:26:18.662 --> 01:26:23.952

the last presentation mentioned the AI is based

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01:26:24.042 --> 01:26:36.291

the AI's memory is based on all sorts... like, a mish-mash of all sorts of stuff, and so if it tries to answer your legal question out of its memory, that's when it's gonna hallucinate cases. It will... which is the same thing an attorney would do. If you asked me

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01:26:36.292 --> 01:26:45.152

about, you know, what are the constitutional caps on punitive damages, I can, out of my head, tell you, you know, that there's this important State Farm Supreme Court case

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01:26:45.152 --> 01:26:51.961

if you ask me anything more detailed than that, I'm gonna start... like, my memory will start making things up, right? Like, that's why lawyers look things up.

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01:26:51.962 --> 01:26:54.512

And it's the same thing with... with...

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01:26:54.812 --> 01:26:59.021

Claude, it needs to look things up in order to give you correct answers.

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01:26:59.182 --> 01:27:16.502

And the only thing DingDuff does, it's just a very simple pipe between Claude and the law, right? So it just makes it easy for Claude to... to pull up the cases or the statute text or whatever. And the reason that matters, as opposed to having it...

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01:27:16.662 --> 01:27:21.452

having it just say Google for that is the more...

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01:27:21.562 --> 01:27:36.951

friction there is in retrieving sources, the more diluted Claude's context window becomes, and the worse its performance is. So that... get really good performance. Like, if you haven't used Claude Fable with a connector, it doesn't have to be Ding Duff, the connectors all basically work the same way.

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01:27:36.952 --> 01:27:41.922

If you haven't used it with a connector, though, I don't think you've actually seen what AI is capable of doing, because...

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01:27:41.922 --> 01:27:46.73

things like Westlaw's CoCounsel or Lexis Protege are, in my personal opinion

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01:27:46.882 --> 01:27:56.072

nowhere close to what AI is actually capable of doing right now in 2026. Let's see.

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01:28:00.222 --> 01:28:10.061

And I think one really notable thing, yes, and we're getting there now, is, like, how it's changed so exponentially since we began using this just a year and a half ago, or two years ago. I would say that

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01:28:10.442 --> 01:28:18.012

so, we've known each other for 20 years, we've been friends since undergrad, we were both philosophy majors at the University of Texas, and...

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01:28:18.372 --> 01:28:38.761

I think outside of computer programmers, I think ex-philosophy majors are, like, the next group of people who think a lot about AI and have been worried about it for years, and I think we both lost a lot of sleep over this before other attorneys began to, and that is sort of what gave rise to Ding Duff. But when we first began

playing with this, you know, two years ago

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01:28:38.762 --> 01:28:42.422

or a year and a half ago, whenever it was, so...

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01:28:42.422 --> 01:29:06.912

it became really clear pretty early on that you needed to give these LLMs access to the data. And so that's what we began building, that's what Kyle began building. It was, like, really a database. But it's been really fascinating, because so much of the programming we had to do with it early on was teach it almost how to do this, like, legal reasoning iterative loop, so that it would really grab the cases in a way that an attorney going through, like, Westlaw with headnotes and so forth.

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01:29:07.002 --> 01:29:14.882

And we had to give, like, give more instructions, I guess, in how you do your tool calls, or how the LLM does its tool calls, and it's been just really fascinating to see

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01:29:14.972 --> 01:29:20.672

how, as these LLM models have improved over the last year,

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01:29:20.672 --> 01:29:36.032

you know, a year ago, if I had just put all my pleadings into Claude, or like, yeah, we'll say a year ago, all my pleadings and any motions that anyone else had filed, and I said, okay, let's say someone files a motion, I want to draft a response. The out-of-the-box response it would give me is just...

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01:29:36.362 --> 01:29:55.371

you know, it looks good, it looks pretty, it's like what I think Professor Drake was saying, like, it's a little bit duplicitous in that the writing is great, and, you know, normally, like, our eyes are trained when we see really good writing. We think, well, there's a really big brain behind this, and that person obviously also is a good reasoner, and everything in here is something I can trust. And that's, like, not the case with LLMs.

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01:29:55.372 --> 01:30:02.711

So a year ago, you would get this, like, great output, and then you would go start digging into the cases, and it might, like, overemphasize a case, or underemphasize a case.

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01:30:02.712 --> 01:30:10.162

And, like, basically the legal reasoning wasn't very strong. Now, today, I'll let Kyle take over a little bit here, but, like

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01:30:10.162 --> 01:30:28.582

it's kind of scary, you know? Like, you put in... you could... you can almost, like, have it spit out these, like, responses or motions, like, out of the box, sort of like a single-shot thing, and it's, like, maybe 90% of where, you know, you would be on your own. And then it also gets to be really difficult, because

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01:30:28.582 --> 01:30:38.192

you know, you start, like, as we've been playing with these and experimenting with this stuff over the last year, you start to learn where the line is, and you're like, I have to look all of this up. But then, like, a month later

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01:30:38.192 --> 01:30:52.501

the LLM model might jump so far ahead that you don't even know anymore, like, what the delta is between what you need to look up or what you can trust, because you can just start to trust it more and more. So that's been, like, a really difficult thing, and I think all attorneys are facing this, but Kyle, go ahead, I'll just give it back to you.

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01:30:52.862 --> 01:30:54.362

Yeah, so, like

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01:30:54.582 --> 01:31:04.321

the... the takeaway lesson here that I think is really, really, important to understand with... with DingDuff, it's just this pipe, right? So...

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01:31:04.542 --> 01:31:25.931

it hasn't changed. It's been the same the last couple years, but Claude's ability to use that pipe has dramatically improved. So when we built it, the number one thing I

wanted it to be able to do is what I call brick picking. You're writing a brief, and you're like, man, it would be really nice if I had a quote that said X, and I don't have time to go dig in Westlaw for it, because

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01:31:25.932 --> 01:31:34.911

you know, I have to finish this other section or whatever, right? So I wanted the ability to basically delegate case finding to Claude, and that's, like, all I had really hoped it would be able to do.

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01:31:35.022 --> 01:31:53.712

But then, within about a year, it became, like, capable of actually doing a really good job on just the first pass at legal research. Or, you know, sometimes if you're, like, working on a brief or whatever, you're like, man, I wonder if I could make this argument, like, if there's some kind of support for it, and, you know, maybe... maybe there's some federal regulation I can use or whatever.

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01:31:53.822 --> 01:32:00.901

You would want to go send something off to go look for it, and it became basically reliable enough to return

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01:32:01.112 --> 01:32:04.951

and again, Stephanie and I are both 15-year attorneys, right? So, like

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01:32:05.472 --> 01:32:20.421

this is not... I would not suggest a first-year attorney rely on AI in the way that, like, Stephanie or I do. Like, part of what you get from doing this for 15 years is the ability to eyeball, does this make sense? Is there, like, a gap in logic here?

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01:32:20.692 --> 01:32:21.652

Bye.

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01:32:22.382 --> 01:32:31.712

At this point in October 2026, there are multiple times when I just hand-clawed the whole brief, and we'll go through how I site-check and stuff later, but...

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01:32:32.272 --> 01:32:44.101

it... it has beaten human attorneys, good human attorneys, in, like, big federal court litigations multiple times. Like, I... I won multiple motions last week where Claude just stomped

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01:32:44.352 --> 01:32:58.211

the Claude Fable just stomped the other side's brief, and it was, like, what I filed, maybe I changed a couple words here and there, something like that, or like, you know, deleted, you know, some... some citation or whatever that I didn't think was good.

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01:32:58.462 --> 01:33:07.901

But it was really close to what Claude's just-out-the-gate output was. And so, where we are in October 2026 is...

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01:33:09.052 --> 01:33:12.731

In LLM, at least the very frontier models, like Claude Fable.

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01:33:13.042 --> 01:33:16.152

It can beat human attorneys sometimes. Now.

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01:33:16.482 --> 01:33:30.662

I haven't seen an... I haven't seen Claude actually, like, straight up hallucinate a case in about 6 months, but I saw Claude make a stupid argument yesterday, right? Like, it... it doesn't mean that everything Claude writes is good.

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01:33:30.852 --> 01:33:50.062

I'm gonna come back to that in a second. Like, where motion practice is, is that you... you don't spend less time working, it's just that your work gets shifted onto some of the things, right? So, like, I... I will, if I have... there's a lot of weeks where I have, like, 10... 10 filings due in a week, or something like that, and

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01:33:50.062 --> 01:34:05.061

I'll have Claude take the first pass at everything. Like, I'll let it try its hand, and, you know, half the cases, or half the outputs, a third of the outputs, I'm

like, no, this is stupid. We're not using this, right? But then, you know, a third of the time

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01:34:05.142 --> 01:34:11.971

sometimes even, like, half the time or two-thirds of the time, it just hits it right off the bat. And the ability to...

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01:34:12.372 --> 01:34:21.832

like, the background default state of being a litigator is there is always an infinite number of things that you would like to do, but you don't have the time to actually go and do them.

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01:34:22.142 --> 01:34:24.682

And... Camera's turning off.

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01:34:24.912 --> 01:34:33.531

And so, the ability to basically pawn off some amount of your work onto Claude is just tremendously useful.

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01:34:34.282 --> 01:34:37.082

And I wanna... This is just...

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01:34:37.812 --> 01:34:48.821

Chess Engines came out in, like, 1957, and it took, like, 30 years before chess programs could beat, like, a good... a good human player.

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01:34:48.822 --> 01:35:02.572

And we are basically, like, in the third year since, like, ChatGPT came out, and it is already at the stage where it can beat, like, good human attorneys sometimes. It can't beat them all the time right now, but...

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01:35:02.792 --> 01:35:04.642

2030, like

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01:35:04.792 --> 01:35:14.791

we may be in a world where, honestly, brief writing is no longer that much of a human activity, you just take whatever clock writes, because there are times when its outputs are...

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01:35:14.912 --> 01:35:17.042

you know, I am...

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01:35:17.042 --> 01:35:39.091

I am not, I think, an overly modest person about my... my legal skill, but there's times when Claude writes a better... a better motion than I would have written if I tried doing it by hand, because it just finds stuff. It just will sit there and read 300 cases or whatever, and I would not have had time to do that. I would have had 6 hours to work on that motion response, and that means within those 6 hours, maybe I can, like, look at, you know

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01:35:39.092 --> 01:35:42.711

50, 100 cases or something like that, like, going real fast, but...

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01:35:43.042 --> 01:35:51.041

it... you can just cover so much more ground, you can do so much more. So, I think it's a huge... a huge...

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01:35:51.692 --> 01:36:04.941

a huge deal to be able to do this. It saves so much work. It's a lifesaver, honestly, to be able to have it hit some of the time. Can you hear me, Kyle? Okay, and I think, like, on that note,

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01:36:05.792 --> 01:36:21.552

Okay, so first of all, I feel like we don't want to scare you and say, oh my gosh, AI is going so fast, we're not going to have jobs. I mean, one thing it does seem is that legal work is sort of like an expanding gas, and it will fill up to take the space of... that is there, right? So if anything, we're busier. I've noticed that, like, with

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01:36:21.552 --> 01:36:32.891

discovery responses, for instance, in Texas, like, you know, it's unlimited RFPs, unlimited RFAs. Well, now you'll get 150 RFPs and 150 RFAs. So, I mean, to some degree, it's, like, expanding the amount of work.

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01:36:32.892 --> 01:36:42.932

And so it's just very... you just have to kind of constantly ask, like, where can it be useful, where is it not? And a few things I was gonna say is, yes, it can write these out-of-the-box motions

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01:36:42.932 --> 01:37:07.901

or briefs, or whatever, but you're not going to really know your case really well when you stand up to argue it. So, I do find that when you rely on AI too much, you just don't really know your work as well. And so that is, like, as an attorney, when you really have to be the one to sign off on things, be the one to stand up in front of a court, be the one to go to a client six months later and remember something you looked at 6 months ago, you're not going to remember it if AI ran through your whole file for you. So that's one thing

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01:37:07.902 --> 01:37:10.872

to remember. Another thing is, So...

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01:37:10.962 --> 01:37:15.581

really fast, like, a year ago when we were trying to use it to write things

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01:37:16.002 --> 01:37:24.791

we did have to engage in a very iterative process, and kind of, like, as Kyle called it, like, Lego bricking, and now, again, you can get, like, a bigger, like, a more complete work product.

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01:37:24.792 --> 01:37:40.281

But I still think there is so much value in using AI to go really deep, where you would need, like, hundreds of associates to do that research for you, and not using it to, like, give you an out-of-the-box thing. And we are really running late here, but I want to show you a quick example of how...

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01:37:40.282 --> 01:37:45.941

you can use it. And if I can just go real fast here,

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01:37:46.082 --> 01:37:49.502

so... so someone else is sharing... here, Kyle, will you,

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01:37:49.602 --> 01:37:52.262

I'll replace the current share. Yeah.

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01:37:57.252 --> 01:38:00.242

Okay, so really fast, this is my Claude platform.

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01:38:00.592 --> 01:38:15.222

And Kyle had mentioned earlier, like, how you can now use it to, like he said, if you're just relying on your memory, you know, like, if he knows that there is some precedent out there for, like, the punitive damages and compensatory damages.

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01:38:15.322 --> 01:38:26.511

And if the punitive damages exceed compensatory damages by too much in a certain area, or in a jury verdict, it might be unconstitutional. So, I had... I asked Claude, I was like, what if I have this jury verdict?

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01:38:26.512 --> 01:38:38.391

And this is what I call... I love it for these... I call these line drawing exercises. So it's like, what if I have this jury verdict where the punitive damages award is, like, 6 point... I gave it a random number, it's like \$6.4 million.

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01:38:38.392 --> 01:38:43.972

And then we have a compensatory award. We have \$300,000 in economic damages, \$500K in emotional distress

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01:38:44.052 --> 01:39:01.081

is the Fifth Circuit likely to uphold that... that jury award, assuming it, you know,

came out in a federal district court? And so I asked it to survey, survey the Fifth Circuit opinion, the District Court's been the Fifth Circuit, and then I also asked it to survey the appellate courts and other circuits, just to see how it compares.

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01:39:01.082 --> 01:39:11.061

And then I had it put out an Excel file. I had to put out a memo in an Excel file, and this is obviously using DingDuff to access the sources, but again, we think you could use any connector, that

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01:39:11.062 --> 01:39:24.871

was, like, had everything it needed in it. So here is an example of the Excel file it put out, which I think is just fabulous. Like, Claude did all of this, right? With just access to the cases. So you can see all the cases down here that it surveyed.

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01:39:24.912 --> 01:39:34.391

You have a case survey here, and it literally ran all of this, like, final ratio, jury, like, the ratio that courts upheld. And so in our situation

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01:39:35.742 --> 01:39:40.531

like, this jury... okay, so I said the jury war was \$6.4 million in punitive damages

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01:39:40.532 --> 01:39:57.892

\$500K in non-economic, \$300K in economic, and you can see Claude told me it's severe. Like, it's very likely the Fifth Circuit will overturn this as an unconstitutional punitive damage award. And it's kind of neat, and then you can go through and be like, well, what if the award was \$4 million?

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01:39:57.932 --> 01:39:59.042

Or whatever.

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01:39:59.442 --> 01:40:09.142

Look, now it's elevated, it's only... it's 55% likely that it will hold up, but not for sure. So this is, like, an example of something you can do with AI now that you just

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01:40:09.252 --> 01:40:15.761

would need so many associates for. Okay, I'm gonna, like, give it back. I know we're so late on time here, so...

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01:40:16.252 --> 01:40:20.772

well, and then here's the memo it wrote for me. Wow, okay.

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01:40:20.852 --> 01:40:29.471

Stop share. That is amazing! I wish we had more time to look at some of additional live demonstration, but that was...

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01:40:29.472 --> 01:40:41.312

Thank you, thank you, Stephanie and Kyle, that was really, really good. There's no doubt AI has improved both the efficiency and the quality, of work, provided that the right protocol is in place. So.

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01:40:41.562 --> 01:40:48.441

So with that, I know we've gotten a lot over the substantive, but I wanted to take a step back, because even if we agree that

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01:40:48.442 --> 01:41:05.612

AI could be useful in practice. Making it work across organizations are two very different things, and which brings us directly to our next presenter, Maggie Martin. Maggie is an intellectual property attorney at Boris Sater Say More and Peace here in Houston, whose focus

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01:41:05.612 --> 01:41:23.862

primarily focuses on AI and machine learning, software, fintech, and other data-driven technologies. She's going to challenge us to start, not with all these tools and Quad and, you know, the connectors, but with the work itself. What is the workflow? What problems are we actually trying to solve in our practice?

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01:41:23.862 --> 01:41:34.951

And who needs to be involved in those decision-making processes? And if we have

time, let's go over some of the new roles that are emerging as organizations start to adopt AI. So, Maggie, let me turn it over to you.

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01:41:35.492 --> 01:41:43.571

Thank you so much, Alison. Hi, everybody. I do not have a PowerPoint presentation today, so we are going to do the, you know

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01:41:43.952 --> 01:42:03.502

video podcast edition, if you do not mind. Today, I wanna... I will first introduce... I'm gonna introduce myself. My name is Maggie Martin. I am an associate at Vorys Sater Seymour and Pease. My primary job here is as a patent preparation and prosecution attorney, and

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01:42:03.502 --> 01:42:28.101

fear not, we are not going to discuss a lot of that today. I want to talk more about my secondary role as legal engineer, which is an emerging role across the legal field, and I also want to talk about how my firm has navigated, since the start of 2024 and a bit before, some of the challenges that come with, one, implementing a large-scale AI rollout to a

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01:42:28.102 --> 01:42:37.121

370-plus attorney firm, and how we manage to stay on the cutting edge and light on our feet as this technology develops.

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01:42:37.172 --> 01:42:48.551

So first, as an introductory matter, my firm is a Midwestern firm out of Ohio. We have offices across the country and some international offices across a dozen practice groups.

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01:42:48.592 --> 01:43:07.032

And in early 2024, when I came on board, a big outstanding question we had from a lot of our clients was, as the AI fervor was rolling across LinkedIn and due diligent, in-house counsels were asked... were wondering, they were asking us, where can we see efficiencies?

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01:43:07.032 --> 01:43:17.521

Are we using it? How are we using it? What's happening to our data? And in nicer cases that Stephanie highlighted, we have more work, can you take it? Do you have the bandwidth?

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01:43:17.562 --> 01:43:22.532

And in early 2024, answering this question, there was a chasm.

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01:43:22.662 --> 01:43:27.781

So you have, on one end, these questions, efficiencies, improvements in quality,

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01:43:28.012 --> 01:43:45.141

how can AI... can we use AI to get there? And in 2024, with a big firm with certain privacy restrictions that all big firms have, and with a lot of options, we wanted to build a bridge to the other side of the chasm and wonder and figure out, well, how do we get there? How do we find more efficiencies?

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01:43:45.162 --> 01:43:46.871

And some firms

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01:43:46.872 --> 01:44:07.042

for all good reasons, went the... they go the, big third-party vendor route, and there's, good reasons to do that. You are, engaging with a lot of experts, and experts in AI, and you have... you have their phone number, they can help you do a rollout.

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01:44:07.042 --> 01:44:24.432

Our goal, we took a different approach. Part of the approach was we wanted to stay lighter on our feet. The technology develops so quickly. We knew it was developing quickly, and we wanted to make sure that the tools that we were using stayed up to date with what was available

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01:44:24.442 --> 01:44:29.111

against, of course, our privacy obligations to our clients as a mid-sized firm.

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01:44:29.182 --> 01:44:43.781

And at the same time, we also didn't want to become so overly reliant on the tools and on the big token budgets. It's always an outstanding question if you're using a huge Claude model and people become reliant on it

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01:44:44.292 --> 01:45:06.821

what is the long-term economic impact on that? And of course, we use those where we can, but where it makes sense, let's develop our tools to be economic, effective, and also scalable across the larger attorney group. Now, how we did that is we took a people and workflow, approach to analyzing where we could use these

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01:45:06.892 --> 01:45:13.742

stochastic LLM tools, these statistical tools, and we looked...

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01:45:13.972 --> 01:45:19.711

Top-down, from docketing, from entrustment and engagement, to...

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01:45:19.982 --> 01:45:35.981

final work product, where we were seeing inefficiencies, and where we could really improve quality. My IP group was the guinea pig for some of this early development, and we noticed that some of our inefficiencies were in draft spin.

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01:45:35.982 --> 01:45:46.001

Every attorney understands draftsman if they've been a new associate or a reviewing partner. An associate creates a work product, a memo, a...

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01:45:46.242 --> 01:45:58.192

I don't know what you litigators do. Patent application, you send it to the partner, the partner redlines it, the partner sends it back, the associate fixes it, sends it to the partner. The partner sits on it for 3 weeks,

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01:45:58.272 --> 01:46:12.711

forgets what he's done, sends it back to the associate. It's been 3 weeks, because of the bottleneck. The associate has forgotten what happened, and, you know, we have draft... we have the front-facing drafting tools available to us, but...

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01:46:13.842 --> 01:46:31.111

there might be an easier solution. So, one thing we did was we developed, in conjunction with Stanford Lift Labs, personas for some of these, high-standard attorneys who have, large volume reviewing, like, a large volume of review to do.

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01:46:31.862 --> 01:46:42.922

We have a process by which we are able to get a... I call it a style prompt, there's more to it. Get their inherent and known preferences

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01:46:43.152 --> 01:46:52.992

put that into a Word connector that associates, after they finish their work product, can click on. I'm working for this partner, click on that

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01:46:52.992 --> 01:46:54.551

red line edits,

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01:46:54.552 --> 01:47:19.171

some feedback, and hopefully, by using that tool, our associates were able to get some reduction in that draft spend. We have some quantitative output that shows us we have, in fact, reduced some of that draft spend, and we have been more efficient. And anecdotally, I'm just seeing a lot less back and forth with these partners who do have these higher standards and these huge bottlenecks.

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01:47:19.372 --> 01:47:32.902

So we're really happy with that. Additionally, because we've been able to stay light on our feet with, like, licensing fees and things like long-term contracts, we've been able to engage with third-party vendors we really appreciate and address our specific needs.

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01:47:32.972 --> 01:47:37.822

We also have an in-house set of computer engineers who...

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01:47:37.832 --> 01:47:56.652

like what Stephanie and Kyle are doing, we do have certain connectors that connect

to these huge databases, and we've also been able to replicate that more cheaply with some Agentic architecture directed towards dedicated databases. So, all these things have made us, able to

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01:47:57.012 --> 01:48:16.891

you know, find these efficiencies in our known workflow early, and do an AI rollout that was targeted to the needs of the firm. Now, to that end, I kind of want to talk about my role as legal engineer, which is a new term that we're using.

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01:48:16.912 --> 01:48:32.152

I was more just a, I like to call it just an opinionated associate job. I was reviewing quite a few tools, I was making my own tools, there was tools... there was a lot of tasks that I had automated,

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01:48:32.252 --> 01:48:51.241

and, you know, we all have, luckily, like, a good front-facing access for a zero data transfer chat window that enables us to access a myriad of frontier models, but there's other tools, and there's other things that, attorneys writ large use that I...

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01:48:51.442 --> 01:49:01.751

thought I could contribute to. So, when I started this role as legal engineer, and what that, work has entailed since I started is kind of the role of

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01:49:01.912 --> 01:49:18.211

translator. You know, I have a coding background, my background's in geophysics, and I'm aware enough to be able to participate and keep up it somewhat with the more journeyman computer engineers that we have on staff.

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01:49:18.212 --> 01:49:25.832

But I can also communicate to them where we're seeing issues in our tool rollout. For instance, we have a few,

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01:49:26.152 --> 01:49:44.661

we have a few good chat interfaces that our attorneys have come to rely on that are, I like to call, our big red button chat interfaces. You do this, you get this output. And something I see, and something that the attorneys, you know, see, that

the computer scientists don't necessarily see, because they have a different job, is,

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01:49:45.052 --> 01:49:57.362

as an anecdote, minor premise loss, so if you have a classic IRAC issue, issue rule analysis conclusion, and you're doing your analysis, and you fail to state a minor premise in your syllogism

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01:49:57.612 --> 01:50:06.522

your argument kind of falls apart. And so, we wanted to make sure that that kind of reasoning was there every single time, and was there every single time

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01:50:07.322 --> 01:50:18.872

for a low token budget, available to every attorney, kind of independent on what their skill was, and so that is one issue that, once it's located, we can cure across the tool.

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01:50:18.872 --> 01:50:37.471

Another thing that I've been able to do in this role is kind of also be a relay back to our, engineering team. As Chandler... as Professor Chandler noted, there's a lot of, attorneys and associates now, and you see this in both in Alex and Stephanie and Kyle.

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01:50:37.472 --> 01:50:49.252

That... they're adept at these tools, and they use them every day, and that's a resource to our large firm, and we want to make sure that their ideas are not being lost, their tools and their analyses are not being lost.

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01:50:49.252 --> 01:50:56.782

And they are being perfected, under the... under the guidance of our staff of computer engineers. And so...

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01:50:57.112 --> 01:51:09.401

part of my role, too, is just walking around and asking people what they're doing on their computers, and with their access to the, stochastic tools that they have. And so that's been, also very fruitful. We have...

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01:51:09.612 --> 01:51:11.652

new tools available to...

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01:51:11.652 --> 01:51:34.911

attorneys here that meet our whitelist requirements, that maintain zero data transfer standards, and we know about them because our attorneys developed them, and we were able to... we can, of course, scale them. Specifically, our labor and employment team has done just really interesting work on intake and kind of something that Professor Chandler hinted at, the

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01:51:34.912 --> 01:51:40.002

deposition, review, all these things are things that we're able to...

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01:51:40.062 --> 01:51:52.322

implement and roll out, in line with our data and privacy standards, because we stay light on our feet, and because we make sure that the tools we are tied to

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01:51:52.872 --> 01:52:07.172

can advance with the technology. Now, what this role will turn into in the short and long term is an interesting question. Ai is developing very rapidly, and because,

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01:52:07.862 --> 01:52:23.631

today, being somebody who's savvy at coding, that may change. There may be, at some point, technology that kind of obviates the need for more precise engineering of an application.

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01:52:23.872 --> 01:52:42.261

And at that point, I'm not sure the state of legal engineering, but today, when we have this rapid nation development of the tool, there's a lot of opportunity, especially within these big firms, and certainly within the legal community, as Stephanie and Kyle have done with their public and

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01:52:42.292 --> 01:52:50.672

very excellent tool, for, legal research. There's a lot of opportunity to innovate, in...

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01:52:51.102 --> 01:53:06.472

in the legal field, and I think I see that every day. And I'm just gonna go ahead and wrap up, save some time, but I, thank you for listening to my presentation without the PowerPoint, and hope it was informative. Thanks.

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01:53:08.742 --> 01:53:22.092

Well, thank you, Maggie, for that wonderful presentation. No ding for no presentation at all, actually, no slides. So we've now heard in-depth presentation from the user's perspective.

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01:53:22.092 --> 01:53:32.052

For our remaining time, I'd like to bring all the speakers back on screen, and what I'd like to delve into is maybe what we haven't touched on, which is

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01:53:32.132 --> 01:53:51.021

the use of AI from the client's perspective, and given your role in your organization, I know each of you will have a different insight. How has the use of AI changed their expectation? And then maybe you could talk a little bit about either the use of work product itself, maybe confidentiality, timing, staffing, and maybe what all of us are wondering, right? Pricing.

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01:53:51.732 --> 01:53:55.681

So, with that, maybe I'll kick off with Kyle and Stephanie.

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01:53:55.792 --> 01:54:04.912

Yeah, so... The clients at my firm, we do torts, so they're... we're on percentage fees.

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01:54:05.832 --> 01:54:15.752

I do know, however, that in the context of firms that have hourly fees, there's an expectation, you know, if you go to your client and you're like, it costs

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01:54:15.982 --> 01:54:21.562

the, you know, the attorney machine \$800 an hour to run.

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01:54:21.672 --> 01:54:37.071

And you can do... you can avoid part of that by sticking it off on... onto a good model. Like, there's, I think, an expectation that you go and... and do that. And I've heard from lots of just general counsel who basically say, I expect...

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01:54:37.172 --> 01:54:42.011

I expect outside counsel that we hire to be doing this. And so...

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01:54:42.282 --> 01:54:48.502

I do think there's, like, a big expectation there, and I... and frankly, it's a fair expectation. It...

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01:54:48.982 --> 01:55:00.372

Attorneys cost a lot of money, and when you see at the end of a litigation, somebody has run up, like, you know, \$1.2 million in fees or something like that, like, it's...

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01:55:00.372 --> 01:55:11.302

perfectly reasonable for the client to be like, how much could we have avoided with... with a machine, right? I think that's right, but I would say right now it's varied. I mean, I think we have some clients, they'll...

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01:55:11.332 --> 01:55:34.322

we've had clients bring us... so we're a trial shop, we've had clients bring us an entire trial, like, on their computer, and say, this is how Claude would try this case, and it's like... and it... the problem is... but then you have some clients who... I think... I don't know that any clients have expressed this to us, but I could imagine there are clients of ours who would rather not know that we're using AI, or rather us not use AI, because they want to... they're paying for our... our brains, really.

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01:55:34.322 --> 01:55:41.881

And so I... I think the only clients I've heard from are the ones who are like, this should be cheaper, don't you have AI to review all these documents, you know?

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01:55:41.882 --> 01:55:46.631

I will say this, it is incredibly hard right now, like

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01:55:46.712 --> 01:56:04.972

because as attorneys, we're still trying to figure out the limits of AI, I mean, we're liable for anything we put out there. We want it to be right, and we're also in litigation, like, we're there to win. So, we can't just, like, hope that the AI gets it right, you know? And then, so even if the AI gets you this far, you still want to add on this much to still beat the other side.

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01:56:04.972 --> 01:56:08.002

And I think there's, like, kind of this never-ending

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01:56:08.002 --> 01:56:21.522

Sure, it can save you... it might save you money if you did exactly the amount of work you did 2 years ago, but I think AI is creating so much more work, even within the context of one case. Again, like I said, I responded to 280 discovery requests versus probably

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01:56:21.602 --> 01:56:24.131

80, you know, like, 2 years ago?

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01:56:24.132 --> 01:56:41.922

Or suddenly we, you know, 2 months... 60 days before trial, you suddenly get a motion to amend the pleadings, because someone thought of a new argument they didn't think of 3 years ago, because I'm pretty sure they threw the whole case through Claude. So, I think stuff like that's popping up, and so it's really hard to say. When it comes to client expectation, clients always want lower bills.

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01:56:42.362 --> 01:56:43.951

But, you know...

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01:56:44.192 --> 01:56:59.711

I don't know, it's like, they also want to win the case, and they also want to know

that we've checked the work, and since we don't know that AI outputs 100%, we might have to take almost as long to check it. So... but I do think the work is better. I think the work product's better when you add your brain and the AI together.

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01:56:59.862 --> 01:57:02.601

Yes, much. Alex, what do you think?

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01:57:02.912 --> 01:57:26.811

I think it's a question of matching, how you present yourself to what clients expect. Like, so, you're gonna have clients out there who don't want you to use AI, and just meeting them at their expectation point, I think, is what we need to be doing as attorneys. So, like, for us, if you visit our firm website, there's no question that we... whether we use AI or not. You know we use AI.

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01:57:26.812 --> 01:57:37.272

And, but we get people coming in who are, like, happy about that, right? Like, they will specifically say, we like that you're tech-forward, and that this is what you're doing. And so

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01:57:37.272 --> 01:58:01.881

some of the billing stuff we get around because we're almost entirely fixed fee. But we've started to see clients who are asking us, like, for, you know, they... rather than having a full consultation, they will ask us if we will run stuff through our AI for them, and deliver the AI as non-legal work product. And we're a little iffy about that, just because, like, I'm very protective of my license, but this is the direction that our clients are going, but

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01:58:01.882 --> 01:58:26.032

we work with, you know, high-tech startups, so they're very tech-savvy folks, and they're ready to embrace the technology. But I know from talking with Maggie earlier, she's very much on the fixed fee train with me, which I think is part of what is going to be coming with client expectations and stuff. And then, Alison, I just wanted to touch on the confidentiality portion.

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01:58:26.032 --> 01:58:50.201

I think as attorneys, generally speaking, if you're being cautious with AI, the use of AI is not a violation of your duty of confidentiality to the client. You're not waiving privilege by using AI. Now, there is a distinction between what the ethical

rules require and what your client requires, and some clients are going to require that you don't use AI or you only use self-hosted stuff.

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01:58:50.332 --> 01:59:11.511

But if you're not working with enterprise clients regularly, almost certainly, you are okay with your usage of client information. But you need to warn your clients that their stuff is discoverable, so when they start running stuff through Claude or ChatGPT, they might be losing some of the protections of the attorney-client privilege by doing so.

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01:59:13.502 --> 01:59:28.981

Anything to add, Maggie? Oh, they love to run it through everything. They run everything through ChatGPT. I would just kind of echoing the flat... the mean joke I tell, because any patent practitioner will tell you that they've been on flat fees for longer than I've been alive.

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01:59:28.992 --> 01:59:39.831

So, and I have delivered novels of a patent application on a flat fee before, and that hurt. So flat fees...

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01:59:39.872 --> 01:59:55.681

the joke I tell is, you know, flat fees are coming for your complex litigation. That's probably somewhat inaccurate, but it is good to be aware of. I do think I've gotten more work from it, though. I think clients are using it to find causes of action, to find, in my case, like

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01:59:56.272 --> 02:00:11.631

frankly, a lot of inventors are really happy to be able to write quickly. They hate writing, and now they can write down all their ideas, and they couldn't before. So it... it's a gas that's kind of filled up the space in them that way, and my clients tend to be more technically sophisticated...

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02:00:11.632 --> 02:00:21.642

sophisticated. We haven't gotten a request to not use AI in a long time, but it has changed the nature of our client expectations and what we

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02:00:22.332 --> 02:00:26.092

what we see in our work product, which is interesting.

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02:00:26.222 --> 02:00:45.111

Yeah, well, I feel like I'm being outnumbered here, being the only lawyer that maybe still be charging by the hours, but I think the common theme here is... yeah, I think the common theme here, though, is efficiency, right? The, we do, you know, increasing efficiency, so it'll allow us to do, really, the lawyerly, part of our jobs.

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02:00:45.112 --> 02:00:50.212

And less of the administrative, or what we say we could, kind of, sort of mass produce, in a way.

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02:00:50.212 --> 02:00:56.391

And so, coming into the closing of this session, though, what are some of your parting thoughts into...

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02:00:56.652 --> 02:01:05.732

how this profession might eventually evolve from a private practice or a corporate legal department perspective. If you have a crystal ball, what would that look like?

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02:01:07.232 --> 02:01:19.151

Who wants to take... I think we're... I'll keep it brief. I think we're gonna be... long tail of this when AI is very good. We're gonna have to... we're gonna be better salesmen than we are today. I think we're gonna have to sell ourselves.

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02:01:19.722 --> 02:01:23.592

So... And I think you guys can expand on that for sure.

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02:01:23.912 --> 02:01:31.982

I... In my experience, at least with litigation specifically, there is...

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02:01:32.332 --> 02:01:34.692

always too much work and never enough time.

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02:01:34.872 --> 02:01:51.822

And the introduction of AI just shifts where the work is happening. Like, I work more hours despite Claude being more capable, just because there's so much to do, and it frees me up from one thing, and now I spend more time on another thing.

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02:01:52.002 --> 02:01:53.252

Audio shared by UH Law Alumni Relations: But

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02:01:53.602 --> 02:01:58.362

there has always been a transformation in law from like...

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02:01:58.812 --> 02:02:16.472

you know, when I started practice, we still... sometimes... the first guy I worked with, like, he would send me to the physical library, and I would pull the actual, like, bound volumes of cases off of a shelf, and... and there's actually, like, some benefit that you get conceptually, of, like, practicing that way, but...

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02:02:16.662 --> 02:02:17.562

but, like

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02:02:18.192 --> 02:02:35.502

you know, the emergence of technology eliminated that task. It didn't eliminate how much work lawyers do. Like, we still do a ton of work, even though now you don't have to go to a physical library. And so, I think there will continue to be a ton of work, and I think that the most important feature that a lawyer has

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02:02:35.502 --> 02:02:38.222

is giving a shit about their client.

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02:02:38.222 --> 02:02:48.911

And that can't really be automated, at least not yet, and probably not ever, and so I think that will... I think there will continue to be a rule for attorneys. It just

will work differently.

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02:02:49.662 --> 02:03:03.161

Yeah, I generally agree with everything you all have said. I think the shape of law firms might shift because of the amount of work an individual can take on, and because of the problems that we're running into with

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02:03:03.162 --> 02:03:26.352

how do you train up the next generation of attorneys into this new era? I think we're probably going to see some technician aspect of the practice, but with that aspect, we're going to see such efficiency gains in the tasks that we regularly do, I think you're gonna have smaller, more nimble teams handle more work. So I think that's gonna change some of the structures around

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02:03:26.352 --> 02:03:28.962

in particular, larger organizations.

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02:03:28.962 --> 02:03:35.591

I also think that we're gonna continue to have plenty of work, no matter how efficient we get. One of the big ones is

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02:03:35.592 --> 02:03:56.912

a lot of clients who otherwise wouldn't even think to come to us about an issue early on now have this guidance from their trusted advisor, Mr. Claude, that an attorney is well-warranted, and this is how you go about getting one, and this is what they need to know. And while they might overshare sometimes, like, they're sharing more relevant stuff

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02:03:56.912 --> 02:04:03.752

than they used to, and unprompted by us, which I think is probably a net benefit for the client as well.

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02:04:05.202 --> 02:04:08.891

Yeah, and I most... I agree with everyone here. I mean, I think...

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02:04:08.892 --> 02:04:26.201

the work will keep coming. I do think the role of the lawyer becomes more of, like, client therapist, which it already is to some extent, but, like, more that. And then advocate to the court, you know, orally, or, like, the human interface part of it. Of course, it still means you have to know the stuff to

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02:04:26.202 --> 02:04:29.151

to interface with both of those, like, people.

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02:04:29.152 --> 02:04:35.911

And so if AI is doing everything, you know, I mean, it can do everything, but you have to learn it still. There's that, and then...

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02:04:35.912 --> 02:04:57.922

I think... I think Kyle put it well to me once. He was like, it doesn't... it doesn't shift whether we lawyer, it shifts where we lawyer. So that's one place. And then also, I can see, I mean, I think we're about to move into the judiciary part of this, and I have opinions about how it should be used, the judiciary should be. I... I would prefer it not to be, since I think that's where the law is getting made and changed, and that's where we're supposed to be deciding the

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02:04:57.922 --> 02:05:13.382

as humans, how we want to govern ourselves, and how we... how... what we actually want for ourselves, you know? Like, the lawyer can just put this, like, prepackaged thing in front of the judge, but you hope the judge is like, do I really want to do that, and is that good for society? I understand that the legislative... that's really their... the legislator's role, maybe primarily.

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02:05:13.382 --> 02:05:32.291

But I would prefer there to be less AI in the judiciary than on the lawyer side. And so maybe lawyers become more like policymakers, or we think more about that, you know, like, all of these rules we have, there's a reason behind the rule. We wanted society to be a certain way, we wanted a certain outcome, that's why we wrote the rules this way, that's why we interpret the rules this way, and so...

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02:05:32.292 --> 02:05:38.961

I hope... I think more of the lawyering shift's almost, like, there, and, like, almost

a pity or something. That's my thinking, but... or hope, I don't know.

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02:05:40.172 --> 02:06:02.022

Yeah, well, thank you so much, Kyle. I think you should trademark that, hiring Maggie, and said, lawyers who give a shit. Thank you so much, our panelists, that you've taken us on such a remarkable journey in this discussion and in depth. I'm sure, I agree with all of you, we'll likely see an increase in volume of matters, not just in our own firm, but reaching the courthouse as well. So...

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02:06:02.022 --> 02:06:06.781

Our next panel will be taking up those questions and examining AI in the courthouse door, and

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02:06:06.782 --> 02:06:13.721

inside judicial chambers, but let's give us panelists a warm welcome. Thank you so much, for this discussion.

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02:06:14.152 --> 02:06:15.732

Can I say one more thing?

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02:06:17.112 --> 02:06:33.001

One more thing. Okay, congrats to all of the new Texas Bar passers today. It came out, so, you know, give them... shoot them an email. They're all very excited. Absolutely, thank you so much. So, thank you for

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02:06:33.002 --> 02:06:38.221

Attorney Chen and, the panel for a really

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02:06:38.222 --> 02:06:51.652

interesting discussion about AI in practice. Now we're going to move to AI in judiciary, so it's called AI at the Courthouse Door, the third panel. AI at the Courthouse Door and Inside Chambers.

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02:06:52.092 --> 02:07:09.941

And, the... so the panel... final panel turns on the judiciary and the courts. As AI becomes increasingly integrated into legal practice, courts across the country are confronting important questions about the appropriate use of these technologies and their implications for the administration of justice.

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02:07:09.942 --> 02:07:26.042

We're fortunate to have this discussion moderated by our own Law Center's Professor Hillary Reed. Professor Reed is a valued member of our faculty, whose teaching and scholarship focus on legal writing, advocacy, and development of effective legal communication

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02:07:26.042 --> 02:07:36.841

through her work with students and lawyers, she brings a deep appreciation for how emerging technologies are affecting the practice of law and the institutions they serve.

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02:07:37.242 --> 02:07:48.212

I'm grateful that she's agreed to lead this conversation and help us think through, issues that are certain to confront us and shape the future of our courts and our profession.

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02:07:48.932 --> 02:07:57.571

Please join me in welcoming Professor Reed, who will lead the discussion and introduce her distinguished panelists for the final session. Thank you so much.

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02:07:59.122 --> 02:08:01.101

Thank you so much, Dean Baynes.

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02:08:01.212 --> 02:08:19.781

Over the last two hours, we've heard about AI's impact and the response to it in law schools and in practice. Of course, as we've already started talking about, AI is having an impact in courts as well, and I think we are continuing at a perfect place from where the last panel ended.

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02:08:19.782 --> 02:08:31.611

We're in a world where attorneys are able to create more and more work product with

AI. Pro se individuals representing themselves are able to create and file more and longer filings.

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02:08:31.932 --> 02:08:44.672

So, our concluding conversation today, AI at the Courthouse Door and Inside Chambers, is with the Honorable Xavier Rodriguez of the United States District Court for the Western District of Texas.

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02:08:44.682 --> 02:08:57.761

And Shlomo Klapper, CEO and founder of Learned Hand. I'm excited to hear more from these two leaders who are at the intersection of AI and the judiciary.

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02:08:57.772 --> 02:09:18.171

I am going to introduce both Judge Rodriguez and Mr. Klapper at the same time, and then all three of us are going to have a conversation, and as this conversation progresses, if you have questions, please add them to the Q&A, and I will try to work some of those in and pose them to our panelists as we go along.

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02:09:18.292 --> 02:09:36.211

So now to introduce our panelists. First, Judge Rodriguez has served as a United States District Judge for the Western District of Texas San Antonio Division since August of 2003. Before joining the federal bench, he was a Justice of the Supreme Court of Texas.

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02:09:36.212 --> 02:09:43.432

And he earned his undergraduate degree at Harvard, and then his JD, and a master's in public affairs from the University of Texas.

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02:09:43.452 --> 02:10:05.882

Judge Rodriguez served as a JAG in the U.S. Army Reserves, and he was a partner at Fulbright and Jaworski, now Norton Rose Fulbright, where he was a practicing attorney. And of particular interest to our conversation today, he's a member of the Sedona Conference Judicial Advisory Board, and with a group of co-authors, published a study in February called Artificial Intelligence

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02:10:05.882 --> 02:10:22.481

in federal courts, a random sampling survey of judges. He's a member of the American Law Institute and a frequent speaker on technology in the courtroom, including AI and deepfakes. Thank you so much for being with us here today, Judge Rodriguez.

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02:10:22.702 --> 02:10:27.392

Our other panelist today is Shlomo Klapper.

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02:10:27.392 --> 02:10:46.752

And Mr. Klapper is the founder and CEO of Learned Hand, a generative AI platform specifically for the judiciary. Shlomo received his BA from the University of Pennsylvania and his JD from Yale. He then clerked for the Honorable Steven J. Menashi on the United States Court of Appeals

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02:10:46.752 --> 02:10:53.461

for the Second Circuit. He then practiced at Quinn Emanuel, litigating complex commercial disputes,

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02:10:53.462 --> 02:11:00.272

and he was a deployment strategist at Palantir Technologies as well. Shlomo has

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02:11:00.372 --> 02:11:16.921

spoken frequently on the intersection of AI and the judiciary, and his company, Learned Hand, has continued to expand its footprint into courts around the country. And notably, within the last week, it was announced that Clio, one of the largest technology companies

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02:11:16.922 --> 02:11:38.801

largest legal technology companies was acquiring Learned Hands, so congratulations on that, Shlomo. So, my first question is for Judge Rodriguez. And then, Shlomo, please feel free to add thoughts as you have them as we go along, and I'll be alternating between our panelists here, so...

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02:11:38.802 --> 02:11:49.092

Judge Rodriguez, what's the state of AI use by the judiciary currently? Can you give us an overview of how widespread adoption of AI in chambers is?

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02:11:49.172 --> 02:11:57.512

Where it's being used effectively, and what are some of the challenges and main objections to incorporating AI tools into judges' workflows.

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02:11:59.062 --> 02:12:13.052

So, yeah, four different questions there. To answer the first one, what's the current state? Well, the state of the judiciary is conflicted. It, it, it's, it's, it's,

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02:12:13.282 --> 02:12:30.262

It's been adopted by some of the state courts, and some of them are using Shlomo's platform, and he can talk about that later. Others have been less enthusiastic. We in the federal judiciary have not received a lot of guidance.

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02:12:30.262 --> 02:12:40.112

Supposedly some more is forthcoming. So at this point, individual judges have basically been experimenting on their own.

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02:12:40.212 --> 02:12:46.341

And which led me to sort of be interested in this survey that came up with them.

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02:12:46.522 --> 02:12:57.311

So Dan Medina, with, Northwestern University, and his team and I, did a survey of federal judges across the country,

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02:12:57.792 --> 02:13:04.361

we've surveyed 500, district judges, magistrate judges, bankruptcy judges, and court appeal judges.

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02:13:04.462 --> 02:13:15.212

We got a response rate of about 23% or so, so it was statistically, significant, the response rate. We wish it was higher, but it was still good

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02:13:15.262 --> 02:13:30.202

except for the Court of Appeal judges. So very few responded there, and so, not overwhelmingly, there were so few of them responding, they basically were the most antagonistic being used today.

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02:13:30.482 --> 02:13:48.332

And so what, what did this group of federal judges say, about a, about 40% say they never use it, don't want to use it, could say anymore. And so, that left about 60% of the judges, at varying points

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02:13:48.562 --> 02:14:03.371

people always ask me about, oh, oh, are you surprised that 40% said they don't like it? It's like, well, to me, that wasn't a surprising statistic. The surprising statistic to me was, that, about, you know

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02:14:03.482 --> 02:14:05.812

20%,

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02:14:06.632 --> 02:14:21.371

were using it monthly, 17%, we're using it weekly, 6% using it daily. Those numbers actually surprise me. So there's a significant number of my colleagues, who have been experimenting.

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02:14:21.742 --> 02:14:39.411

And so I was pleasantly surprised by that. Let's compare that to the state. So I did not do this survey. These numbers got reported at Relativity Fest, last week in Chicago. This was done by the National Association of Women Judges.

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02:14:39.412 --> 02:14:55.822

You know, their numbers were remarkably consistent with our numbers. Their almost 50% said they rarely or never use. But the never used was down to 16%, as opposed to what the federal judges were saying.

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02:14:55.932 --> 02:15:06.432

That doesn't come as a surprise to me, because of the workload of the state

judiciary. They are the real workhorses of the judicial workload in the country.

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02:15:06.542 --> 02:15:21.351

And so, it doesn't come to surprise me that they are using AI tools more, just because of, one, the amount of workload that they are carrying, and then, two, what often gets overlooked in this conversation is

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02:15:21.422 --> 02:15:26.562

state judges, by and large, at least at the district court level

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02:15:26.672 --> 02:15:32.712

do not get any support. Most state judges, including in Texas, do not get any law.

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02:15:33.102 --> 02:15:44.472

So it comes as no surprise to me that there's more receptivity, by state judges, in using AI, especially for research. You asked me...

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02:15:44.712 --> 02:15:49.081

well, is it being used effectively? Our, our,

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02:15:49.311 --> 02:16:03.531

survey did not ask that question. We are going to be doing a follow-up survey in a few, months, and so we're going to try to refine some of our questions in there. You know,

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02:16:03.932 --> 02:16:11.052

used effectively, it's really hard to engage, right? Federal judges, we all like...

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02:16:11.262 --> 02:16:29.801

leaving practice, because we didn't want to do timekeeping, so the idea that we're going to do some kind of actual studies as to measuring how much time we're doing on a certain AI task, whether they were an improvement over non-AI use.

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02:16:29.802 --> 02:16:40.432

It's gonna be really difficult because, one, we don't have time for that, and then two, we have no desire to do record keeping, or timekeeping. And so, that's going to be a little more of a challenge.

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02:16:40.692 --> 02:16:54.662

And then the main objections, by and large, I think they go two farther. One is, they're concerned about hallucinations, and they don't want to be using AI tools for fear that

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02:16:54.792 --> 02:17:13.261

certain senators are going to come down on them, for, having hallucinations in their filings. So that's one big fear. The unstated fear that I believe that's out there is their concern about how does this displace traditional independence and decision making

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02:17:13.262 --> 02:17:16.372

and so that's sort of where we're at.

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02:17:20.622 --> 02:17:22.582

Great, thank you.

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02:17:23.182 --> 02:17:40.381

We will... I think you laid some great groundwork there, and there'll be some threads we pick up as we go along the way, for sure. Mr. Klapper, the availability of generative AI has corresponded to an increase in the numbering of filings and the links that judges

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02:17:40.382 --> 02:17:45.331

that courts are dealing with around the country. I think there's a lot of data that shows that.

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02:17:45.382 --> 02:17:59.191

And this is increasing the burden on courts to manage their dockets. So how are you seeing, courts handling the growth? And could you describe your tool, Learned Hand,

a little bit, and explain how it's helping courts

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02:17:59.272 --> 02:18:02.531

better match their capacity to demand.

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02:18:04.632 --> 02:18:06.532

Yeah, with pleasure.

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02:18:06.722 --> 02:18:14.082

So, as Judge Rodriguez mentioned, we work mainly with state courts, because those are the ones who are,

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02:18:14.401 --> 02:18:29.011

tremendously, tremendously under-resourced. And they're... they were under-resourced before generative AI came out, right? And, they... now with AI having finally is increasing double digits year after year.

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02:18:29.412 --> 02:18:35.461

It, it's... the, the, sort of the... This is the cons...

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02:18:35.962 --> 02:18:42.051

the amount of burdens on the courts are going like this, and the amount of staffing is flat.

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02:18:42.292 --> 02:18:50.461

So, they need technology that could help them, not just any technology, not something that's just off the shelf, but something that can really

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02:18:50.872 --> 02:18:53.661

be focused on,

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02:18:53.842 --> 02:19:05.792

giving them the force multiplication that they need. We also see demand increasing in the areas where there's... lawyers aren't represented. I was just speaking with a court today, one of the larger ones in the country.

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02:19:05.952 --> 02:19:10.622

And in debt collection cases, 98% of defendants aren't represented.

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02:19:11.292 --> 02:19:13.811

0.1% of plaintiffs aren't represented.

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02:19:14.222 --> 02:19:16.992

And those are the ones that are increasing

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02:19:17.232 --> 02:19:27.362

evictions, right? Child custody, right? So these are, like, very, very significant cases, and these are increasing, and it's... and the judge...

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02:19:27.462 --> 02:19:29.891

in these cases, is often carrying

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02:19:30.902 --> 02:19:38.512

most of the water to make sure that these... these go through, because the system assumes, dual representation when there isn't.

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02:19:39.362 --> 02:19:52.051

And so, what we've been doing at Learn at Hand is slightly different than what we're going to be doing at Clio, with Clio Bench. Sort of Clio's approach is actually to take a,

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02:19:52.162 --> 02:19:59.611

like, a sort of a wider lensed view towards technology in the courts, right? Because courts have...

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02:19:59.892 --> 02:20:08.732

missed about 3 generations of technological changes, right? They're just patching up to paper records, right? A lot of them have still paper records, and then a lot of them

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02:20:08.942 --> 02:20:16.692

aren't even cloud-based, right? Your average case management system is not the cloud, right? So it's like... there's...

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02:20:17.122 --> 02:20:22.952

an opportunity to leapfrog it, but from everything from, so, about...

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02:20:23.062 --> 02:20:27.001

12-15% of filings are rejected

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02:20:27.162 --> 02:20:30.492

from the front door from lawyers.

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02:20:31.042 --> 02:20:32.631

Right, and this isn't just...

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02:20:33.122 --> 02:20:46.442

they're making bad arguments, right? That comes later. This is just... they forgot to attach certain things, and this takes a tremendous amount of work and court time to scan all these, and as the filings go through, right, so there's an opportunity there. Even the ability to hyperlink to

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02:20:46.722 --> 02:20:56.372

cases, case law, to databases, like, there's, to navigate the records, and then to do at the sort of the higher end,

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02:20:56.822 --> 02:21:08.222

more of the, frankly, the fraught things, like, like, what we are focused on is... is

at Learn Hen, we built an AI law clerk that can do research, analysis, and drafting

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02:21:08.382 --> 02:21:15.961

because, In the hopes, as the prior panels talked about, is that there's not going to be

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02:21:16.232 --> 02:21:29.201

clerks and judges, aren't gonna have less to do, they just will become more efficient, and be able to focus more on the judge work than the judge work, and be able to stay... keep their noses above... above water.

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02:21:29.282 --> 02:21:45.561

But not every court is ready for that, but what Clio is going to be doing is going to be developing a suite of products that courts can pick from based on their level of availability, but many, many of the courts we're working with are the largest courts in the country, and they're the ones who are the judges

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02:21:46.032 --> 02:21:50.032

their caseloads over the last 3 years have doubled. In Texas, actually.

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02:21:50.232 --> 02:22:00.522

I spoke to a judge who had 2,400 cases that she disposed of per year. These are complex civil cases over a third of a million dollars, or felonies for over 5 years

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02:22:00.942 --> 02:22:06.371

the 2400... Cases per year. 220 days, so that's, like, 10 cases a day.

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02:22:06.472 --> 02:22:11.291

Plus, you have a half an hour, it's like 40 minutes a case, including 20 minutes for a hearing.

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02:22:11.802 --> 02:22:19.711

There, like, the... there is no, like, this is just the thing, and her cases are gonna go to 3,000. And she tries to at least skim the briefs.

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02:22:20.292 --> 02:22:22.492

Right? So the, the amount...

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02:22:22.622 --> 02:22:31.262

like, there is, like, zero way that for many courts in the country, like, people are not going to be hearing that they deserve, right? The status quo is unsustainable.

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02:22:31.512 --> 02:22:33.162

And...

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02:22:33.282 --> 02:22:42.841

the trick is going to be, in my view, the question is not, if technology is going to have... happen, it's going to be, can we develop a human-centered.

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02:22:43.202 --> 02:22:52.622

Technology that can not only make things faster, but elevate the judicial process

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02:22:52.852 --> 02:22:55.332

in doing it, and that's... that's...

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02:22:55.502 --> 02:22:58.592

That's personally my mission, and what... I'm...

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02:22:58.792 --> 02:23:00.462

fortunate to work on it every day.

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02:23:02.172 --> 02:23:03.432

Great that

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02:23:03.642 --> 02:23:09.312

tees up perfectly, the next question I have for, Judge Rodriguez.

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02:23:09.402 --> 02:23:17.952

Which is, how should we be thinking about the role of a judge in the decision-making process in the age of AI? I know...

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02:23:18.022 --> 02:23:30.431

as Shlomo was talking about, it really is getting to the heart of, like, the judge's job in what he or she is doing, even with these rising workloads. So.

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02:23:30.832 --> 02:23:45.491

How do you think about, are there decisions that should only be limited to humans, and where do we determine where those lines, should be between permissible and impermissible uses in the judiciary?

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02:23:46.342 --> 02:23:54.891

Yeah, so, at the ends, it becomes, I think, a lot,

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02:23:55.562 --> 02:24:00.131

easier to explain. That's the middle ground that gets kind of mushy.

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02:24:00.292 --> 02:24:03.431

What do I mean by that? So, one end of the spectrum.

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02:24:03.502 --> 02:24:21.291

You know, we're using AI tools to actually make determinations of whether somebody gets mail, or what type of sentence somebody should receive. I do not believe the state of the technology is appropriate for those kind of decision-making

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02:24:21.342 --> 02:24:26.661

functions. Well, one could argue,

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02:24:26.732 --> 02:24:45.171

judges are biased, judges make mistakes, judges get angry right before, you know, and there's been studies indicating that people get sentences while judges are angry, and then there are lighter sentences afterwards. So there is no perfect system.

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02:24:45.222 --> 02:24:50.032

And that's a big problem, I think, with the conversation

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02:24:50.112 --> 02:24:54.651

you know, people expect perfection out of these AI tools.

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02:24:55.002 --> 02:25:05.411

But that said, you know, I still think that the ramifications of sentencing decisions, bail law decisions, are too great for the current state of the technology. That's one end of the spectrum.

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02:25:05.542 --> 02:25:19.011

The other end of the spectrum, you know, people say it's an all or nothing. It's not. So, there could be at the other end of the spectrum, and it's... this is by the...

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02:25:19.492 --> 02:25:26.442

phrasing that some people use is very imprecise. You know, judicial use of technology. They,

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02:25:26.662 --> 02:25:35.391

well, what does that mean? I routinely use AI tools, to draft chronology of the best for me

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02:25:35.392 --> 02:25:47.422

at the beginning stages of the litigation, right before my Rule 16 conference, so I have a better understanding right at the get-go with the litigants about trying to understand the case.

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02:25:47.442 --> 02:25:57.672

Of course I'm using AI. That is a traditional use of AI. But in my mind, that's a high-value, low-risk use.

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02:25:57.722 --> 02:26:07.491

It helps me understand the case better, I can engage with the litigants and have a better understanding

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02:26:07.492 --> 02:26:23.361

at this Rule 16 conference of understanding what is the appropriate discovery we may want to engage in, but I'm not making any decisions with that chronology at that stage of the game. So, that to me is an easy part of the process.

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02:26:23.552 --> 02:26:24.412

Zero.

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02:26:24.672 --> 02:26:29.331

The middle part, and that's generally, the research and the writing.

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02:26:29.802 --> 02:26:38.082

I don't see a problem with, what I think are legally curated AI tools, tools that use,

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02:26:38.612 --> 02:26:47.992

RAG to help augment, or lessen, rather, the chance of hallucination. And so,

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02:26:48.062 --> 02:27:02.062

as long as they're easily verified. Most of these tools will take you to the underlying case quite easy, and you can make sure the case stands for the proposition you believe it's being used for you.

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02:27:02.162 --> 02:27:14.251

Same way with chronology, right? I like for now, I like AI tools that will have a

link to the underlying source document so I can verify, factual accuracy, you know,

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02:27:14.552 --> 02:27:17.171

be that the date of one of the events.

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02:27:17.272 --> 02:27:24.582

Writing. This is, I think, where people get very concerned about the notes. You know,

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02:27:26.282 --> 02:27:28.742

here's my response.

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02:27:28.862 --> 02:27:33.571

Oh, people say the AI toolmate influenced the judge

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02:27:33.682 --> 02:27:45.402

unduly, and, and have the judge look at an automation effect, bias, and believe the immediate response produced by the AIC.

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02:27:46.162 --> 02:27:49.252

I can see that, I understand the argument.

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02:27:49.312 --> 02:28:04.442

I also understand the argument, though, that this happens all the time for us. You know, we have, clerks from time to time who have certain ideas about work instincts that come out. They write a bench memo for us. I mean, that's having the same influence.

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02:28:04.442 --> 02:28:15.361

And so, we as judges always have to keep an open mind about a case, avoid getting overly influenced, by whether it's an AI tool or the law clerk.

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02:28:15.362 --> 02:28:24.831

And sometimes we get influenced by the briefing, right? Someone who's very polished writer, engaging, you get influenced by that, too.

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02:28:24.832 --> 02:28:35.541

Whereas the less polished writer might still have very valid points. So this bias comes in many directions. I personally believe AI

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02:28:35.692 --> 02:28:39.852

is best used after you... when you pass

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02:28:40.572 --> 02:28:54.491

perhaps a draft already in mind, and you use the AI tool to enhance the work. That's it, you know, for matters I have a lot of familiarity with. Like, I have...

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02:28:54.592 --> 02:29:01.601

I used to do a lot of employment law, and I'm board certified, and I still teach employment law. I know employment law.

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02:29:01.712 --> 02:29:14.091

I wouldn't be that antagonistic to having an AI tool draft an order, and then I verify it for accuracy, just because I happen to know that area of the law.

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02:29:18.712 --> 02:29:19.892

I'll stop there.

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02:29:20.122 --> 02:29:22.332

That's very helpful,

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02:29:22.412 --> 02:29:36.091

I think it... it demonstrates something that I heard Professor Drake saying earlier about that, like, where we have the higher competencies, there's more of that ability to supervise the AI and

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02:29:36.092 --> 02:29:45.082

and not be swayed just by the perfect shell that we're seeing here. You know, the very beautiful writing that sometimes may be a little hollow.

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02:29:45.082 --> 02:29:54.422

But moving into, over to you, Mr. Klapper, as we, as we're looking at,

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02:29:54.902 --> 02:30:05.541

we were talking already a little bit about the increases of, filings, pro se filings, the cases that courts are, just more...

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02:30:05.992 --> 02:30:21.582

more cases coming into the courts. As we see this, we're often thinking about it in the terms of efficiency and caseload and, you know, how judges are having to manage more materials. But,

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02:30:21.832 --> 02:30:33.792

what if we shift our conversation a little bit and look more from the perspective of those self-represented people, those who might not be able to afford an attorney, the access to justice

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02:30:33.802 --> 02:30:49.951

angle, are there benefits that AI being used on the courthouse size can offer in giving people more access to justice, rather than just thinking about this through the efficiency lens? Oh, absolutely. I mean, I think this is, like.

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02:30:50.232 --> 02:30:51.401

I mean, for...

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02:30:52.562 --> 02:31:00.282

I mean, I don't know how long the Access to Justice literature goes back, but it's certainly decades, right? Where,

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02:31:00.582 --> 02:31:15.022

I don't think it's quite a century, but perhaps it is, right? Where we were just hoping, it's like, if only there was a cheaply available tool that could give people a sense of their legal obligations, can help them draft, help them navigate the courts.

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02:31:15.222 --> 02:31:19.042

Because the court system, we say liberty and justice for all, but it's not...

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02:31:19.262 --> 02:31:30.801

I mean, it is... I mean, even as a lawyer, it's... it's... you need to be using System 1 really, really well, to navigate what's going through the courts, and you can't make any errors, and I think this is kind of like this...

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02:31:31.222 --> 02:31:35.522

you know, annus mirabilis, right? This is this, like, remarkable

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02:31:36.042 --> 02:31:41.061

Again, tools aren't perfect, but it's... it's... if you would have come to me

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02:31:41.352 --> 02:31:52.562

6 years ago, and said, look... or to any of you, and said, Hilary, or Judge, you know, there's gonna be this tool, you're gonna be able to speak to it, it's gonna be able to build websites, it's gonna be able to do whatever you want, and it can build

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02:31:52.712 --> 02:31:58.682

litigation. It would have been... it would have been insane, right? You can create podcasts about these things.

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02:31:59.182 --> 02:32:02.672

But the fact that it's... now we've sort of acclimated to it, so I think...

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02:32:02.842 --> 02:32:09.652

you know, for folks who don't have a lawyer, it's, and there have been people who fought back about...

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02:32:10.232 --> 02:32:22.192

Audio shared by UH Law Alumni Relations: There's no lawyer on the, like, who will accept a 40K case, and the ones you get will not be good. Like, Astra or Claude Fable is much better than any... first, I think, most lawyers out of the box.

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02:32:22.552 --> 02:32:27.432

I mean, it's better than me, especially the system that I have. It's way faster.

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02:32:27.852 --> 02:32:30.052

I was a decent litigator.

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02:32:30.322 --> 02:32:38.172

And it's, it's certainly better than me. So I'm not saying this is throwing shade on anybody else. And

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02:32:38.412 --> 02:32:39.602

And I think...

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02:32:39.732 --> 02:32:47.791

to be able to give self-represented litigants, again, who are completely outgunned, it levels the playing field, and my hope is that it moves

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02:32:48.482 --> 02:32:54.032

adjudication, less about the merits to

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02:32:54.852 --> 02:33:02.122

sort of more about the merits and less about polish, right? Because now a polish just means everyone can have the polish, everyone can write a 40-page brief.

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02:33:02.252 --> 02:33:06.741

Now, again, some of the... there's still the hallucinations problem that's gonna be solved.

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02:33:07.012 --> 02:33:09.691

But I think this is, like, it's deeply...

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02:33:10.352 --> 02:33:16.672

you know, it's disconcerting in a way that I haven't even wrapped myself,

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02:33:17.102 --> 02:33:31.532

myself around, so I think for access to justice, this is a complete godsend. And we need to make sure that the courts can have access not just to a filing, because that you have access to justice, right? To judgment, and the courts need to be able to expand to

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02:33:32.372 --> 02:33:35.991

to handle all the demand as well, and then that's...

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02:33:36.462 --> 02:33:40.282

that's gonna continue to happen, right, and fits and starts unevenly

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02:33:40.432 --> 02:33:42.852

over the next 10 years.

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02:33:43.052 --> 02:33:51.682

And potentially some of this will be sort of diverted towards alternative dispute resolution. Maybe that will take some of the brunt.

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02:33:51.912 --> 02:34:11.032

But, and my hope is that courts will transform and become... and be able to be, sort of, centaur courts. But that, in my view, is sort of the big next question, is that there's a tremendous amount of innovation happening at the top of the market, but frankly, these foundation models are just getting so good, so quickly, that

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02:34:11.252 --> 02:34:14.962

it's in essence legal AGI, and...

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02:34:15.312 --> 02:34:20.221

to be able to make it safe and secure and accurate, there's a whole other...

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02:34:20.442 --> 02:34:24.292

I have a lot of engineers doing... doing that work. I know how difficult that is. It's not...

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02:34:25.272 --> 02:34:30.321

It's a ma- that... getting it is a matter of... of, again, it's a when, not a if.

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02:34:30.552 --> 02:34:35.551

And... The great opportunity is if we can enable people who

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02:34:36.022 --> 02:34:52.661

who have... and I will say this is not only going to be positive, there's going to be new forms of bar training, right? People are going to be able to go after people for smaller, there's going to be more disputes, but the more they... it's going to be turbulent. I think that's the word Rodriguez used at the beginning. It's going to be fits and starts. But I think, fundamentally, is,

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02:34:52.932 --> 02:34:55.092

from an access adjusted angle

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02:34:55.522 --> 02:35:11.451

I'm actually disappointed that a lot of access to justice supporters are, like, not fully on this board, because some people are, right? My new colleague, my new boss, actually, Bridget McCormack, has, like, been beating this drum for years. And, and... and I...

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02:35:12.072 --> 02:35:26.371

But I think that... and I think she's completely right, and I think that it's, it's gonna... it's a remarkable, remarkable time, and my hope is in 10 years, we look back on this, hopefully we meet again in 10 years, where Judge Rodriguez might or might not be on the bench, or he might be happily retired

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02:35:26.632 --> 02:35:29.311

from his many years of service.

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02:35:29.482 --> 02:35:36.691

And, and we look back and we say, we live in a world where judges are more satisfied.

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02:35:37.342 --> 02:35:42.841

Where litigants get decisions very, very quickly that are thought out and fair, and they feel... feel heard.

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02:35:43.112 --> 02:35:44.811

It's not just...

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02:35:45.792 --> 02:35:50.061

this is not just... like, Tom Tyler talks about, like, procedural justice, not about getting

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02:35:50.282 --> 02:35:53.341

you know, right answer. It's about the people's faith in the courts.

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02:35:53.982 --> 02:36:00.752

And AI has an explosive potential there in a negative way, but I think it'll also help as well. AI is able to help

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02:36:01.812 --> 02:36:03.102

Get kids out of...

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02:36:03.922 --> 02:36:12.182

cults faster. It's rated higher in bedside manner, meaning it could do wonders for diffusing disputes, right? If you had

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02:36:12.542 --> 02:36:14.661

avatars that are able to, like, help

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02:36:14.782 --> 02:36:21.462

spouses reconcile a little bit better, right? And a lot of the peacekeeping role of the judge and the mediation function

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02:36:21.812 --> 02:36:27.691

these tools might be able to help tremendously, so my hope is we might ultimately have a more...

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02:36:27.712 --> 02:36:30.362

a just, equitable, peaceful society.

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02:36:30.372 --> 02:36:40.341

That might not happen, it might be this sort of dystopian thing where everyone's a war of all against all. Like, Rob Ford talked about nano law with daughter, it's like, you get sued over 12 cents, because the cost of litigation is zero.

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02:36:40.342 --> 02:36:50.392

Right? And then you have everyone just doing a horrible thing again, so that's a Hobbesian world. So, in my mind, I see it's kind of this two futures, and I'm trying to steer

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02:36:50.392 --> 02:36:56.472

as much as I can in my little lane towards one of them. But, it's gonna be interesting.

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02:36:57.362 --> 02:37:12.842

Hilary, I want to chime in on this one. So, you know, I went to Duke and got an LLM recently a few years back, and in my class, we had a really substantive discussion on this issue, and half my colleagues in the class,

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02:37:13.112 --> 02:37:26.702

who are adamantly against any kind of persistent automated function to helping self-represent ladies. They believe that every person deserved a real lawyer.

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02:37:26.832 --> 02:37:46.731

And, you know, my problem with my classmates on that position is that's just physically impossible. The amount of unmet legal problems that Americans face, we as lawyers will never be able to meet that unmet need, and so we're going to need automation.

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02:37:46.852 --> 02:37:50.811

And the second point I want to make about all this is, you know

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02:37:51.542 --> 02:37:58.232

wWe tend to focus sometimes all the discussion on big cases. There's just a large amount of

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02:37:58.392 --> 02:38:01.222

about housing issues,

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02:38:01.542 --> 02:38:13.151

foreclosure issues, debt collection matter, some... and so many people, at least in the state courts especially, I mean, they never even get their day in court because the default that

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02:38:13.152 --> 02:38:27.781

they couldn't get a lawyer, they couldn't attend a hearing, they couldn't get work, time away from work. This is where automation can help us on this. AI could be a part of this, but just, automation generally, and

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02:38:27.982 --> 02:38:35.392

and there's so much pushback to that, and I'm a Shlomo, I don't understand, you know, the pushback on all that.

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02:38:35.392 --> 02:38:48.772

We could actually get people a chance to be heard. And so, but you know, I will say this, we are seeing an increase, in, in self-representation even in the federal courts.

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02:38:48.862 --> 02:38:58.581

They're definitely using AI, and one just this morning, he's suing his insurance company, for failure to

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02:38:58.672 --> 02:39:12.801

defend him in an officer-director D&O case, where he thought he had D&O coverage, and he's now being sued in two separate cases, and they've denied the duty to defend.

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02:39:12.952 --> 02:39:17.242

That's the kind of sophisticated amount. He is self-represented.

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02:39:17.242 --> 02:39:33.921

And I asked him about this. I saw the quality of the material, and I asked him, he created his own database. He started using not only Westlaw and AI tools, but he was just all on board. Now, granted, this guy obviously is well-educated.

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02:39:33.922 --> 02:39:39.682

And technology savvy. So he's not your usual self represented litigant.

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02:39:39.722 --> 02:39:42.841

But these tools can level the playing field.

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02:39:45.982 --> 02:39:54.392

Yeah, no, that's... Really exciting, and then at the same time, there is that...

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02:39:54.792 --> 02:40:07.762

I don't know, I'm perusing the questions, and I'll get to a few of them in a few minutes, but there's rightfully some nerves, some skepticism, and that actually brings me to one more of my questions.

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02:40:07.852 --> 02:40:17.202

Which, we were talking before this event today about the analogy to self-driving cars, and so this is for you, Judge Rodriguez. So.

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02:40:17.262 --> 02:40:37.702

with self-driving cars, when we see a fatality there, there's, you know, often an outcry, it makes the news, even just for a single car accident, which obviously is tragic, but we know that there are thousands of individuals who die every year in car accidents that are human-caused, and

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02:40:37.732 --> 02:40:44.791

So... It seems reasonable, I think, to expect that there are tech solutions

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02:40:44.822 --> 02:41:03.282

be better than human efforts, but maybe only, like, how much better do they need to be? And really, are you seeing unrealistic expectations of perfection? Are we expecting self-driving cars not just to be better than human drivers, but perfect drivers?

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02:41:03.442 --> 02:41:08.671

Are we expecting legal solutions with AI in courthouses to be perfect?

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02:41:08.852 --> 02:41:10.611

And what do we do about that? Nope.

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02:41:11.242 --> 02:41:26.271

We're seeing a repetition of what we saw in eDiscovery. So, for those of us who used to do the paper world, right, and we gave each other boxes of documents in Discovery, we had to go through them, then we started going through some eDiscovery tools.

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02:41:26.272 --> 02:41:31.931

And studies conclusively showed that the early,

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02:41:32.162 --> 02:41:48.592

eDiscovery vendor tools did a better job of identifying responsive documents than the humans. Everybody thought that a human looking at a piece of paper and figuring out whether it was responsive or not responsive was the gold standard.

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02:41:48.592 --> 02:41:52.872

And it's been conclusively established, no, it wasn't the gold standard.

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02:41:52.872 --> 02:42:07.952

And the technology did a better job. It makes sense, right? The technology doesn't get tired, the technology doesn't get hungry, the technology didn't have drinks the night before, they all went to the client's boxes for production.

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02:42:07.992 --> 02:42:17.791

And so, we're seeing a repetition of this, and and right now, we're all focused on

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02:42:18.532 --> 02:42:35.791

there is a database in France where the gentleman is keeping track of all the hallucinated cases. We're a little over, I think, 2,000 right now. And I think many of my colleagues in the judiciary have taken that number and go, oh my god, this is all untrustworthy.

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02:42:35.952 --> 02:42:37.882

And I've always said

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02:42:38.742 --> 02:42:54.682

2,000 compared to what? You know, we think that there's been 2,000 cases with hallucinated sites in men, but how many cases exist where lawyers have correctly used the tool or verified the results?

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02:42:54.682 --> 02:43:01.801

We don't know that number. My, my friend and colleague, Magistrate Judge Allison Goddard,

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02:43:02.592 --> 02:43:08.041

more wittedly put this as, this is a numerator without a denominator.

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02:43:08.542 --> 02:43:13.681

And, and so, we are, I think

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02:43:13.852 --> 02:43:28.321

unrealistically expecting perfection out of these tools, and when we see this number like 2,000, we all start freaking out. And I posit this. If we want to do a true comparison, let's take

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02:43:28.632 --> 02:43:31.352

briefs filed in the 1990s.

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02:43:31.522 --> 02:43:42.641

And let's determine how many times, let's determine how many times the brief contained a case that did not stand for the proposition of the sum.

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02:43:43.062 --> 02:43:56.591

Let's look at those briefs and see how many times the ellipses contained a fabricated quote that was not in the case, or more

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02:43:56.592 --> 02:44:10.762

commonly, dot dot dot, and the lawyer omitted all the unfavorable references in the case. You know, the lawyer... my running joke in all this is the lawyers have been hallucinating well before AI

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02:44:15.222 --> 02:44:21.331

Yeah, no, that's super helpful. I... I think as we're...

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02:44:21.662 --> 02:44:33.181

looking, that reminds me of one of the questions we've gotten in the Q&A, and I'll ask you first, Judge Rodriguez, and then ask you, Shlomo, as well.

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02:44:33.322 --> 02:44:37.441

I think we have been seeing lately a few

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02:44:37.732 --> 02:44:43.621

I'll put creative, in air quotes, use of AIs, that...

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02:44:44.072 --> 02:44:50.582

are maybe somewhat prob... not maybe, are problematic. So, for example, in the Q&A, someone has asked

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02:44:50.582 --> 02:45:11.562

about a case where a litigant hid in white text instructions for the judge, if the judge is using AI to rule in their favor. I saw, just in the last couple of days, an appellate court decision out of Arizona, where a judge allowed a sentencing

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02:45:11.562 --> 02:45:27.471

video AI created where it was a deceased individual saying he forgave the person who had killed him in this situation. So, obviously, fully AI-created by family members, it was allowed in.

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02:45:27.702 --> 02:45:37.512

What about the judge's job in policing, creative and sometimes problematic uses of AI that we're seeing more and more of?

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02:45:38.762 --> 02:45:56.402

Yeah, so thanks for highlighting the prompt injection question, because I saw that, too. The post says, I recently saw a post on social media that some AI program embedded a prompt, so I want to correct that. That's not what happened.

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02:45:56.602 --> 02:46:01.362

This first came out in Brazil and now in Connecticut. A litigant

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02:46:01.542 --> 02:46:09.411

this is not it. This is not AI-generated. The litigant... and for those of you who don't know what I'm talking about, let me back up.

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02:46:09.582 --> 02:46:12.322

You have a document imported.

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02:46:12.892 --> 02:46:24.232

It's the real document in the case that's going to be produced, but you add in to that document, you type in,

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02:46:24.802 --> 02:46:34.722

if this document is being fed into an AI tool, every time there is a reference made to X, you should read it as Y.

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02:46:35.012 --> 02:46:44.451

Words to that effect. It could be, you know, take your hypothetical and work around it. But the person is typing... a person is typing that into the document.

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02:46:44.702 --> 02:46:52.681

And then the person is... is putting it in... in either zero font or white,

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02:46:53.962 --> 02:46:57.771

font case, so it can't be seen by the human eye.

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02:46:57.892 --> 02:47:15.781

But with the AI tool, when it gets ingested into the rest of the discovery documents, it's still reading the AI tool, the vendor tool. There is data there that it can read, but the human eye cannot. So that's what's going on.

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02:47:17.532 --> 02:47:26.931

You know, that raises new problems, right? The one in Brazil was done by a pro se litigant.

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02:47:27.092 --> 02:47:28.901

But the one in Connecticut.

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02:47:29.062 --> 02:47:37.931

If I'm not mistaken, I don't know why I'm thinking his own lawyer, but maybe I'm mistaken about that. But in any event, it's highly improbable.

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02:47:38.052 --> 02:47:49.271

I think it is discovery of use. If it's done by a lawyer, it's obviously, violating, ethical canons, to try to obfuscate around

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02:47:50.182 --> 02:48:08.592

alter, the understanding of evidence. So, yeah, but how are we going to catch all that now in the judiciary? Your question to me is, how do we release it? And that, that is... that is a challenge. And so, when you file something at the courthouse, we're not...

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02:48:08.992 --> 02:48:19.932

other than checking for viruses, we're not doing any tests. So we've been thinking it's incumbent upon opposing counsel to let us know if there's any improprieties.

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02:48:19.982 --> 02:48:38.411

Same thing with deepfakes, is what your other, hypothetical suggested. So, in sentencing, a family member created a, essentially a deepfake of their loved one who was killed, by the defendant.

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02:48:38.552 --> 02:48:41.922

And there, it's not the,

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02:48:42.072 --> 02:48:54.212

the deceased talking, of course. It's the loved one typing into a deepfake program what they want, the avatar now to say. And

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02:48:54.622 --> 02:49:02.342

when that first came out, I thought it was highly irregular. I would have never allowed it. Some of my

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02:49:02.562 --> 02:49:12.742

colleagues who really bought into all this thought, oh, well, it's just to the judge, so no harm, no foul. It didn't get in front of the jury. I don't know about that, you know

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02:49:12.992 --> 02:49:27.172

the judge, obviously, was impressed by the quality of that deal bake, and made note of it during the sentencing. He just got reversed, by the way, last week. And so, yeah, I saw that the,

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02:49:27.282 --> 02:49:33.951

Court of Appeals remanded back down to a new sentencing, because they also thought it was inappropriate.

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02:49:34.062 --> 02:49:40.141

Yeah, policing is gonna become a challenge now, especially with deep fakes.

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02:49:40.222 --> 02:49:52.181

There's no deepfake detection, either for documents or audio or video that is 100% or anywhere near accurate right now.

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02:49:52.182 --> 02:50:02.111

Hopefully technology will get us there. Hopefully, watermarks might help. It's not going to completely cure it. But, yeah, that is a change.

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02:50:02.872 --> 02:50:05.431

Shlomo would improve my, my answer.

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02:50:06.702 --> 02:50:12.532

I feel like that's a prompt that's hard to do, to... Dial it.

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02:50:18.642 --> 02:50:20.392

I feel, I...

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02:50:22.572 --> 02:50:30.782

I'm happy to answer a different question, but I can't improve upon an answer that's already great.

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02:50:31.482 --> 02:50:49.191

So, one of... my next question for you, Shlomo, was going to be what AI tools and capabilities are most popular for courts, and which courts are most receptive. I know we've been talking about state courts, workloads, but maybe, building off of what Judge Rodriguez was just talking about.

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02:50:49.262 --> 02:50:52.592

Are there tools specifically...

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02:50:52.702 --> 02:51:05.661

being used by these courts that are popular, that are combating, maybe... you know, there's the increase issue with AI, just like the workload amount, but then also these things we've just been talking about

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02:51:05.662 --> 02:51:16.491

the more, like, questionable, some of them cutting edge, like these deepfakes, some of them, like, nefarious, like, hidden prompts. What are you seeing on the

technology side?

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02:51:17.272 --> 02:51:20.942

Yeah, so the question's about how do you fight fire with fire, is that right?

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02:51:21.162 --> 02:51:24.382

Yeah, basically, I guess, yeah. Yeah, so,

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02:51:24.942 --> 02:51:30.012

in my view, there's, like, different levels of, like, mistakes, right? People talk about hallucinations, I think.

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02:51:31.612 --> 02:51:43.032

I was just speaking with a judge yesterday who said, like, initially, she was like, I used to have this sanctions hearing, and you have to tell your client, and now she's just like, stop wasting my time with, you know, with hallucinations. It's just kind of the thing that's...

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02:51:43.642 --> 02:51:50.862

sloppy lawyering at this point, so it's not... it's not a, you know, being disbarred. I do think,

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02:51:51.462 --> 02:51:53.882

prompt injections are very, very serious,

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02:51:55.332 --> 02:52:09.701

extremely serious, thing. It's trying to manipulate the court. Same thing with deep fake evidence. Like, somebody was jailed for that. for... for... because it's lying, right? It's a different thing, right? In law, we have different...

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02:52:10.162 --> 02:52:19.072

ideas of mens rea, right? There's negligence, or gross negligence, or, or willful disregard, or intentions.

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02:52:19.122 --> 02:52:31.891

And and I think the same thing is true of AI and submissions to the courts. We have a project called Project Blacklight, which finds prompt injections. I don't know what Westlaw Alexis use.

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02:52:31.902 --> 02:52:39.431

But that's something that we do, and we're gonna turn on that we can let people know when things are... prompts are being injected.

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02:52:39.682 --> 02:52:44.301

And then, in terms of deepfake detection, I think Judge Rodriguez is correct that, like, the...

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02:52:44.712 --> 02:52:51.241

I haven't yet found something that's good at detecting it. That will change, though, as these foundation model companies have to watermark.

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02:52:51.512 --> 02:52:55.732

Their thing, so it won't be perfect, but at least you can get the... the watermark

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02:52:55.842 --> 02:52:58.732

Here, theoretically, one could. Course could, we could.

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02:52:58.942 --> 02:53:05.231

Any vendor... and... and sort of scan it throughout, and sort of flag if something is defect or watermarked.

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02:53:05.412 --> 02:53:08.892

by one of these, AI generators, because otherwise

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02:53:09.112 --> 02:53:12.912

you have, like, special masters, and you have, you know, he said, she said, like.

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02:53:13.122 --> 02:53:23.262

debates about, is something real, is something not real? But, but I think courts are very, very well equipped to handle disputes and the veracity of evidence. They've been doing it for hundreds, if not thousands of years.

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02:53:23.452 --> 02:53:26.292

In terms of what you know

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02:53:26.802 --> 02:53:38.941

what's popular among judges, there's a range. There are some judges who are sort of very AI. They want to have AI draft opinions and have it and speak to it, and AI judging is very lonely, often, especially for judges who don't have clerks.

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02:53:39.032 --> 02:53:47.621

to have something to speak to, and to really sharpen your thinking, right? They have drafts come out both ways, and then they use... construct one from the other.

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02:53:48.412 --> 02:54:06.362

most judges are coming somewhere in the middle where they're kind of nervous, they don't want to... I mean, they... most judges just don't want to look stupid, so they don't want to, like, have something... they don't want to have any hallucinations. That's, like, the biggest fear of judges looking stupid. And then there's some who are sort of vehemently opposed. But I think my joke, when I speak to judges is that I'm a Groucho Marxist.

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02:54:06.702 --> 02:54:11.512

So, he said, Here are my values. If you don't like them, I've got others.

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02:54:11.612 --> 02:54:12.941

So I say, here's my tech.

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02:54:13.252 --> 02:54:18.131

If you don't like them, I've got others, right? So I'm really into how do you make

draft, how do you

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02:54:18.272 --> 02:54:19.441

bend the curve.

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02:54:19.572 --> 02:54:22.982

A lot of... that's not where a lot of people are, so we have tools about...

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02:54:23.412 --> 02:54:34.231

and what we're going to be accelerating at ClioBench is things that detect hallucinations, right? AI for judges who hate AI. Something that will detect a hallucination if something comes in.

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02:54:34.232 --> 02:54:51.031

Something that we'll... once we'll get our hands on the watermarks and deep fakes, right? And that will be the first tool to do that. We'll make sure that cases... judges, like, courts don't spend their time rejecting filings, right? Things that... hyperlinking to the record and to the case law, all these different things that...

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02:54:51.162 --> 02:54:54.602

nearly every single thing I said there was not AI.

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02:54:55.132 --> 02:55:06.531

Right? And we use AI to build it, but it's not AI tools, but there's just a tremendous amount of software that can be built for judges and that can help in courts and make their lives a lot easier. Dashboards to figure out, like, what's your...

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02:55:06.902 --> 02:55:22.091

what's your inventory? Of course, right? Like, people don't know, they're... they wait for the annual report that's 14 months after the end of the fiscal year, which told them last year is over... like, there's just so much to be done, to make sure that the, sort of, the courts, which are

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02:55:22.272 --> 02:55:32.321

fundamental institution for the legal profession and for all of society are able to not just, you know, keep their noses above water, at a minimum, but also to really thrive.

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02:55:32.522 --> 02:55:38.301

And, fulfill their function to get everybody a fair, decision quickly.

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02:55:40.732 --> 02:55:55.522

So I see a, question for... from Professor Chandler that is, should courts offer litigants a free hallucination checker to at least detect imaginary cases? What do you think?

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02:55:55.652 --> 02:55:57.331

Yeah, I think, I mean...

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02:55:57.902 --> 02:56:05.082

And I've got one, meaning, like, you know, it's basically, like, you can, at the point of filing, you can say, are you sure

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02:56:05.272 --> 02:56:18.552

you want to file this case, it's known to have a hallucination. Nobody wants to file a hallucination. The lawyer doesn't as an oversight. Like, just say, like, flag it. If you're, if you're, you know, the statute of limitations ends, and, you know, everything's due tomorrow.

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02:56:18.752 --> 02:56:31.172

You have 15 days, then tomorrow, and it's 12, 50... 59, 59, you need to submit it, you can go ahead. But it's... it's... it's... you get your EFM, right, to sort of flag cases coming and say, well

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02:56:31.282 --> 02:56:44.251

you know, this case doesn't exist, are you sure you want to go ahead? And they say, no, maybe not. Or they go ahead, and it's just a flag, and I think that would be tremendously valuable and help reduce, and have Mr. Charlatan

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02:56:44.502 --> 02:56:54.511

very unfortunately named Mr. Charlatan, find a different hobby. but even for that simple tool, it's gonna get 5 years before all the courts start using it, but...

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02:56:54.972 --> 02:57:01.822

that's something that can totally... I mean, this is sort of the alternative, everyone's like, you should just check your sites now. Everybody knows that, but, like

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02:57:02.252 --> 02:57:11.602

the honest truth in litigation is that, like, once you're at a certain level, you don't read every case, you rely on the people who are actually doing the drafting to do things. So it's like...

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02:57:13.012 --> 02:57:18.512

there's a little bit of, like, sanctimoniousness, which I just find... Funny.

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02:57:18.782 --> 02:57:26.362

And divorced from reality. But I... but yeah, Professor Chandler, the answer is absolutely yes, and I would be thrilled to connect them with

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02:57:27.302 --> 02:57:36.681

with us, to help, to help, to help get them, to help... this tool exists, and is, is, is, is, is commercially available.

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02:57:38.212 --> 02:57:57.931

Let's hope that Congress gives us additional funding so we can pay for the royalties. I think... I think, honestly, Judge Rodriguez, if we're able to get access to PACER, then we don't need any more funding. We could just say, okay, we'll give you access to PACER, and then in exchange for that, it will detect all the hallucinations you want, and some more.

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02:57:58.002 --> 02:58:04.661

So, I think there's a deal to be made if the AO is willing to play ball, but

honestly, like, one of the nice things about SafeCourse is that

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02:58:05.192 --> 02:58:06.751

you know, they're distributed.

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02:58:07.132 --> 02:58:08.922

So I can go county by county.

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02:58:09.102 --> 02:58:16.201

And the larger a court system is, it's, like, the unified core systems have been very, very slow to move. Like, New York is very, very slow to move, because you have to

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02:58:16.222 --> 02:58:34.252

and the federal court system's also sort of this both distributed and unified... it's unified in policy, so the AO makes policy when I'm buying decisions, so it's kind of the worst of both worlds, right? You have the... even separate from innate conservatism, and they have different sets of problems, right? Like, just the procurement

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02:58:35.242 --> 02:58:41.491

functions, right? Is, like, So, I think that the federal courts, unfortunately,

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02:58:42.192 --> 02:59:01.511

you know, I mean, maybe, maybe, maybe, maybe I'll be wrong, and there will be some sort of forward-thinking judges who get into a sufficient place of influence, but but I think in many cases, the states are the laboratories of democracy, they're the laboratories of the judiciary, and it's kind of the system working as intended, and over the next few years, this will sort of percolate upwards.

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02:59:03.842 --> 02:59:09.691

Sorry, not off words. The state court judges would hate that. They say sideways, sideways, they're parallel court systems.

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02:59:10.922 --> 02:59:29.722

Audio shared by UH Law Alumni Relations: Good catch. So for our last couple of minutes here, we've mainly been talking about judges using AI, and I wanted to ask, you, Judge Rodriguez, a courthouse with its many employees beyond judges, how are...

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02:59:29.762 --> 02:59:37.741

How are judges thinking about clerks, staff, interns, and their use of AI and supervision of that?

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02:59:38.882 --> 02:59:58.752

So I don't think we are, and we should be, though. You know, I think we're going to be needing to move to a world where the judges and judiciary need, sort of, two different AI tools. One that will do legal research and a system of writing, traditional chambers work.

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02:59:58.902 --> 03:00:04.201

But then there's a whole bunch of other tasks. So, you know, those translation.

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03:00:04.242 --> 03:00:23.881

There is court reporting tasks, there is intake. There's just any number of other, possibilities where, the clerk's office can improve efficiency, and get their filings done, more, more quickly. And, and so...

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03:00:23.912 --> 03:00:27.022

We've been very slow to start looking at

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03:00:27.092 --> 03:00:47.042

at those kind of tasks. I give kudos to Los Angeles. The County of Los Angeles is really cutting edge on a lot of this stuff. I think they're tremendous stuff. I'm working with Northwestern to try to see if we can get, some students to do some platforms for us.

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03:00:47.092 --> 03:01:05.251

And, and University of Houston has got the same kind of, kind of, collaborative, use cases, and so I was pleased to see that at the beginning of the program. We need to be working much more on stuff like this, and, because...

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03:01:05.662 --> 03:01:20.911

Our staff, we're operating more and more with less and less. No one's giving us some new employees, new clerk. They're expecting technology to enhance, their efficiencies, and so AI is gonna have to be a part of it.

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03:01:24.282 --> 03:01:29.452

Any final thoughts from you, Shlomo, on, how they're using AI?

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03:01:30.982 --> 03:01:34.441

No, meaning it's, it's, you know, as you've seen one,

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03:01:34.562 --> 03:01:36.632

You've seen one court, you've seen one court.

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03:01:37.682 --> 03:01:46.542

And But, you know, the needs are remarkably similar across the board.

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03:01:46.652 --> 03:01:50.701

And... You know, it's... it's, it's...

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03:01:51.632 --> 03:02:00.351

I would say, so the thing I probably hate most is when sort of vendors come in, and they're like, well, here's a tool that's the best thing since a sliced bread, and it's gonna do all these things, and they over-promise, and then...

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03:02:00.602 --> 03:02:06.542

You know, the judges deserve more than... they deserve something that over-delivers and under-promises, rather than...

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03:02:06.832 --> 03:02:12.262

over-promises and under-delivers, so... That is what we're doing, and if there are

any,

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03:02:12.392 --> 03:02:16.842

actually, our footprint in Texas is not that large, but if there are those who are

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03:02:17.332 --> 03:02:21.202

Texas is definitely growing population, that's one of the factors that leads to

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03:02:22.102 --> 03:02:23.641

growth in cases, right? You have

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03:02:23.752 --> 03:02:30.112

judges lag behind population growth, and so COVID. So if there is,

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03:02:30.682 --> 03:02:42.772

definitely open to... to conversations, but I think it's... well, again, we'll speak again next year. I think it's going to be the sort of the slow, slow, slow, and then all at once kind of thing, what Hemingway says about bankruptcy.

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03:02:43.102 --> 03:02:57.682

I think that's what's probably gonna happen. There's gonna be a tipping point, and then things are gonna change. When that's gonna be is anyone's guess, but it's gonna be a very exciting ride, and it's a good get to get Judge Rodriguez, who's, like, the best judge.

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03:02:57.852 --> 03:03:01.432

So, and, so...

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03:03:02.192 --> 03:03:08.692

Well, thank you both for this great conversation. I will turn it back over to Dean Baynes. Thank you again.

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03:03:19.602 --> 03:03:21.832

Hold on for one second...

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03:03:25.452 --> 03:03:27.162

So, thank you,

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03:03:27.552 --> 03:03:40.381

Professor Reed for that, and for your panelists for this wonderful conversation and discussion of these matters. I want to thank all our panelists, and everyone who participated. Many thanks to Akin

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03:03:40.382 --> 03:03:59.872

for its support of the program and, its fearless leader, Chair of the Houston office, Attorney Chen. Many thanks to, Professor Chandler for his work and this important area, and helping us design this conference. And I think we provided an interesting conversation.

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03:03:59.872 --> 03:04:08.973

of all the matters that we see with respect to AI in the area of legal education, legal practice, and judiciary.