



Bits, Bytes, Briefs, and the Bench: AI and the Practice of Law

Sonia Gipson Rankin | sgrankin@unm.edu

Professor of Law

University of New Mexico School of Law

Court, Corrections, and Justice Committee

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Interdisciplinary Working Group on Algorithmic Justice



Melanie Moses
UNM / SFI



CS, Cris Moore
SFI



Kathy Powers
Poli Sci, UNM/ SFI



Alfred Mathewson
Law, UNM



Sonia Rankin Law,
UNM



Mirta Galesic
SFI



Josh Garland
Arizona State



Matthew Fricke
CS, UNM



Gabe Sanchez
Poli Sci, UNM



Tina Eliassi-Rad
CS, NEU /SFI



Mahzarin Banaji
Psych, Harvard/SFI



Trilce Estrada
CS, UNM



Nadiyah Humber
Law, UConn

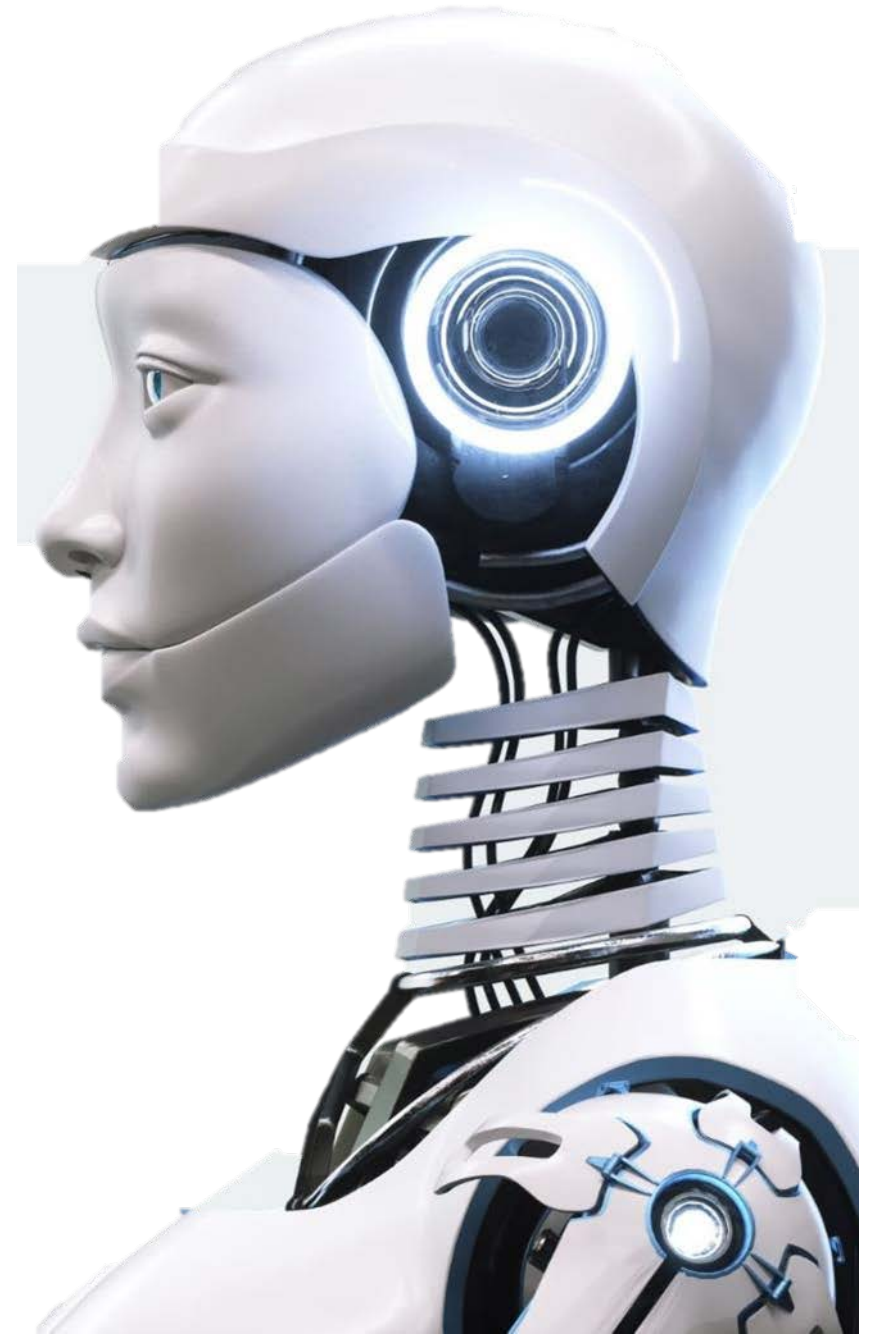
$$2 + 2 =$$

Road map

AI and the Practice of Law

AI and the Practice of Law

AI and the Practice of Law



“You know, these are not like the nine greatest experts on the internet.” Justice Kagan
Oral Arguments, *Gonzalez v. Google*, Feb. 2023



CHATGPT GOES TO LAW SCHOOL

Jonathan H. Choi,¹ Kristin E. Hickman,² Amy B. Monahan,³ Daniel
Schwarcz⁴

GPT-4's Law School Grades: Con Law C, Crim C-, Law & Econ C, Partnership Tax B, Property B-, Tax B

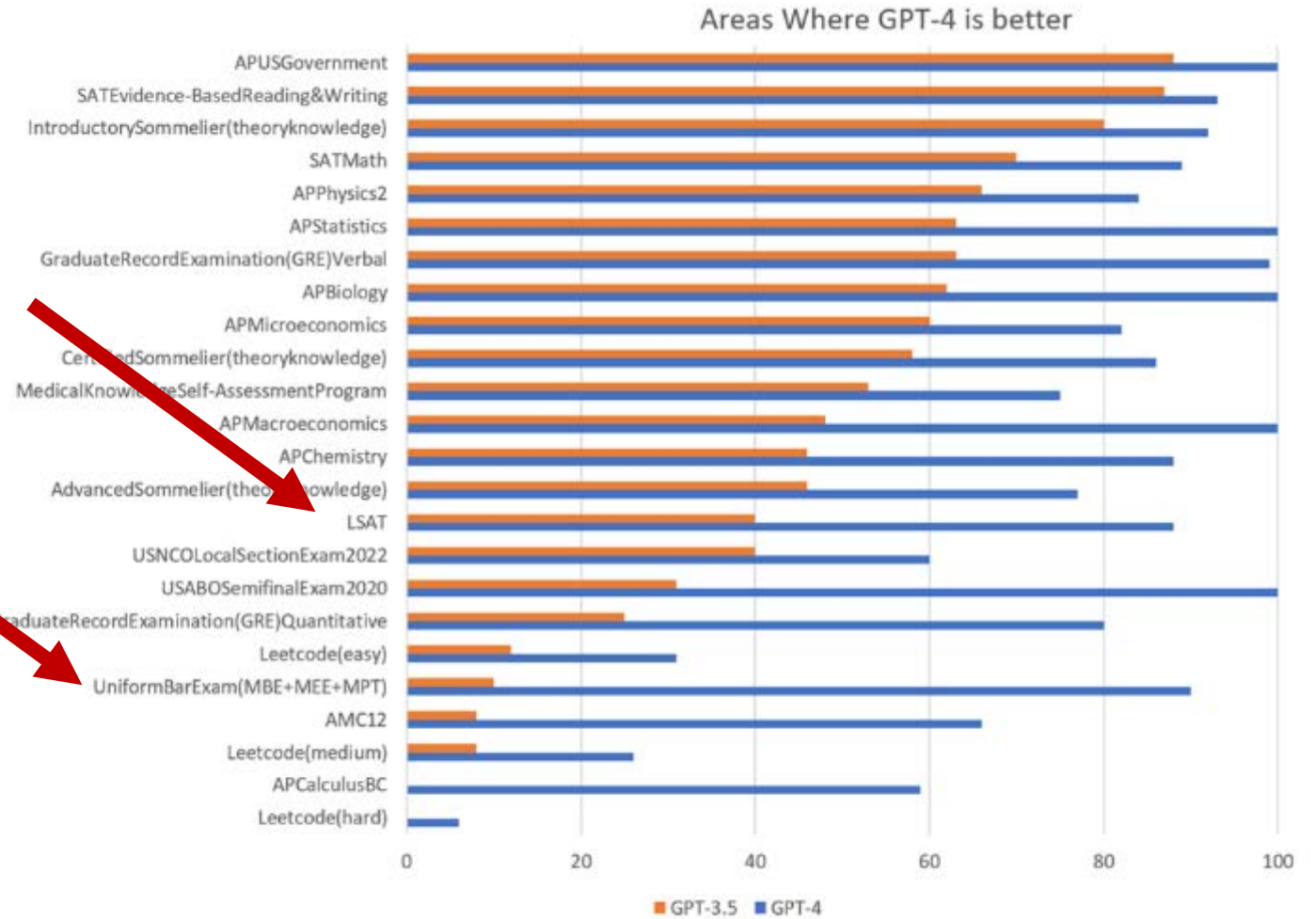
Andrew Blair-Stanek, Anne-Marie Carstens, Daniel Goldberg,
Mark A. Graber, David Gray, Maxwell L. Stearns†*

GPT-4 Passes the Bar Exam

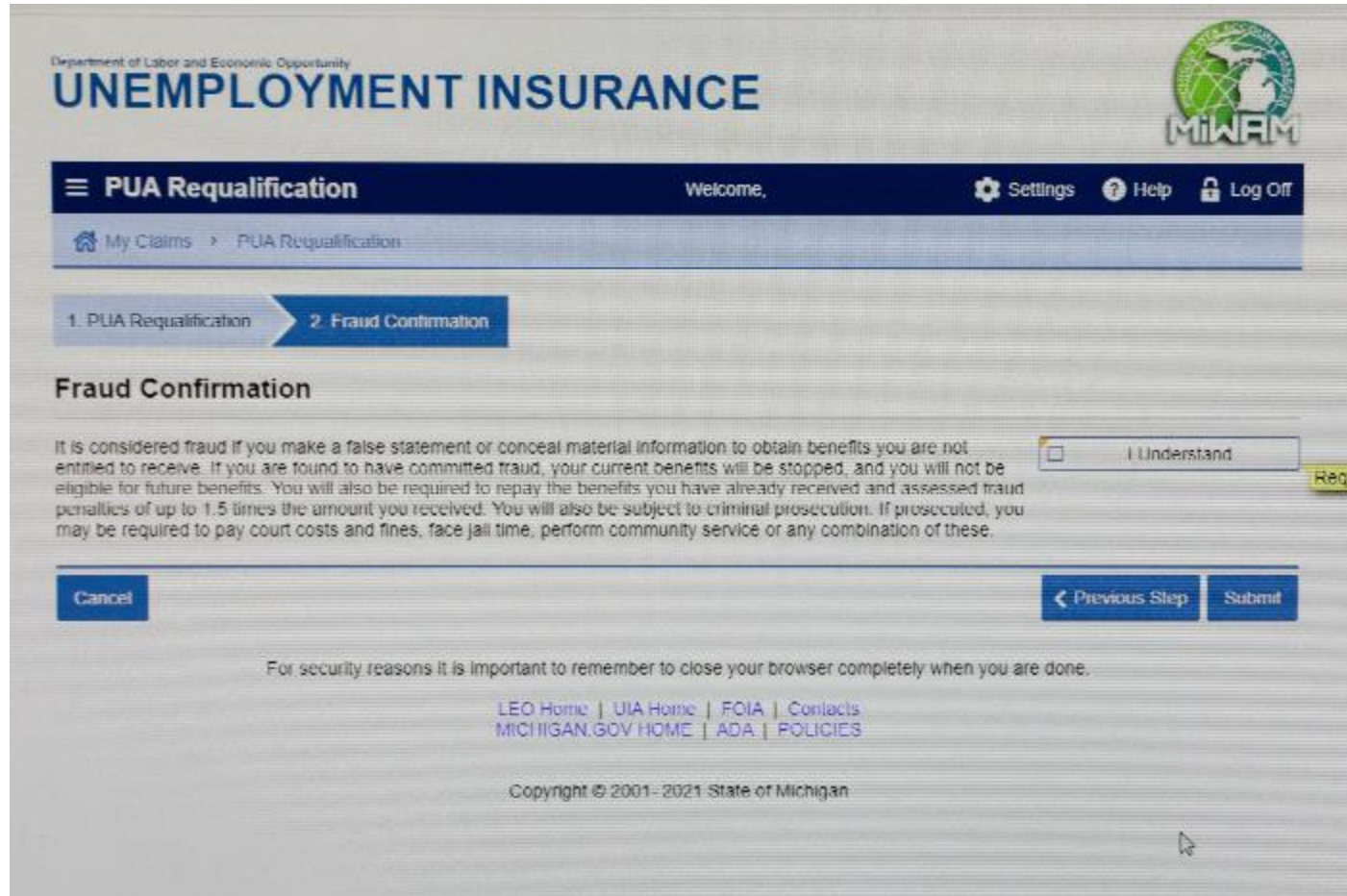
Daniel Martin Katz^{1,2,3,4,*}, Michael James Bommarito^{1,2,3,4}, Shang Gao⁵, and Pablo David Arredondo^{2,5}

Exponential Growth in Capacity

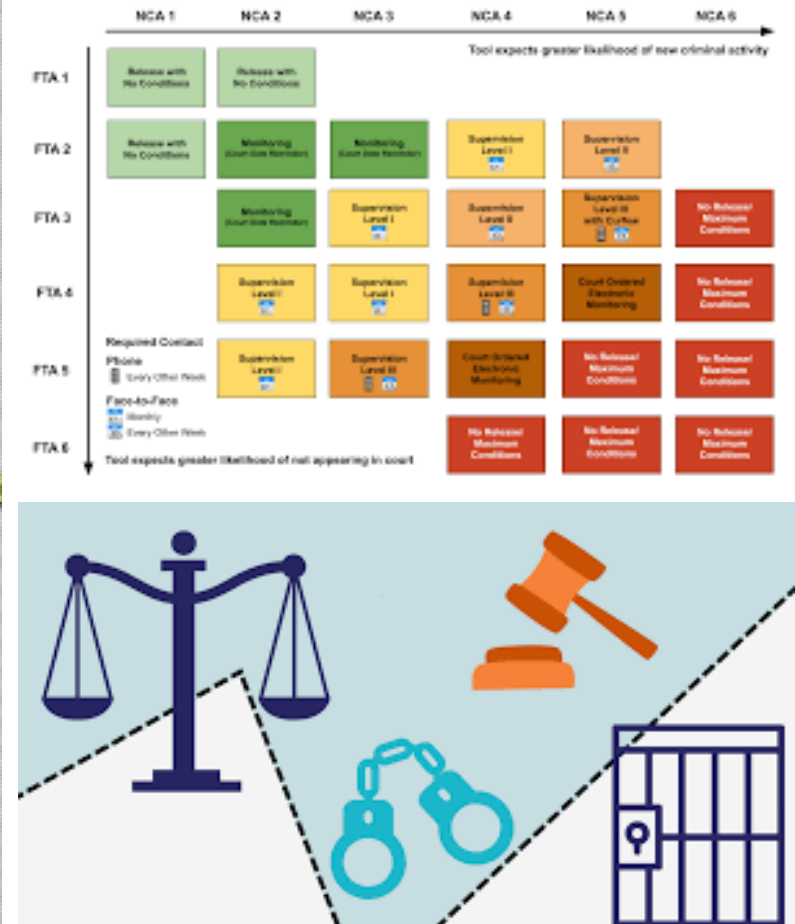
- 5 months between release of GPT- 3.5 (Nov 2022) and GPT-4 (March 2023)
- LSAT Proficiency – 40% to nearly 90%
- UBE – 10% TO 90%



AI and Legal Implications



The MiDAS Touch, 2023



Technological Tethereds, 2021⁸

Meet CoCounsel—the world's first AI legal assistant

LEGAL ROBOT



Artificial Coworkers:
AI and the Practice of
Law

Litigation

Transactional

Access to Justice

Sample of AI Legal Assistant Tools

Jasper: Best AI Assistant For Law Firms

DoNotPay: Best Legal Robot That Uses AI Technology

AI-Lawyer: Offers Different Legal Assistant Tools

CARA: Best AI Legal Assistant For Located Legal Cases And Documents

ChatGPT: Passed the Bar Exam

AI and the Practice of Law





The AI-Based Lawsuits Have Arrived.

- *Thaler v. Vidal*, No. 21-2347 (Fed. Cir. 2022) (patent)
- *Anderson v. Stability AI LTD.*, No. 3:23-cv-00201-WHO (N.D. Cal. Jan. 13, 2023) (copyright infringement)
- *Walters v. Open AI, L.L.C.*, No. 1:2023cv03122 (Ga. July 14, 2023) (defamation)
- *E.E.O.C. v. iTutorGroup*, No. 1:222-cv-2565 (E.D. N.Y. Aug. 9, 2023) (age and gender discrimination)
- *Authors Guild v. OpenAI, Inc.*, No. 1:23-cv-8292 (S.D.N.Y. Sept. 19, 2023) (copyright infringement)

Could the Supreme Court's major questions doctrine impact AI regulation?





RISKS OF AI



Job Displacement



BIAS



Privacy



Deepfakes



Persuasive AI



Weaponization



Ethical



Power-seeking

Child welfare algorithm faces Justice Department scrutiny

By SALLY HO and GARANCE BURKE January 31, 2023

TECH + ENGINEERING

Racially-biased medical algorithm prioritizes white patients over black patients

The algorithm was based on the faulty assumption that health care spending is a good proxy for wellbeing. But there seems to be a quick fix.

BY KATHERINE J. WU THURSDAY, OCTOBER 24, 2019 NOVA NEXT

Lawsuit Claims Workday's AI And Screening Tools Discriminate Against Those Black, Disabled Or Over Age 40



Shanique Yates. Mar 6, 2023.

I wonder....

About the ways attorneys use words.

Lawyer read lots of words. A lot.



Average law student

- 50-100 pages per day per class
- 5 courses
- 14 weeks a semester
- 6 semesters
- Approx. 63,000 to 126,000 pages by the end of law school
- Not including:
 - Judicial clerkships, legal internships, law journals, moot court, etc.

Lawyers think
about words.
A lot.



Journal of Verbal Learning and Verbal Behavior

Volume 13, Issue 5, October 1974, Pages 585-589

Journal of
Verbal Le...

Reconstruction of automobile destruction: An example of the interaction between language and memory 1

Elizabeth F. Loftus, John C. Palmer

Grammar matters.

The canning, processing, preserving, freezing, drying, marketing, storing, packing for shipment or distribution of:

- (1) Agricultural produce;
- (2) Meat and fish products; and
- (3) Perishable foods.

NOW

The canning; processing; preserving; freezing; drying; marketing; storing; packing for shipment; or distributing of:

- (1) Agricultural produce;
- (2) Meat and fish products; and
- (3) Perishable foods.

O'Connor v. Oakhurst Dairy, 851 F.3d 69 (1st Cir. 2017)



Our data

360 years of United States caselaw

State and Federal Totals

6,930,777
Unique cases

612
Reporters

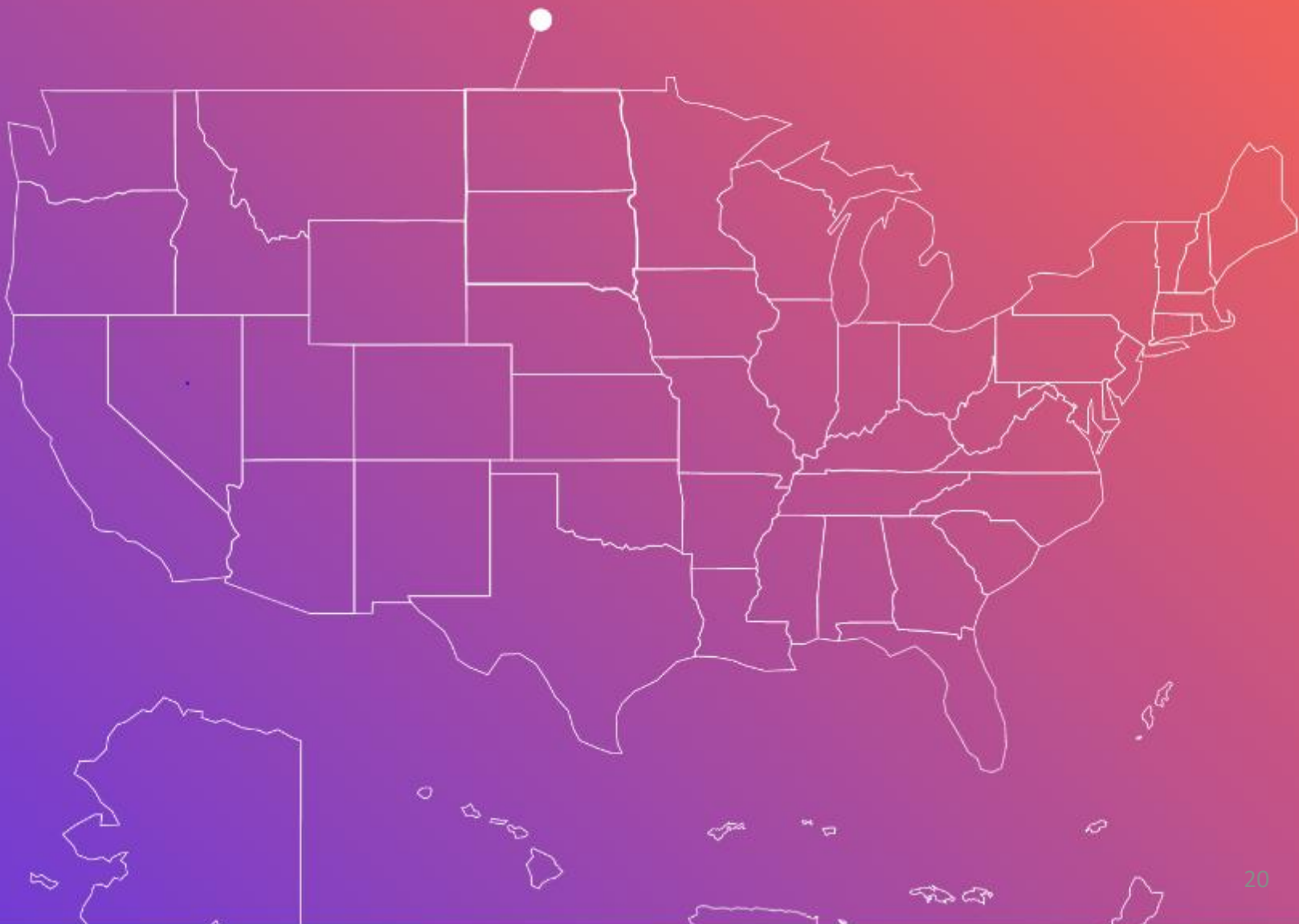
36,357,668
Pages scanned

Federal Totals

1,842,484
Unique cases

75
Reporters

10,409,741
Pages scanned



Summary of the Tort Litigation Process

Lawyer Consultation	Pleadings	Pre-Trial Procedure	Trial	Appeal
Interview	Complaint	Investigation	Jury Selection	Notice of Appeal
Fees	Answer	Discovery	Opening Statements	Briefs
Preliminary Investigation	Motions	Motions	Plaintiff's Case	Arguments
		Settlement & Mediation	Defendant's Case	Opinion
		Pre-Trial Conference	Motions	
			Closing	
			Jury Instructions	
			Verdict	
			Motion	

Each Data Set Has Nested Data Sets



We lose data when flattening, getting a shadow of the facts and evidence.



Some Questions

Role of legal profession to understand LLMs and AI?

Impact of LLMs on legal theory?

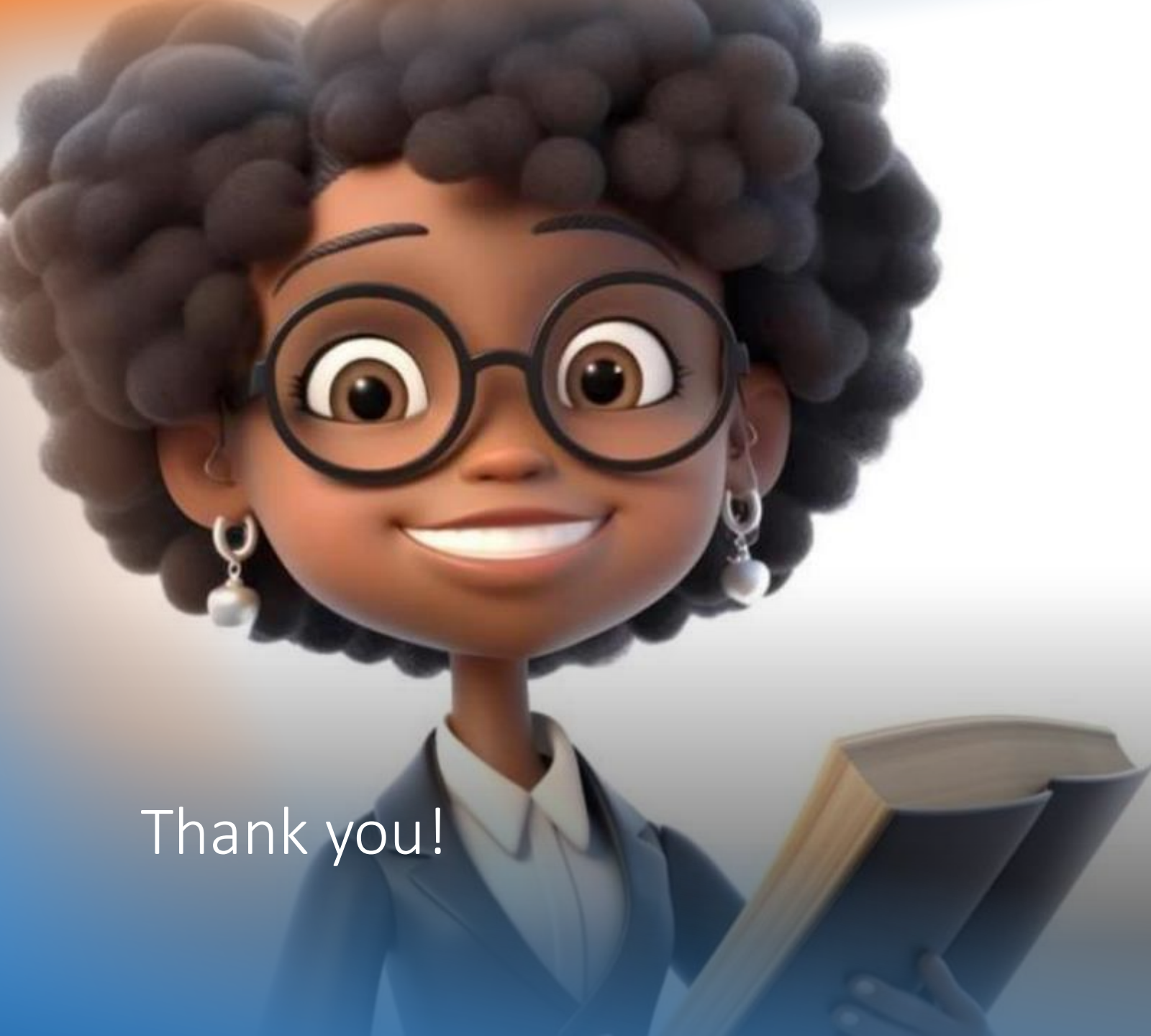
Are mundane legal tasks necessary to build legal thought?

Do we need Internet Law?

How is harm defined by a witness you cannot question?



Where there is no law, the technology
will develop without any boundaries



Thank you!

