Vital Briefing

Beyond ChatGPT: Using generative AI in legal practice

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Can attorneys safely use generative AI technology like ChatGPT in legal practice?

Early blunders like the infamous "ChatGPT lawyer" being sanctioned for inaccurate AI-generated court filings may have scared some attorneys away from AI.

Yet 73 percent of attorneys in a recent survey by Wolters Kluwer said they expect to integrate GenAI into their legal work in the next year.

According to University of Colorado law professor Harry Surden, attorneys *can* use GenAI for legal tasks—but it matters which application and for what tasks.

At a recent symposium at the Northwestern University Pritzker School of Law, AI and Law: Navigating the Legal Landscape of Artificial Intelligence, Surden gave tips for how to reliably use GenAI in law practice.

What is GenAI?

Generative AI (GenAI) is a type of machine learning application that infers patterns from massive amounts of data and generates responses to user questions ("prompts").

The best known is ChatGPT, created by OpenAI. Competing models include Google Gemini.

For legal practice, the current state of the art is GPT-4, said Surden. This model is a "great leap" over previous GPT models and has fewer errors.

Using GPT-4 in legal practice

While GPT-4 can be used directly via subscription, Surden does not recommend doing this because of the need to protect privileged or private data, as well as reliability issues.

Instead, Surden looks to specialist legal models built on GPT-4 or another capable model. Currently this includes CoCounsel or Lexis AI+, with other models in development. Specialist legal models provide data security and source guarantees while still being works in progress, he said.

For example, specialist legal models can rein in made-up facts ("hallucinations") by checking vetted legal databases.

How reliable is it?

GPT-4 is generally good at "easy cases," said Surden. These are legal situations that have clear answers, though they may be complicated or full of legalese.

Even with easy cases, Surden cautioned that GPT-4 may miss key facts.

- GPT-4 can "fairly reliably" summarize cases or documents put in the prompt itself. Providing the source data "augments" the prompt, which improves reliability.
- GPT-4 is "reasonably good" at drafting very standard documents like common contracts and basic pleadings, said Surden. It can generate capable starter drafts, but details need to be triple checked.
  "Think of GPT-4 as a very good third year law student," said Surden.
- GPT-4 and other models "struggle" with more complex questions. This includes nuanced legal reasoning, non-standard situations not commonly seen in training sets, complex problem solving, and subjective or experience-based judgment.

Techniques to improve reliability

Certain techniques can improve reliability, including verification layers between the user and AI system, multi-source verification, and attorney benchmarking and supervision.

Key takeaways

- Attorneys can "cautiously" use GPT-4 for some legal tasks.
- The application is more reliable for some tasks than others.
- Specialist legal models built on GPT-4 offer greater security and source assurance.
- Attorneys can use techniques to dramatically improve reliability.

Attorneys can use two simple techniques to boost reliability.

Prompt augmentation

In the "prompt augmentation" technique, the attorney provides relevant information in the prompt. This gives the model important context to draw on.

For example, in drafting a document relating to a case, the attorney can include relevant laws and regulations in the prompt.

"Prompt augmentation dramatically improves the reliability of GPT-4 output," said Surden.

Chain of thought

In the "chain of thought" technique, the attorney has the AI model first come up with a series of steps before answering.

For example, the attorney would instruct GPT-4 as follows:

"Before answering the legal issue, first:

- Come up with a series of steps to address the issue

- List the main legal topics as issues
- List the main laws, legal rules, or cases that are likely to come into play and why
- List the major facts that are relevant

Based upon what you just produced, analyze the legal topics above."

Bottom line

Attorneys can venture into GenAI by using high-quality models and specific techniques to enhance reliability. However, attorneys should consider the type of task and check output very carefully before using it.