



Generative AI

Overview for the Courts

Agenda

What is Generative AI and how does it work?

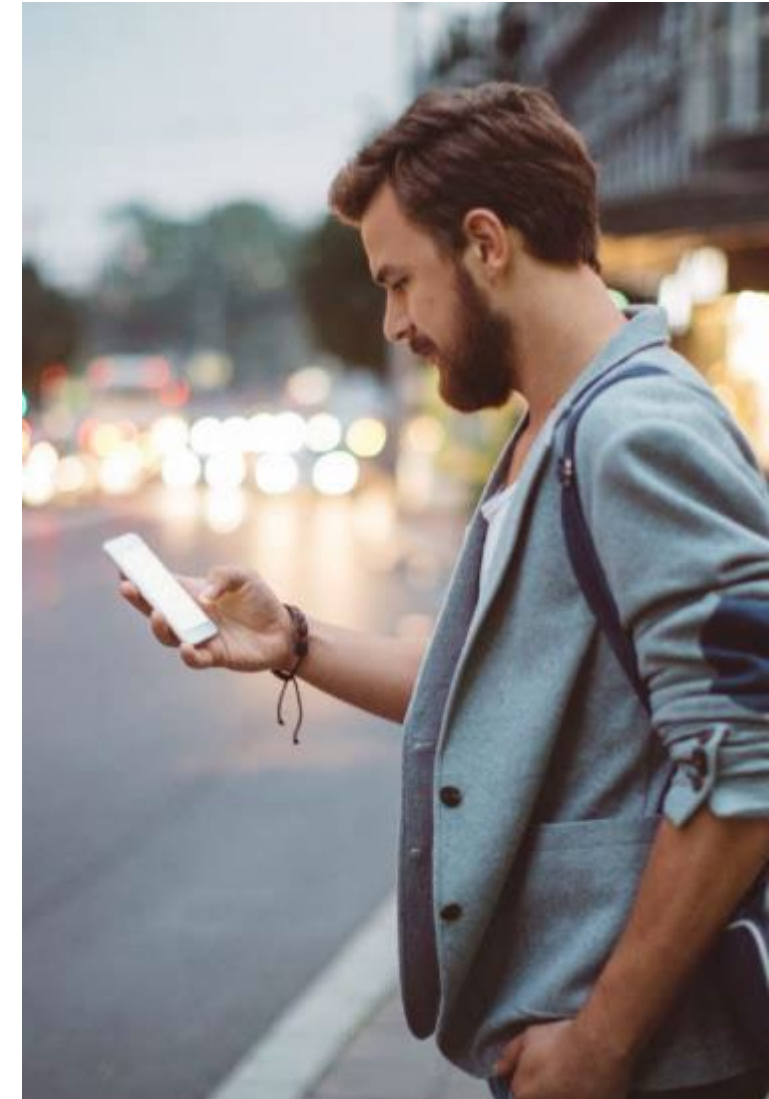
Benefits of Generative AI

Challenges, Limitations, Legal/Ethical Concerns

Potential Uses (and Misuses) in the Justice System

Where Generative AI is Heading Next

Immediate Policy Considerations and What Courts
Need to Do



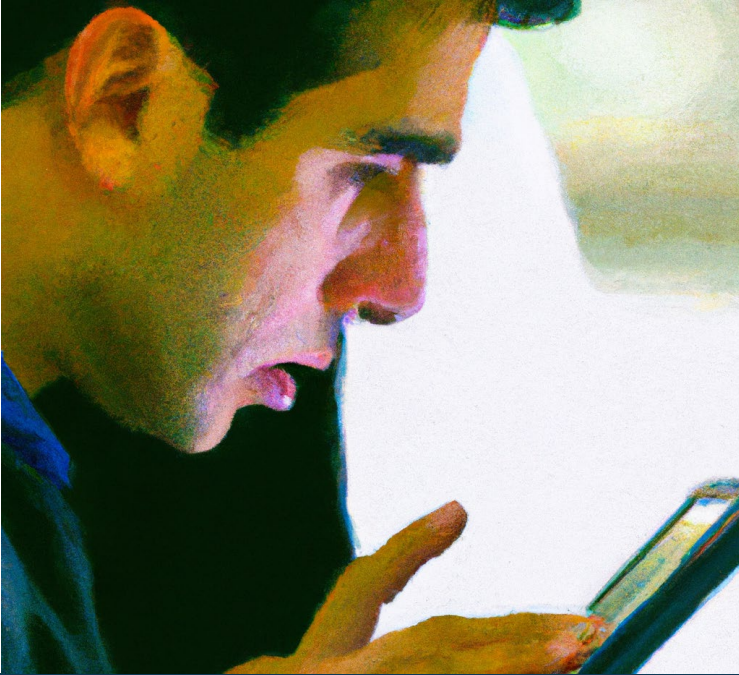
Another U.S. Judge Say Lawyers Must Disclose AI Use
– *Reuters*

Two U.S. Lawyers Fined for Submitting Fake Court Citations from ChatGPT – *The Guardian*

‘Prone to Hallucinations and Bias’: A Texas Judge Puts A.I. in its place - *Fortune*

IN THE NEWS....

DALL-E “oil painting of a human using technology”



Warning/Caveats

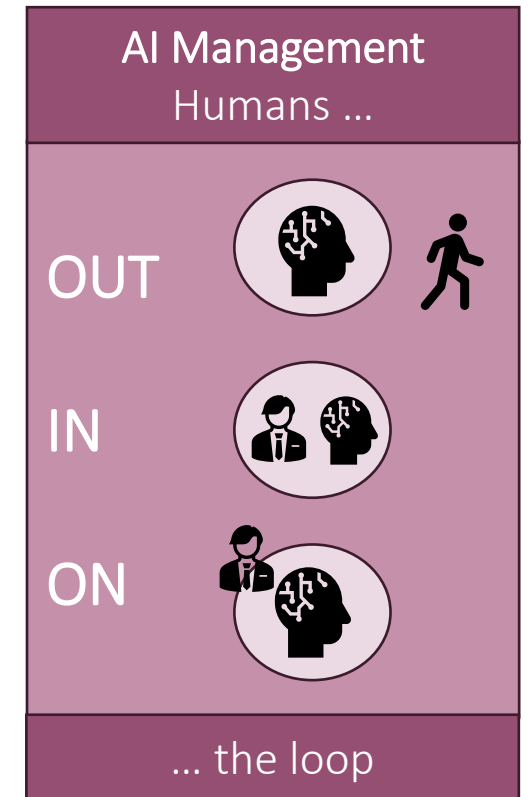
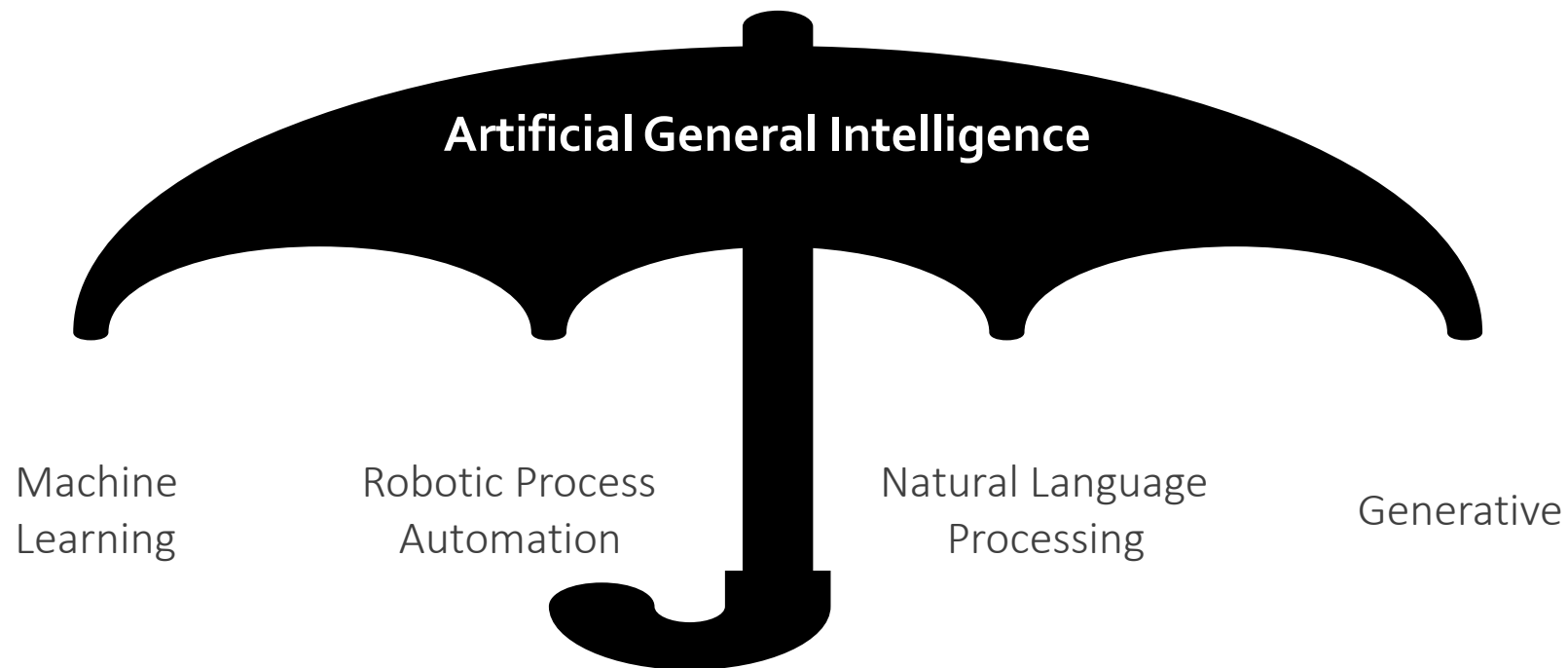
DALL-E “Generative AI changing quickly”



- Generative AI is a **new** technology – it hasn’t been around long enough for anyone to develop broad expertise in its application in the courts.
- Also due to its age, it is **very fluid**. Everything we talk about today may be outdated next week.
- Generative AI is developing at a pace much faster than the regulators, legislators or judges can keep up with.
- Be wary of vendors that proclaim they have “AI” – there are multiple technologies, including Generative AI that fall under the AI umbrella.

The AI Umbrella of Technologies

The term Artificial Intelligence (AI) is used in many ways. AI is a family of different technologies, much like there are many different case types under civil or criminal.



What is Generative AI and how does it work?

The keyword is “Generative”

Generative AI takes an existing set of data and “generates” new data based on the data it has been trained on.

Data comes in all forms including text, video, pictures, audio. EVERYTHING is data.



 **VALL-E**



Data is taken from sources. Depending on the implementation, it may be text, video, or audio, or a combination of all the above.



Developed algorithms (secret sauce) take the data and categorize it and learn from it.



Humans then provide a prompt the trained Generative AI to generate new data (text, video, images, audio).



The Generative AI then produces original content based on the source training data.

Generative AI Applications Used Today

Text Generation

Writers, Bloggers, Lawyers



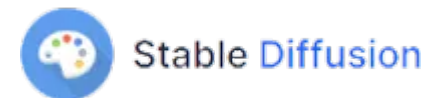
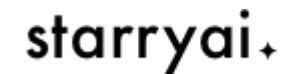
Code Generation

Programmers



Image/Video Generation

Artists, Photographers,
Videographers



Other Generative AIs

Voice Actors, Musicians,
Exec Assistants

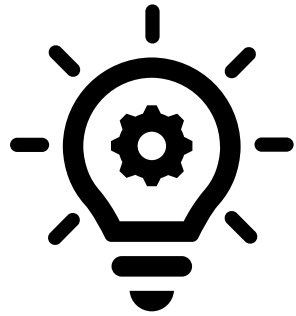


Benefits of Generative AI



SPEED

Can handle larger and more complex data sets than a human.



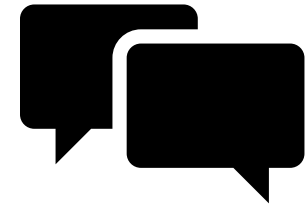
IDEA/CONTENT CREATION

Can generate new ideas and content that was previously not considered by humans.



RESOURCE GENERATION

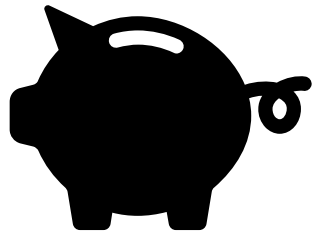
Can be used for data set generation, modeling, forecasting.



INTERFACE

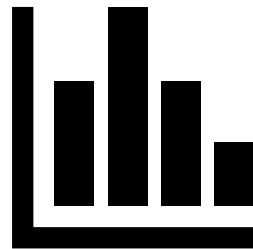
Can provide the ability to interact via voice, chat, or images via multiple languages.

Challenges, Limitations, Legal/Ethical Concerns



COST

- Cloud-hosted ongoing costs.
 - High compute costs.
- Environmental costs (climate).
- Labor displacement considerations.



DATA

- Not enough data.
- Bias built-in to existing data.
- Only public data should be used.
- Scrutiny of processes around data generation.



RELIABILITY

- Must be human supervised.
- AI hallucinations may occur.
- Even Generative AI detection tools may not be accurate.
- Rising need for “Prompt Engineering”







OWNERSHIP

- Who owns the generated content?
- Should people disclose the use of Generative AI?
- How to manage Generative AI in the vendor space?

Possible Uses in the Justice System

Just because we can doesn't mean we should.

Key

-  Self Represented Litigant
-  Attorney
-  Judicial Officer
-  Justice Partner



Predicting Case Outcomes

Using Generative AI to predict based on past cases and legal precedents.



Better Assistance to Self-Represented Litigants

Using Generative AI to tutor and guide Self Represented Litigants through the legal process.



Tailored Proposed Orders, Motions, and Briefs based on the Judge

Using Generative AI to review legal documents and make suggestions based on a Judge's previous rulings.



Automating Legal Research

Using Generative AI to review published cases to find cases or opinions germane to the case at hand.



Predictive Policing

Using Generative AI to predict where policing resources need to be deployed to deter crime.



Providing Better Legal Training to the Community

Using Generative AI to provide training resources such as chatbots and AI generated videos.



Judicial Recommendations

Using Generative AI to provide recommendations to Judges on bail, sentencing, and other adjudicative matters.

Possible Misuses in the Justice System

This is why we can't have nice things.



Fake Exhibits

Using Generative AI to create fake photos, videos, and audio of something that did not take place.



Lazy Lawyering

Using Generative AI to create legal documents and filing them as-is with no professional review.



Lazy Legal Researching

Using Generative AI to review legal documents and make suggestions based on a Judge's previous rulings.



Fake Judicial Work Products

Using Generative AI to create a realistic, but fake judicial opinion, order, or decree.



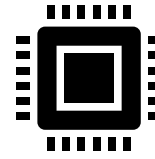
Poorly Designed/Unmanaged Tools

This could include Self-Represented Litigant tools, unsupervised bulk filing tools, or any application proclaiming to use AI.

What's next for Generative AI



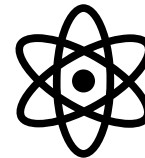
Stable Diffusion 1.5: Nested Diffusion "judge banging a gavel"



Generative AI will start mixing with quantum computing in order to use larger and more complex data sets.



Movement of AI to start thinking using the same general process that humans think (but faster).



Generative AI will find more efficient software algorithms as computers approach the limits of physical nano-transistors.



Generative AI will be seen more and more in artistic spaces like movies, music, art.



Immediate Policy Considerations

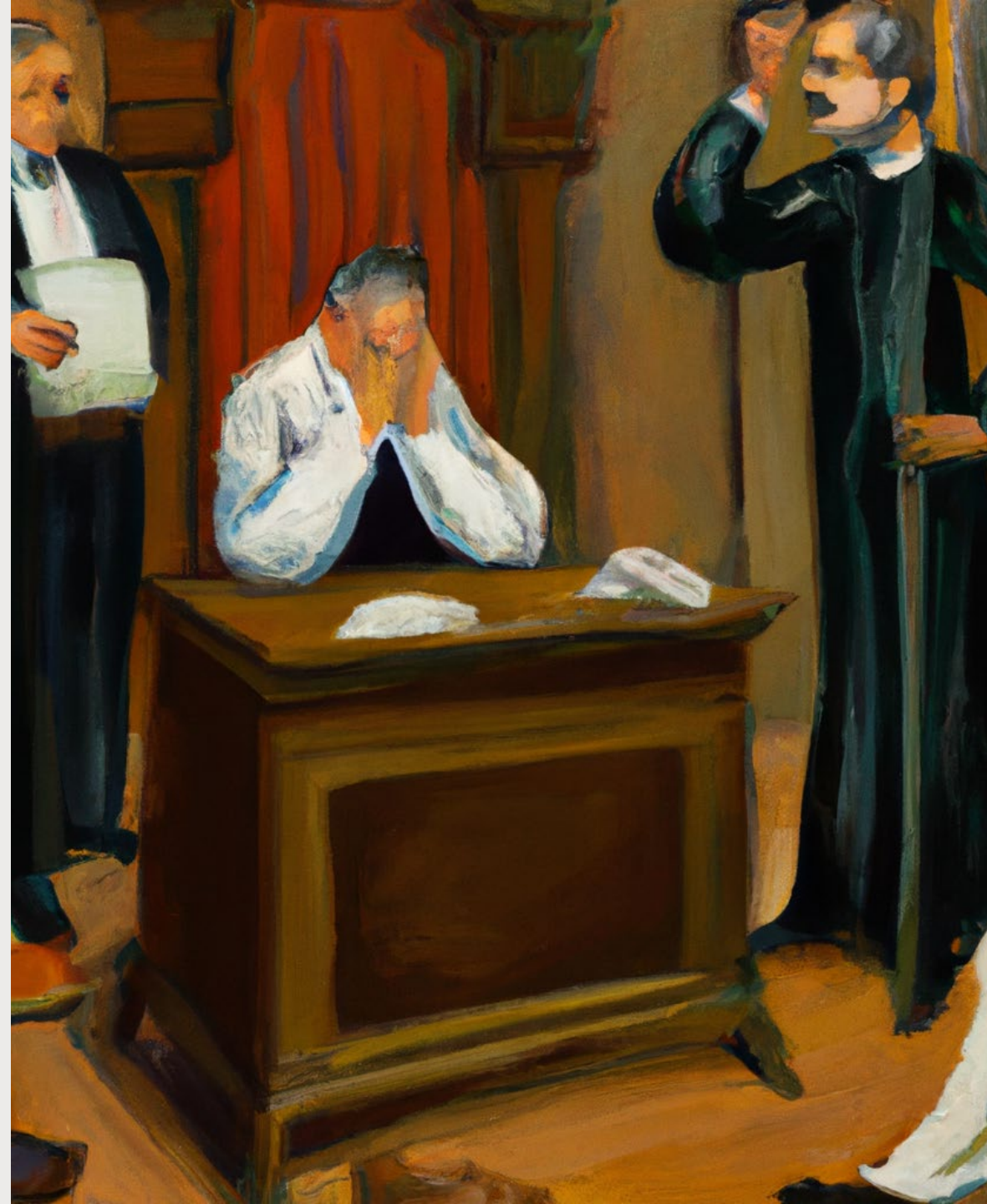
- Data governance rules still apply. Don't give a generative AI tool access to non-public data via training or prompts.
- Generative AI output should still be reviewed/edited by humans.
- What/when/where is AI acceptable to be used by judicial officers and staff?
- What criteria apply to that decision? (Purpose, Impact, Tool User Agreement, Liability Assignment)



What Do Courts Need to Do Right Now?

- Be aware of what AI exists and the different tools coming and going.
- Ensure appropriate data governance exists and make it known that those rules apply to AI training and prompting.
- Determine appropriate and inappropriate uses for the court, including whether it should be disclosed that AI was used.
- Share and provide feedback regarding what works, what doesn't (right now there are no experts).

DALL-E "oil painting in a courtroom setting of a guilty defendant receiving his sentence from the judge"





Questions?