

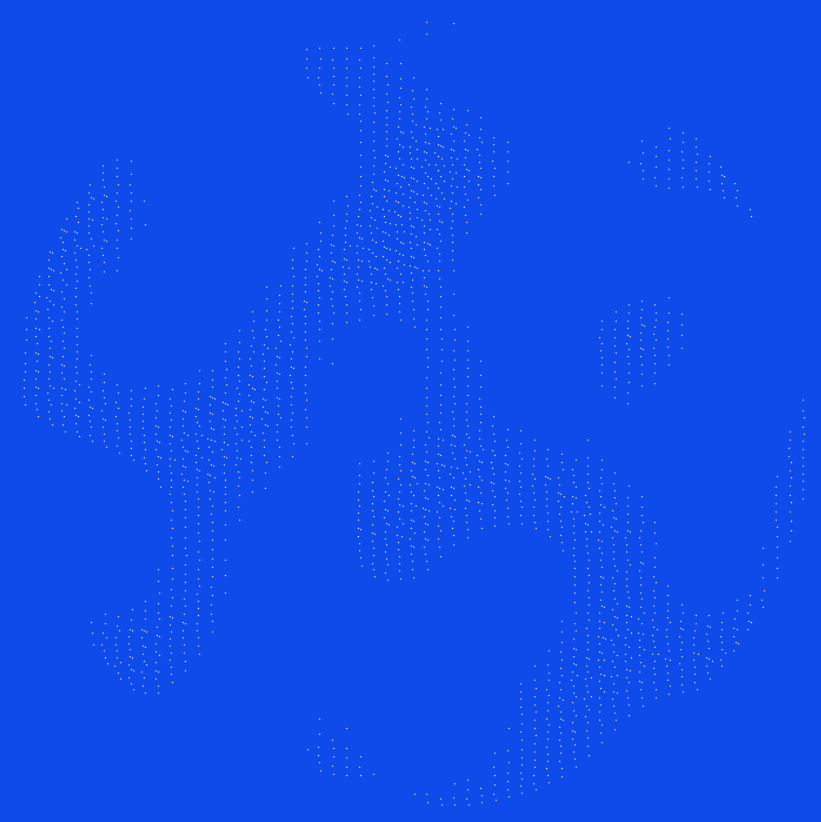
Human Technology Institute

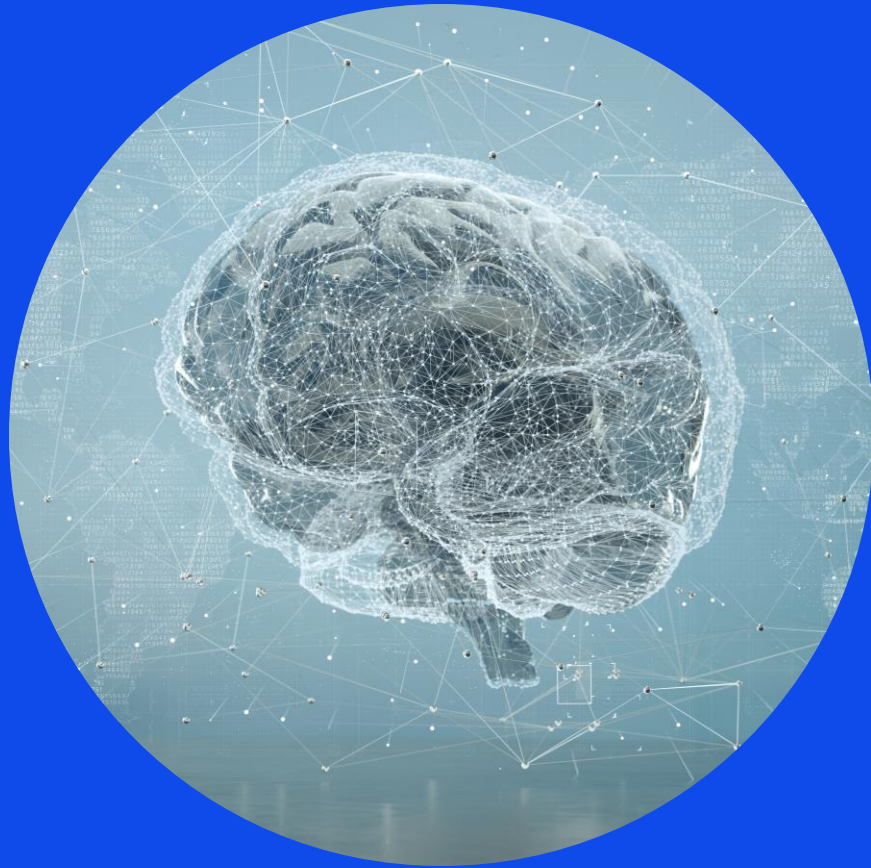


The rise of generative AI: What does it mean for the legal profession?

Professor Edward Santow
Human Technology Institute

International Conference of Legal Regulators
Melbourne – 16 October 2024



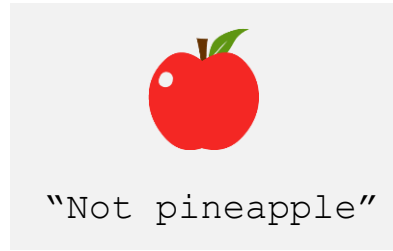


What is generative AI?

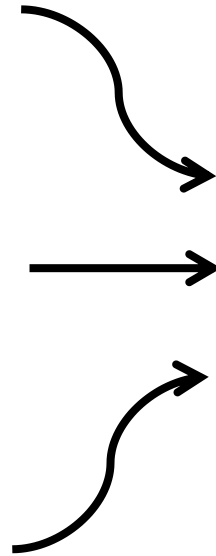
Key branches of the AI tree



Generative AI: a pineapple-based illustration



Training data



ML-based large language model



Query



Pineapples, scientifically known as *Ananas comosus*, are tropical fruits that belong to the Bromeliaceae family. They are famous for their unique appearance, sweet taste, and vibrant aroma. Here's some information about pineapples:

Origin and Cultivation:

Pineapples are believed to have originated in South America, particularly in the region of present-day Brazil and Paraguay. They were spread by indigenous people throughout Central and South America before being introduced to other parts of the world by explorers and traders.

Today, pineapples are grown in tropical and subtropical regions around the world. Major producers include countries like Thailand, the Philippines, Costa Rica, and Brazil. The fruit is typically cultivated in warm climates where temperatures do not drop too low.

Output

The rise of generative AI

Ed how should lawyers use generative AI safely?

Lawyers can use generative AI tools in their practice to improve efficiency, streamline tasks, and enhance their work. However, it's important to use AI safely and ethically to maintain the quality of legal services and protect client information. Here are some guidelines for lawyers to use generative AI safely:

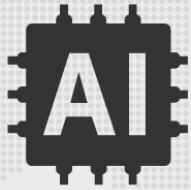
1. **Understand the Technology:** Before using any AI tool, take the time to understand how it works, its limitations, and potential biases. This will help you make informed decisions about when and how to use it.
2. **Quality Control and Review:** While AI can generate content, it's crucial to review and verify the output. Don't rely solely on AI-generated documents without careful human review, especially in legal contexts where accuracy is paramount.
3. **Prevent Plagiarism:** When using AI to draft documents, make sure the content generated is original and doesn't violate copyright or plagiarize existing works.
4. **Confidentiality and Data Security:** Ensure that the AI tools you use adhere to strong data security and confidentiality standards. Sensitive client information must be protected.
5. **Compliance and Ethics:** AI-generated content should comply with legal and ethical standards. Avoid generating content that may be misleading, fraudulent, or otherwise violate professional standards.
6. **Transparency and Accountability:** Be transparent with clients if you are using AI tools to assist in their cases. Clients should know the extent to which AI is being used in their legal matters.
7. **Customization and Tailoring:** Generative AI tools might not cover all unique legal scenarios.



Source: Adobe Firefly –
Bryan Coleman, Twitter/X

Citizens need convincing about the benefits of AI

96%



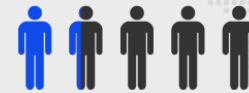
96% of Australians want protections before AI is used to make decisions that affect them.

71%



71% of Australians want a right to have an AI-made decision reviewed by a human.

36%

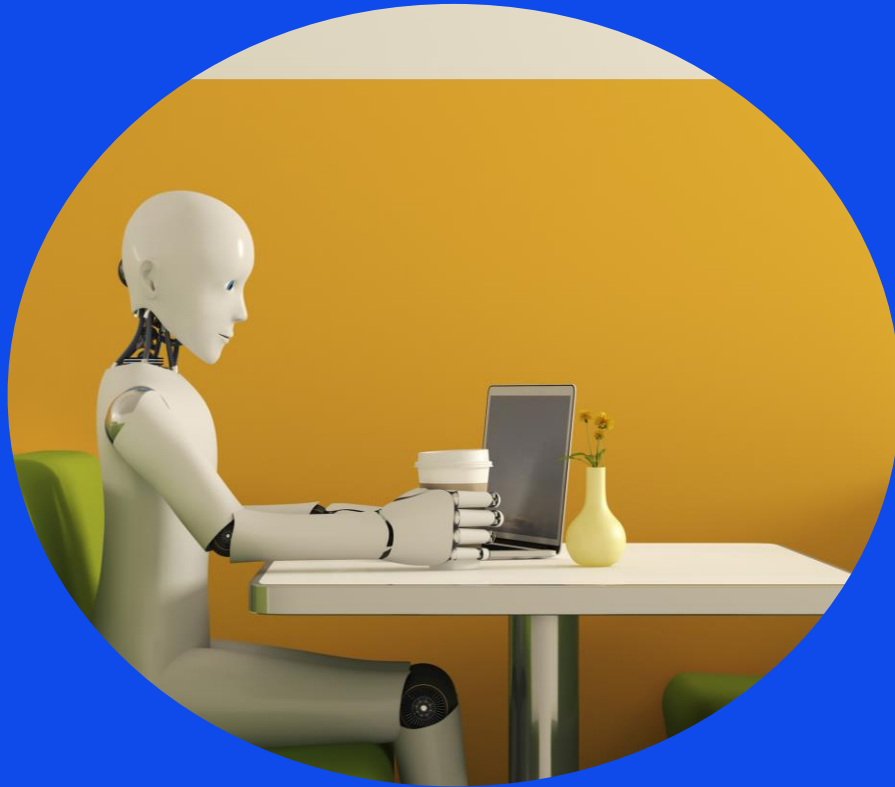


36% of Australians think that AI's harms outweigh AI's benefits.

62%



62% of Australians see the protection of their personal information as a major concern.



AI and legal practice

Generative AI: risks for lawyers



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Humiliated lawyers fined \$5,000 for submitting ChatGPT hallucinations in court: ‘I heard about this new site, which I falsely assumed was, like, a super search engine’

BY RACHEL SHIN

June 24, 2023 at 2:41 AM GMT+10



Lawyers who filed legal documents with false citations generated by ChatGPT have been fined.

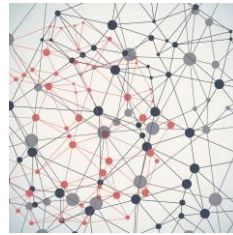
ERIK MCGREGOR—LIGHTROCKET/GETTY IMAGES

The two lawyers who submitted fake legal research generated by A.I. chatbot ChatGPT just got hit with a \$5,000 fine and a scolding by a federal judge. The lawyers submitted a legal brief on an airline injury case in May that turned out to be riddled with citations from nonexistent cases. The attorneys, Steven A. Schwartz and Peter LoDuca of Levidow, Levidow & Oberman, initially defended their research even after opposing counsel pointed out that it was fake, but eventually apologized to the court.

Generative AI: five issues for lawyers



Performance: GenAI usually optimised for fluency, not accuracy



Training data: LLMs include legally-protected information



Input data: confidentiality & privacy not maintained for most GenAI



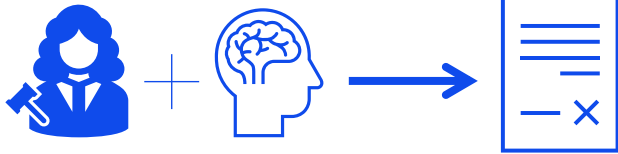
Hallucination: plausible but incorrect outputs from GenAI



Lack of supervision: problem of 'shadow IT'

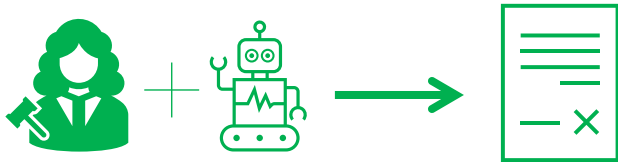
Generative AI in legal practice: a worked example

Frankie: the conventional lawyer



- More time on legal preparation
- Relies on individual lawyer expertise
- Admin & paralegal tasks are manual
- Low risk for client data

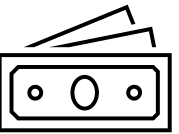
Olivia: a lawyer relying on GenAI



- Less time on legal preparation
- Democratises legal expertise
- Automation for admin & paralegal tasks
- Higher risk for client data



Understanding the law
(eg, selecting authorities)



Cost & time efficiency



Information integrity



AI and regulators

Focus areas for regulators: legal profession & beyond

Capability



Availability of
technical experts



Understanding of AI-
driven analysis



AI training needs

External engagement



Using AI to detect misconduct



Practical advice on 'red lines'

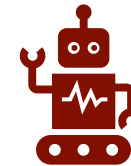


Between the tempestuous
ocean & a safe harbour

Deployment issues



Selecting the best GenAI
use cases



Towards good socio-
technical decisions



Trend of GenAI being used to
overwhelm regulators

Key lessons for regulators



Internal upskilling

Regulators need *strategic* expertise in GenAI



Guidance on *legal* duties

GenAI doesn't raise only *ethical* questions



Be an exemplar

Demonstrate safe experimentation & use of GenAI



Regulatory powers

Do you have the right powers for GenAI?



Assume failure

GenAI will fail, so accountability is a feature, not a bug

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