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Attorney Linn Freedman is a partner and chair of the data privacy and cybersecurity team at law firm Robinson+Cole.

AI in Law

Attorneys slowly embrace AI, but urge caution as technology rapidly evolves

By Hanna Snyder Gambini
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The Connecticut Bar Association in September announced the launch of its first-ever generative AI committee, the latest sign of the technology's growing influence on the legal industry.

The committee's charge includes exploring current and emerging generative AI technologies, and their potential impact on the practice of law.

Attorneys say the use of AI is just in its infancy, but they are embracing its potential, while proceeding with caution.

Law firms are experimenting with AI

technology to tackle more mundane parts of the job and increase efficiencies, industry experts said. Some lawyers, for example, are using it to review, summarize or draft documents.

Attorney Linn Freedman is a partner and chair of the data privacy and cybersecurity team at law firm **Robinson+Cole**.

She said "AI is here to stay," and firms are now using tools in a controlled manner that won't risk violating copyright laws or exposing confidential information.

"AI tools are brilliant when it comes to increasing efficiency and not having to do the same thing over and over and over," she said. "There are some very inefficient tasks that we do, where AI could

BY THE NUMBERS

AI in Law

62%

The percentage of legal professionals who say they are not using AI.

60%

Percentage of professionals who feel the industry is not ready for AI.

75%

Percentage of professionals who feel AI will have a positive impact on the legal industry, with workload and access to legal services being two of the largest areas that AI will benefit.

Source: 2023 Litify State of AI Report

assist to make those tasks more efficient.”

Attorney Kritika Bharadwaj, a partner with law firm Day Pitney



Kritika Bharadwaj

in Hartford, said while some artificial intelligence programs are key for an efficient practice, generative AI tools like ChatGPT are creating the most concern and need for caution.

ChatGPT, developed by the San Francisco-based startup OpenAI, can converse, generate readable text on demand and produce novel images and videos based on what it's learned from a database of digital books, online writings and other media.

ChatGPT is more evolved than previous iterations of language, speech, and text AI tools because it's widely available free of charge.

In the legal profession, it can be used to outline an article, agreement or presentation, Bharadwaj said, “but

we know it's not a good tool to use for legal research for case studies.”

of generative AI are already emerging.

In June, the Associated Press reported an “unprecedented instance” in which ChatGPT was blamed for attorneys in New York submitting fictitious legal research in an aviation injury claim case. A federal judge fined two attorneys and a firm for acting in bad faith.

Freedman said it's just one of several cautionary tales that will hopefully deter others from using unsecured AI tools for their arguments.

A federal judge in Texas now requires lawyers appearing before him to certify that they haven't used AI to draft their filings without human interaction checking the content's accuracy.

Establishing oversight

N. Kane Bennett, managing partner of Middletown-based Aeton Law Partners LLP, co-chairs the Connecticut Bar Association's newly formed generative AI committee, along with his partner **Jon Shapiro**.

AI itself has been around for decades, but some law firms are still slow to use more advanced forms of the technology, Bennett said. He estimates roughly 30% of firms are testing the waters with basic AI programs.

There's also new technology emerging every day.

When done right, generative AI, he said, is going to be a game-changer for the legal profession.

Attorneys at Aeton and elsewhere are using generative AI to create contract clauses, letters and text.

An attorney, for example, can program AI to not only draft a binding arbitration provision, but train the technology to draft different versions, from simple to complex, he said.

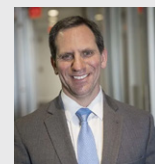
“You could train this through prompting, to produce what you want it to produce,” Bennett said.

He said he understands the hesitation that some attorneys have over open-source generative AI, especially in their line of work where confidentiality is key.

So, many firms are using generative AI programs specifically designed for attorneys and the legal profession. Such programs only draw

CT lawyers establish generative AI committee; here's what it will do

The Connecticut Bar Association has established a new committee aimed at evaluating AI's role and the impact it may have on the practice of law.



Jonathan Shapiro



N. Kane Bennett

Jonathan Shapiro and N. Kane Bennett, of Middletown-based Aeton Law Partners LLP, are the generative AI committee co-chairs.

Key focus areas for the committee include:

- Research and understanding
- Implications for the legal profession
- Access to justice
- Regulatory and ethical considerations
- Education and training
- Policy recommendations
- Ongoing evaluation

from real-world cases and research, Bennett said.

One of the most noteworthy programs is called CoCounsel, an AI legal assistant that offers document review, legal research memos, deposition preparation, and contract analysis in minutes.

The program was developed by California-based Casetext Inc., which was acquired in June for \$650 million by news and information company Thomson Reuters.

CoCounsel allows an attorney to search for legal cases on a particular issue, like free-speech infringements involving Connecticut-based online publications. Through a keyword search, the program will draft a question, like “How many online publications in Connecticut have faced free-speech infringements?”

It will then find all cases related to that topic, providing details of note “in less than five minutes,” Bennett said.

And CoCounsel’s information universe is limited. “It’s only been trained on the actual cases that exist,” he said.

Many large national law firms are creating their own GPT-based chatbots with only internal information to produce efficient search results, he said.

Large firms have been making “significant” investments in AI tools, he added.

Even smaller firms will be paying upwards of \$500 per month, per user for CoCounsel.

Other AI apps that firms are investing in include Clearbrief, which helps write briefs and scan opponents’ briefs. It also pulls data from depositions and adds it to a brief.

Spellbook is similar to ChatGPT, but has only been trained on legal prose, Bennett said.

Those programs cost around \$150 per user, per month, Bennett said.

Providing AI counsel

Despite the advances and possibilities, AI can never replace the work of experts, Freedman and Bharadwaj said.

“These tools are aimed at augmenting and assisting lawyers, not to replace their work, because at the end of the day, it still requires a legal professional mind,” Bharadwaj said.

Meantime, attorneys are not only navigating their own AI use, but advising clients on the risks.

Other AI pitfalls include the unauthorized use of intellectual property,

Freedman said, “as seen in quite a few pieces of litigation that have been filed by authors, artists and others alleging that their information, their intellectual property, has been stolen and is being used to provide machine learning without permission, without licensing, without royalties. So, I think that’s an area of risk that all companies, including law firms, need to be thinking about.”

Freedman advises companies using generative AI to appoint a stakeholder team that evaluates risks and sets organizational strategies and controls around its use.

Bennett said AI technology is only going to get more advanced and effective, when firms big and small start programming their own bots to do work specifically for their cases and clients.

“I’ve never seen anything like it in the legal landscape throughout my entire career where there are these new products coming out every week,” Bennett said. ◀