

What's NEXT: Law



SPECIAL ADVERTISING SECTION**How AI will transform the legal profession**

Artificial intelligence (AI) will soon be a game-changer across nearly every industry, including law. The transformational effect that AI is expected to have on the economy has been likened to the impacts of the industrial revolution. But while the industrial revolution automated manual labor, AI is automating white-collar labor by performing mental tasks with superhuman efficiency.

LIBN sat down with Meyer, Suozzi, English & Klein Managing Attorney Patricia Galteri to discuss where law firms are now with regard to AI adoption, how AI can benefit law firms and their clients, and which AI limitations and concerns need to be addressed.

Are most law firms already using AI?

No, not yet. In a survey of lawyers at large and mid-sized firms that was conducted in late March, Thomson Reuters Institute found that only 3 percent of respondents were using generative AI applications such as OpenAI's ChatGPT. These applications are used to identify patterns and structures within existing data to generate new and original content.

General counsel for companies in the tech sector have begun using AI to assist with contract and document review, first drafts of letters and to support research. The global firm Allen & Overy recently adopted the platform Harvey, which was developed from ChatGPT software to implement more legal profession-specific capabilities. Many middle-market law firms, including MSEK, are actively looking into AI programs to determine how they can assist attorneys, what the drawbacks and concerns are, and what the benefits will be relative to the cost. However, existing generative AI programs such as ChatGPT, Microsoft Bing, Bard and LLaMA are not designed for the practice of law. They are general-purpose AI platforms and fun to use but have serious flaws in the accuracy of responses and the potential exposure of confidential or proprietary client information.

But, give it two years for technology to be developed and to advance, and AI will be a mainstay tool assisting attorneys in the practice of law on a widespread basis.

What is an example of tasks your firm may use AI for?

Attorneys will use legal-specific AI to do automated searches of the universe of statutes and cases to generate first drafts



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of legal briefs and other documents. For instance, I might ask AI to "find case law in New York which permitted an administrator of an estate to operate a decedent's business." Or, I might ask AI, "I want to write a memo on the pros and cons of pending legislation and how the passage of this legislation could affect my client. Find articles on this topic and summarize the takeaways." Imagine how much time that will save.

But I emphasize: This must only be done for a first draft. An attorney has to carefully review what the AI program produces. Recently, two attorneys representing an individual in a personal injury lawsuit against an airline submitted a federal court filing that cited at least six cases to support their client's position that the lawsuit was not time-barred. But the cases did not, in fact, exist, as was revealed by opposing counsel. The attorneys for the plaintiff had used AI, which completely invented the cases to support their argument. This phenomenon, in which the platform generates fictitious information in an effort to give users what they're looking for, is known as "hallucinating." The attorneys were each fined \$5,000 and ordered to notify each judge falsely identified as the author of the hallucinated cases about the sanction.

AI can also be used to review documents during the discovery phase of a litigation as well as to review contracts. When a new contract comes in, AI can quickly analyze the contract, identifying inconsistent language and comparing the provisions to those in the user's standard contract. This can save an attorney several hours of time for each contract.

There are many other ways AI can potentially be used. Prior to conducting a deposition, you want to make sure you identify all areas of inquiry that apply given the particulars of the case. AI can generate lines of inquiry and a list of questions to ask the litigating parties.

What are some of your immediate concerns regarding the use of AI?

One major concern is accuracy. Given that programs like ChatGPT are prone to

hallucinations and other glitches, an attorney certainly cannot rely solely on responses generated by AI to advise a client or for a finished work product. These require the human touch of an experienced attorney. The attorney must carefully review what is generated by the platform, do due diligence to fact-check the information, and exercise judgment and legal expertise in producing a compelling finished product.

Privacy is another major concern of generative AI. Lawyers are under a strict code of confidentiality to protect and safeguard client information. The way AI tools are set up, if you plug in information about your case in your prompt, the information leaves the law firm's secure environment and any confidential data that you may have provided will not be safeguarded. Therefore, when you craft your inquiries, you should not use confidential specifics about your client. I believe we will see technology companies develop AI tools or platforms that will provide each law firm with its own confidential AI database, which will link to Lexis/Nexis and its universe of statutes and cases, but will maintain the firm's search information in its own private environment.

The use of generative AI may also expose the firm to elevated cybersecurity risks. In March 2023, OpenAI temporarily shut down ChatGPT to fix a bug that exposed titles of users' chat histories to other users along with users' personally identifiable information. The servers maintained by generative AI platforms are potentially lucrative targets for cyber criminals and may be vulnerable to an attack.

In addition, the costs of implementing an AI platform, including integrating it with existing technology and training teams on optimal use, will need to be weighed in relation to the potential benefits.

How might your firm and your clients benefit from AI?

AI has the potential to save law firms and our clients valuable time and resources by automating significant portions of routine legal functions, assisting in legal research and drafting documents. When

used properly and securely, AI tools can drastically reduce the time it takes attorneys to perform tasks such as researching extensive databases and generating first drafts of content such as briefs and client memos. This will allow attorneys to provide faster results and more efficient service to clients in addition to freeing up attorneys to focus on higher-level, more strategic services for the benefit of clients. We will have more time to develop deeper expertise in our specific practice areas, provide clients with more strategic guidance, and focus on building relationships with our clients. As more and more law firms adopt AI and are able to provide more services efficiently, it will force other law firms to step up their game in order to remain competitive. This will benefit consumers of legal services overall.

What's next?

Our firm is actively analyzing how AI can best be used to complement the judgment and skills of our attorneys and staff, and how we can leverage this technology to streamline and improve the service that we provide to our clients. All law firms will need to have an AI policy, which obviously will have to be updated regularly as the technology and its usage rapidly evolves.

We are currently drafting an AI policy to guide our attorneys and staff in the appropriate use of AI. This will specify which AI tools will be approved for client work and require all attorneys and staff to be educated on the terms of use, benefits, and risks of these tools. Our attorneys will commit to examine all outputs for accuracy and reliability and continue to exercise independent expert judgment in producing documents and providing advice to our clients.

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Courtesy of Meyer Suozzi

Patricia Galteri, managing attorney of Meyer, Suozzi, English & Klein, P.C.

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