Aie Aie Aie! AI in the Workplace

Texas City Attorneys Association Fall Conference

October 5, 2023

Dallas, Texas

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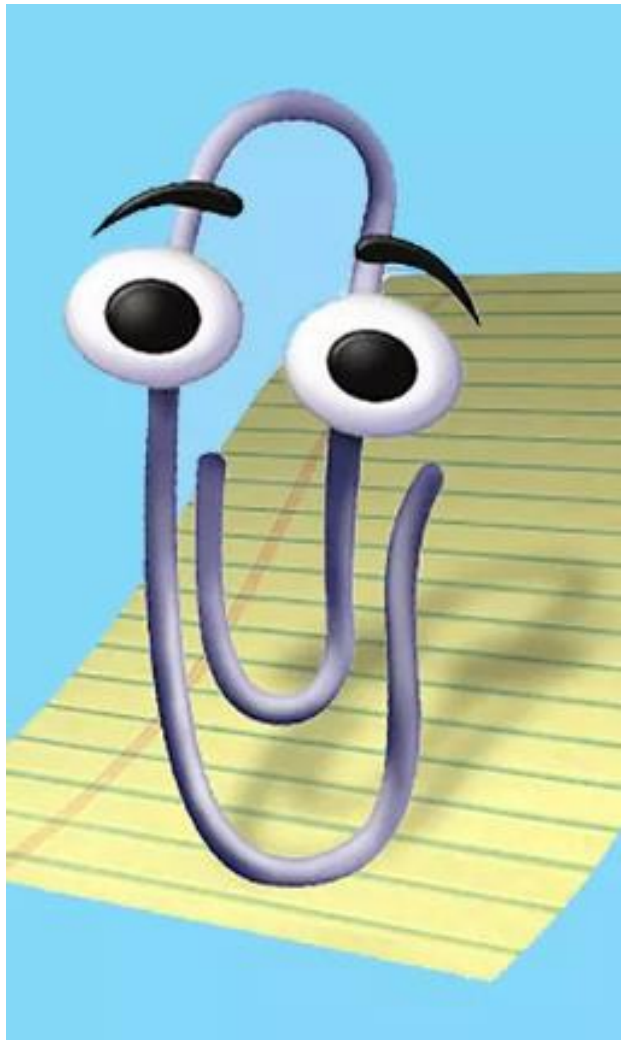
Generative AI 101

Kasparov v. Deep Blue (1996-97)



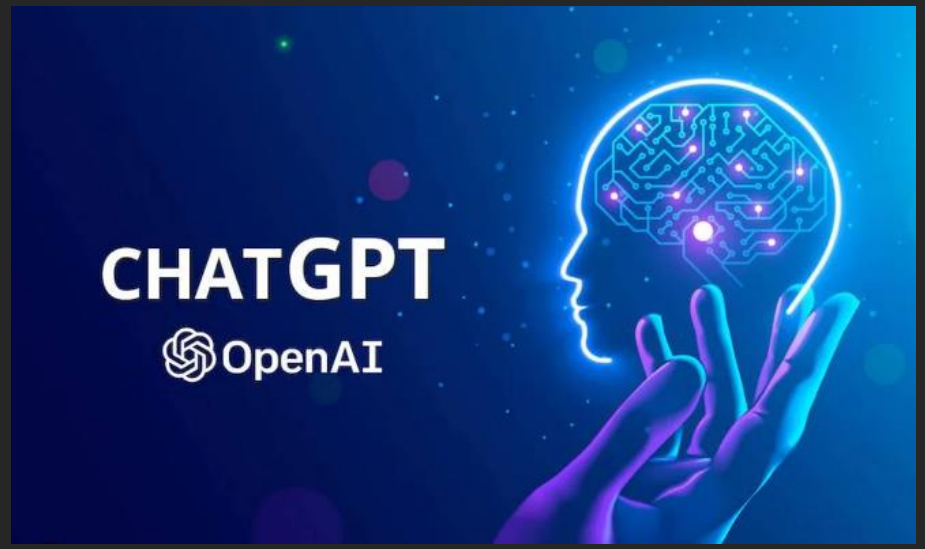
Josh Trebach, MD
@jtrebach

me: when I was your age a paperclip named Clippy would help me write letters to my friends

kid: sure grandpa let’s get u to bed

Siri (2011)

Bing AI



DALL·E 2

A type of artificial intelligence designed to generate original content using algorithms that “learn” from preexisting data

Chat GPT-4's Accomplishments

Uniform Bar Exam (90th Percentile)

LSAT (88th Percentile)

Verbal GRE (99th Percentile)

U.S. Medical Licensing Exam (60% Accuracy)

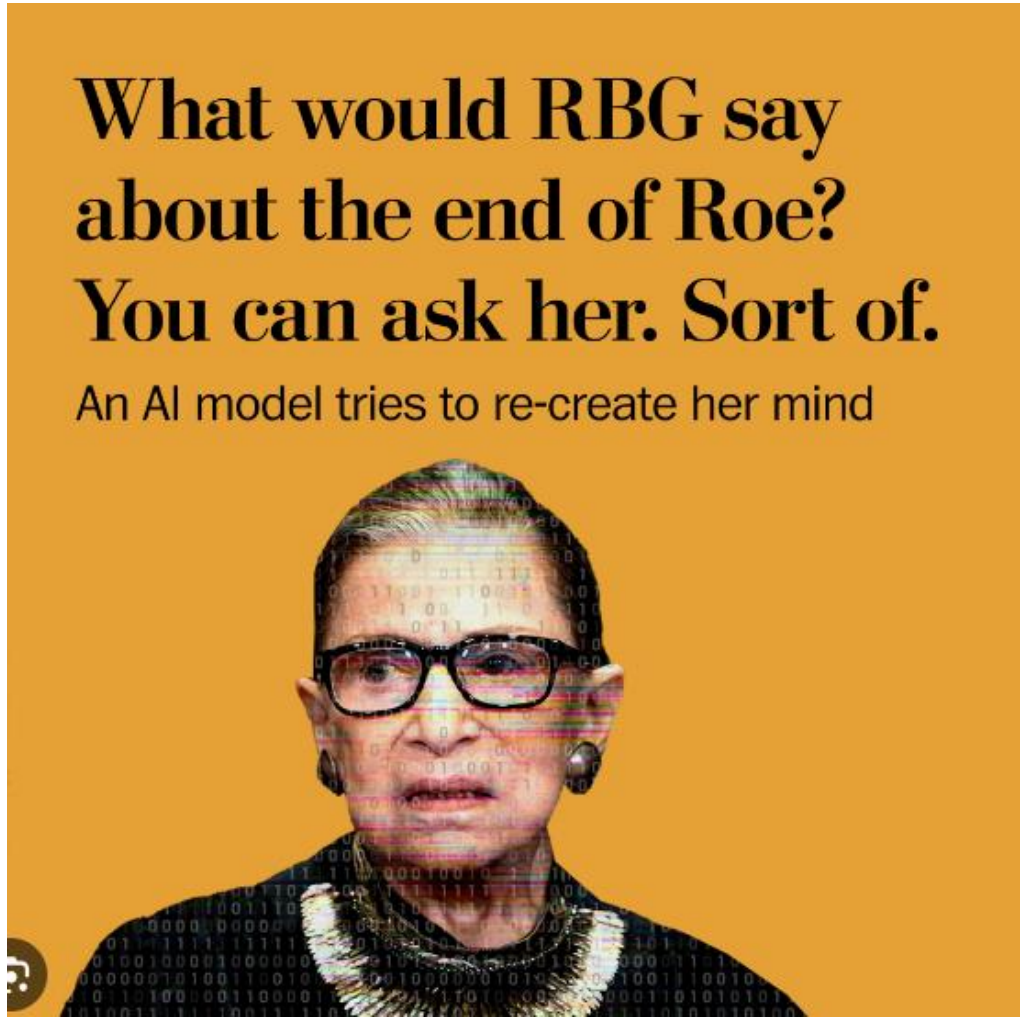
Master Sommelier theory exams

AP English Language (14th Percentile)

AP English Literature (8th Percentile)

Competitive Programming (<5th Percentile)

The Good, the Bad, and the Ugly



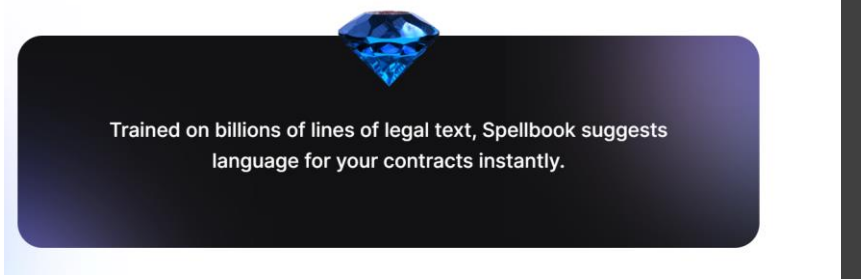
INNOVATIONS

This AI model tries to re-create the mind of Ruth Bader Ginsburg

Its creators say the AI app helps ordinary people understand how artificial intelligence is progressing. Critics contend there's much work to be done.

By Pranshu Verma

June 14, 2022 at 7:00 a.m. EDT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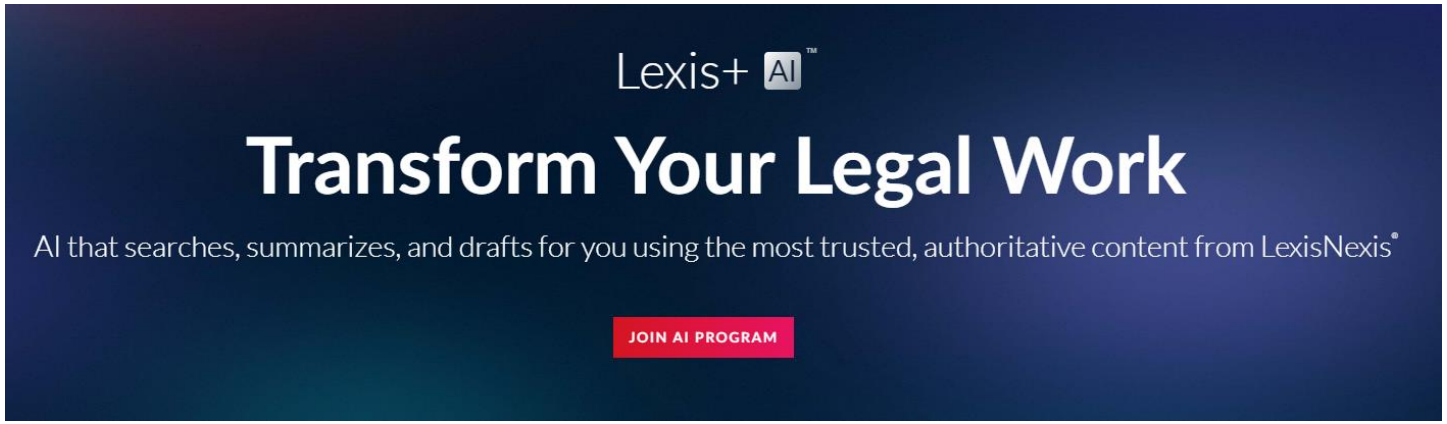
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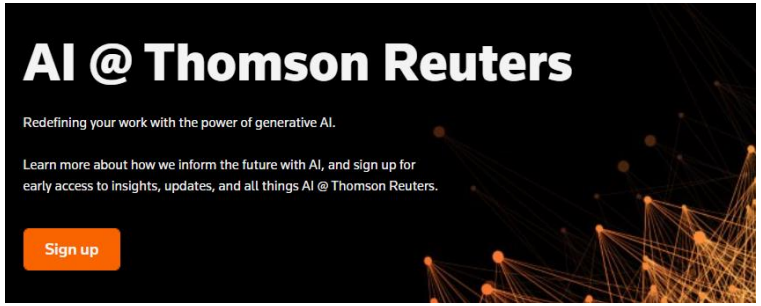
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- Inadvertent Disclosure
- Bias / Discrimination
- Errors
  - Hallucinations
  - Knowledge Gaps
  - Incomplete Information

Ethical Issues in the use of AI

AMERICAN BAR ASSOCIATION

HOUSE OF DELEGATES

ADOPTED AUGUST 12-13, 2019

RESOLUTION

RESOLVED, That the American Bar Association urges courts and lawyers to address the emerging ethical and legal issues related to the usage of artificial intelligence ("AI") in the practice of law including: (1) bias, explainability, and transparency of automated decisions made by AI; (2) ethical and beneficial usage of AI; and (3) controls and oversight of AI and the vendors that provide AI.

Rule 1.01 - Competence

Comment 6 – a lawyer should act with competence…reasonable diligence and promptness

Comment 8 – a lawyer should strive for proficiency and competence…including the benefits and risks of technology

Rule 1.03 - Communication

Comment 1 – client should have sufficient information concerning *means* by which representation is pursued

ABA Res. 112 – lawyer should obtain informed consent from client before using AI (or NOT using AI in some cases)

Rule 1.04 - Fees

Rule 1.04(a) – lawyers shall not charge an illegal or unconscionable fee (i.e. if a lawyer could not form a reasonable belief that the fee is reasonable)

TIME/LABOR + REQUISITE SKILL

Neglecting to adopt AI may result in unreasonable fees

Rule 1.05 - Confidentiality

Rule 1.05(b)(1)(ii) – may not reveal confidential information

Do third-party AI sources promise confidentiality?

Rule 5.01; 5.03 - Supervisory

Supervisory lawyers are responsible for conduct of another lawyer or staff if they order, encourage, or knowingly permit violation of rules OR fail to take reasonable remedial action

Comment 6 – moral obligation to make reasonable efforts to ensure office has appropriate procedures to give assurance to lawyers and staff of compliance

Policy Suggestions

Can your employees use generative AI, and if so, under what circumstances?

- Type of AI? Absolute no-nos? Supervisor approval?
- Consider an investigatory committee

Draft a written policy / rule / memo to staff

Conduct training on policy and use of technology

THANK YOU!

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