

Artificial Intelligence: Disrupting Law

**83rd HPC User Forum
September 6, 2023**

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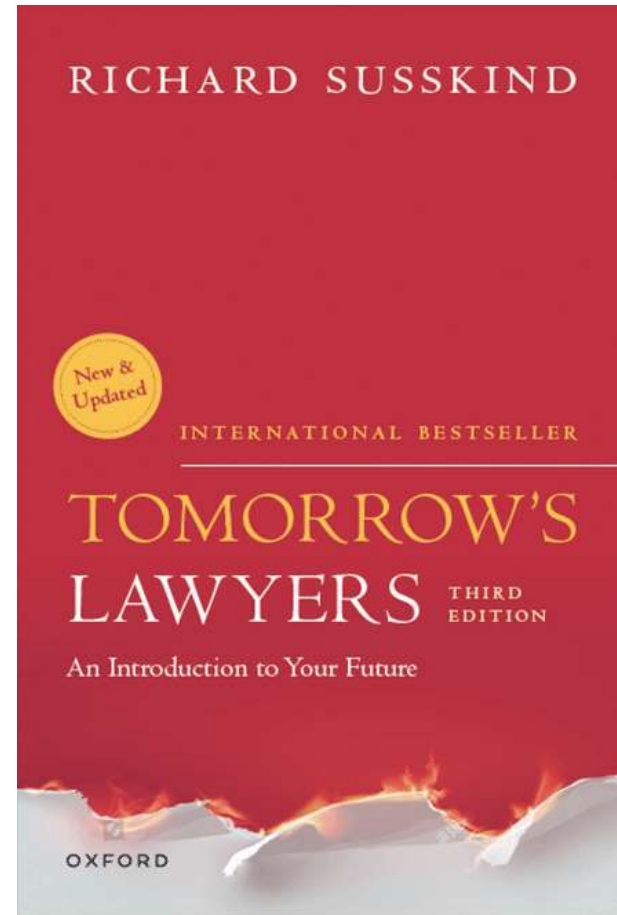
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AI: Unprecedented Disruption of Legal System

“We will see more change in the [legal profession] in the next two decades than in the past two centuries.”

- Richard Susskind



Disruption of the Practice of Law



“Artificial intelligence is changing the way lawyers think, the way they do business and the way they interact with clients. Artificial intelligence is more than legal technology. It is the next great hope that will revolutionize the legal profession.... What makes artificial intelligence stand out is the potential for a paradigm shift in how legal work is done.”

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CHRIS STOKEL-WALKER

BUSINESS FEB 21, 2023 10:00 AM

Generative AI Is Coming For the Lawyers

Large law firms are using a tool made by OpenAI to research and write legal documents. What could go wrong?



ILLUSTRATION: JAMES MARSHALL; GETTY IMAGES

AI Puts Nearly Half Of Legal Jobs At Risk

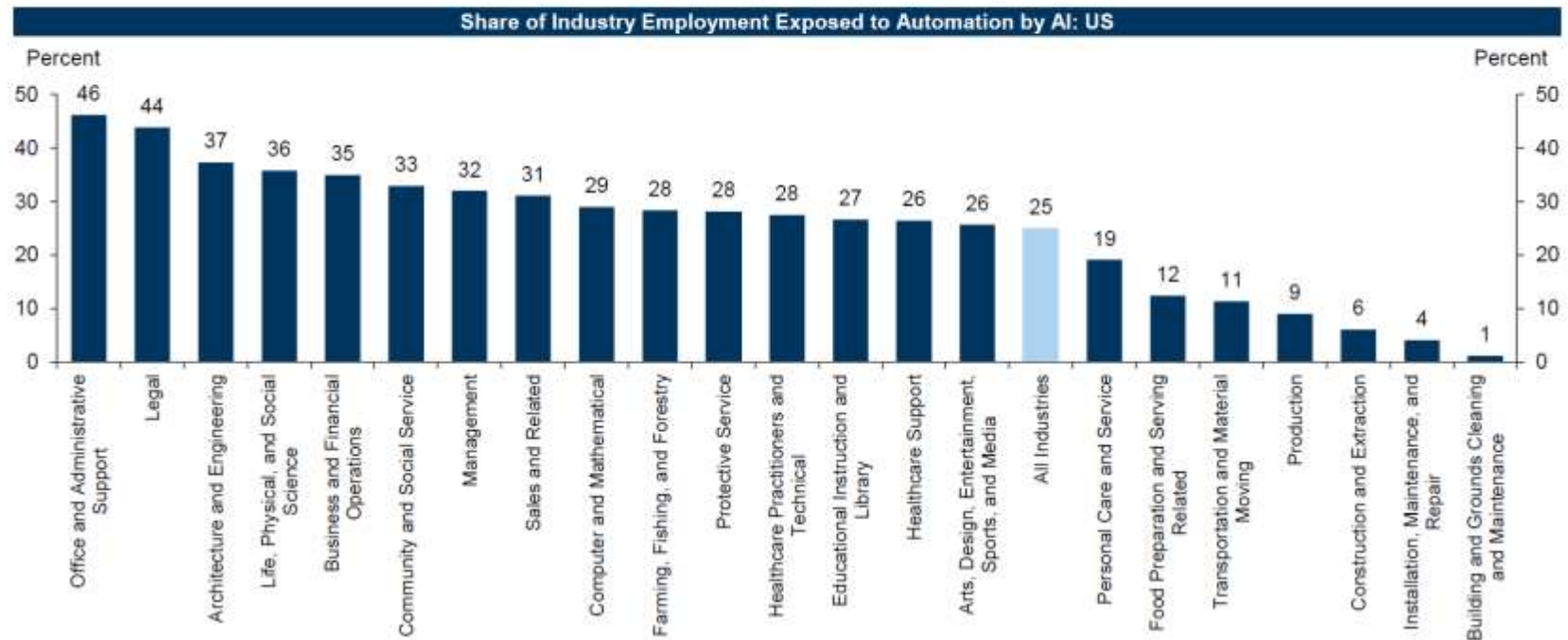
By Tracey Read

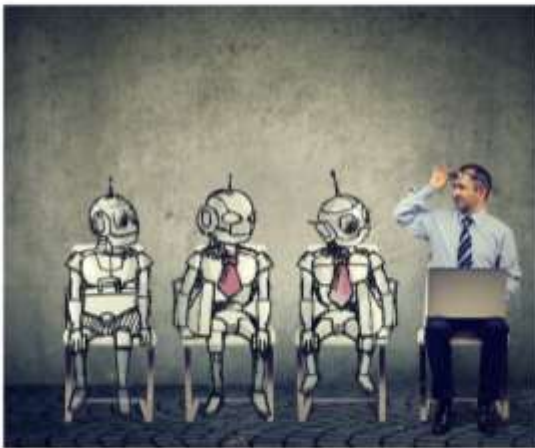
Law360 (March 29, 2023, 4:52 PM EDT) -- Generative artificial intelligence is putting 44% of legal jobs at risk, according to a new report from Goldman Sachs.

Goldman Sachs

Global Economics Analyst

Exhibit 5: One-Fourth of Current Work Tasks Could Be Automated by AI in the US and Europe





(Credit: pathdoc/Adobe Stock)

COMMENTARY

Legal Industry Reacts to Goldman Sachs Generative AI Report: Keep Calm and Panic

Few challenged the Goldman Sachs report stating that 44% of legal tasks would be replaced by generative AI. But many had distinct theories about what that would mean for the industry.

March 30, 2023 at 10:13 PM

🕒 8 minute read

Artificial Intelligence



Isha Marathe [+](#)
Legal Tech Reporter

**Bennet Borden, chief data scientist at DLA Piper:
Any lawyers refusing to understand generative AI are
“like the dinosaurs the day before the meteor hit:
they’re extinct.”**

THE WALL STREET JOURNAL.

BUSINESS | LAW

End of the Billable Hour? Law Firms Get On Board With Artificial Intelligence

Lawyers start to use GPT-4 technology to do legal research, draft documents and analyze contracts

By [Erin Mulvaney](#) [Follow](#) and [Lauren Weber](#) [Follow](#)

May 11, 2023 11:00 am ET

Judge says AI could have been used

LT lawtimesnews.com/practice-areas/litigation/judge-says-ai-could-have-been-used/263340

A judge capped the costs award in an occupier's liability personal injury costs judgment, writing that the use of artificial intelligence should have "significantly reduced" counsel's preparation time.



Carole Piovesan says courts are grappling with the use of AI in litigation. Photo: Laura Pedersen

A judge capped the costs award in an occupier's liability personal injury costs judgment, writing that the use of artificial intelligence should have "significantly reduced" counsel's preparation time. The decision in *Cass v. 1410088 Ontario Inc.*, 2018 ONSC 6959 reduced the starting point for disbursements by \$11,404.08, citing both research fees as well as other aspects of the lawyers' bill, and awarded a total cost award against the plaintiff of \$20,000.

Court Opinion: "If artificial intelligence sources were employed, no doubt counsel's preparation time would have been significantly reduced."



U.S. District Judge P. Kevin Castel of the Southern District of New York delivers his remarks after accepting the NYSBA Commercial & Federal Litigation Section's 2023 Stanley H. Fuld Award on Jan. 18 at the New York Midtown Hilton. (Photo: Rick Kopstein)

NEWS

Judge Imposes \$5K Fine on Lawyers Who Submitted ChatGPT-Generated Fake Case Citations

U.S. District Judge Kevin Castel did not order Steven Schwartz of Levidow, Levidow & Oberman and his associate Peter LoDuca to apologize, noting that “a compelled apology is not a sincere apology.”

June 22, 2023 at 03:29 PM

🕒 2 minute read

Legal Services



Jane Wester [↗](#)

The original version of this story was published on New York Law Journal

While there is nothing “inherently improper” about an attorney using artificial intelligence, wrote U.S. District Judge P. Kevin Castel, “existing rules impose a gatekeeping role on attorneys to ensure the accuracy of their filings.” In this case, he continued, the attorneys “abandoned their responsibilities when they submitted non-existent judicial opinions with fake quotes and citations created by the artificial intelligence tool ChatGPT, then continued to stand by the fake opinions after judicial orders called their existence into question.”

“One thing is becoming clear:
lawyers who use artificial
intelligence will replace
lawyers who don't.”



Disruption of the Substance of Law

AI: Machine Learning

Human Computer Programming

- Machine mechanically implements **human-made code**
- Bad outcomes are attributable to **bad code**
- **Human programmer can explain** why machine did what it did



Machine Learning

- Humans **provide data** and **specify overall goal** for machine
- Machine **self-learns and adapts** its approach to maximize specified goal
- **Limited explanation** for why machine did what it did

A Robot That Bought Drugs Online Is Now Free From Police Custody

Posted Apr 20, 2015 by [John Biggs \(@johnbiggs\)](#)



If that headline doesn't make much sense, welcome to the 21st century when a program designed to automatically buy random items from illegal marketplaces can be arrested by Swiss police. As you'll recall, [Swiss police seized a program](#) called [Darknet Shopper](#), a bot that visited darknet markets and bought random items with [bitcoin](#). Most of the items were mundane – counterfeit goods and the like – but the robot also ordered some ecstasy.

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A “smart”
workplace
robot
unexpectedly
reaches over
and crushes a
human
worker’s head

WorldViews

A robot killed a factory worker in Germany. So who should go on trial?

By Rick Noack
July 2, 2015



A man walks past a screen displaying a logo of Volkswagen at an event in New Delhi on June 23. (Anindito Mukherjee/Reuters)

BERLIN — Prosecutors are leading an unusual investigation after a robot killed a contractor at a Volkswagen production plant in western Germany on Monday.

What liability for the artificial intelligence that loses a fortune?

The claim brought for the amount lost by an AI is leading to major discussions on who is liable for it



Giulio Coraggio   - May 16, 2019



The first case involving an artificial intelligence system that lost a large amount of money investing in the stock exchange market raises the question of what liability regime shall apply to the conduct and misconduct of an AI.

Autonomous Vehicle Liability?

TECHNOLOGY A motorcyclist is suing GM after crashing into its self-driving car

Accidents involving autonomous cars can trigger a complex blame game.

By Greg Jensen



Chevrolet Bolt EV vehicles at GM's Orion Assembly facility in Michigan.
By Greg Jensen/Popular Science

—
GM settles with motorcyclist over accident with self-driving Bolt

The motorcyclist reported shoulder and neck injuries.

- Why did motorcyclist sue GM when police report said he was at fault?
- Would motorcyclist have sued car or its driver if human-driven vehicle?
- Why did GM settle on terms that plaintiff described as “very satisfactory”?

Biased algorithm leads to arrest of an innocent person for a crime he did not commit

Wrongfully Accused by an Algorithm

In what may be the first known case of its kind, a faulty facial recognition match led to a Michigan man's arrest for a crime he did not commit.



YouTube wins racial bias lawsuit – U.S. says the plaintiffs did not provide enough evidence to support their claims

gizchina.com/2023/08/18/youtube-racial-bias-lawsuit

Efe Udin

August 18, 2023

newsTech



YouTube has recently won a lawsuit accusing the platform of racial bias against Black and Hispanic content creators. The lawsuit was filed in 2020 by a group of Black, Hispanic creators who alleged that YouTube's software was systematically removing their videos without explanation and taking away their ad revenue. The case title is Newman et al v Google LLC et al, U.S. District Court, Northern District of California, No. 20-04011. On Thursday, a U.S. federal judge dismissed the lawsuit. The judge, Vince Chhabria ruled that though the claim of the plaintiffs seem plausible, they were unable to prove that they suffered any bias.

Does Section 230 Protect Generative AI?

SECTION 230

Section 230 Won't Protect ChatGPT

By **Matt Perault** Thursday, February 23, 2023, 8:01 AM



OpenAI Chairman and President Greg Brockman at a San Francisco conference in 2019. (TechCrunch, <https://tcrn.ch/2HjE8e4>; Attribution CC BY 2.0, <https://creativecommons.org/licenses/by/2.0/>)

Yes, Section 230 Should Protect ChatGPT And Other Generative AI Tools



from the *no-this-wasn't-written-by-chatgpt* dept

Fri, Mar 17th 2023 11:59am - *Jess Miers*

Question Presented: Does Section 230 Protect Generative AI Products Like ChatGPT?

As the buzz around Section 230 and its application to algorithms intensifies in anticipation of the Supreme Court's response, "generative AI" has soared in popularity among users and developers, begging the question: does Section 230 protect generative AI products like ChatGPT? Matt Perault, a prominent technology policy scholar and expert, thinks not, as he discussed in his recently published Lawfare article: [Section 230 Won't Protect ChatGPT](#).

Perault's main argument follows as such: because of the nature of generative AI, ChatGPT operates as a co-creator (or material contributor) of its outputs and therefore could be considered the "information content provider" of problematic results, ineligible for Section 230 protection. The co-authors of Section 230, former Representative Chris Cox and Sen. Ron Wyden, have also [suggested](#) that their law doesn't grant immunity to generative AI.

I respectfully disagree with both the co-authors of Section 230 and Perault, and offer the counter argument: Section 230 does (and should) protect products like ChatGPT.

It is my opinion that generative AI does not demand exceptional treatment. Especially since, as it currently stands, generative AI is not exceptional technology; an understandably provocative take to which we'll soon return.

But first, a refresher on Section 230.

Section 230 Protects Algorithmic Curation and Augmentation of Third-Party Content

Recall that Section 230 says websites and users are not liable for the content they did not create, in whole or in part. To evaluate whether the immunity applies, the *Barnes v. Yahoo!* Court provided a widely accepted three-part test:

Bipartisan bill seeks to deny AI companies liability protections

BY REBECCA KLAR - 06/14/23 10:35 AM ET

f SHARE



Photo illustration showing ChatGPT and OpenAI research laboratory logo and inscription on a mobile phone smartphone screen (Nicolas Economou/NurPhoto via Getty Images)

A bipartisan bill introduced Wednesday seeks to clarify that artificial intelligence (AI) companies are not eligible for protections that keep tech companies from being held legally responsible for content posted by third parties.



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Defamation



INNOVATIONS

ChatGPT invented a sexual harassment scandal and named a real law prof as the accused

The AI chatbot can misrepresent key facts with great flourish, even citing a fake Washington Post article as evidence

By [Pranshu Verma](#) and [Will Oremus](#)

April 5, 2023 at 2:07 p.m. EDT



How do yo
savings sta

ChatGPT falsely told voters their mayor was jailed for bribery. He may sue.



By Leo Sands

April 6, 2023 at 10:22 a.m. EDT



"Even a disclaimer to say we might get a few things wrong — there's a massive difference between that and concocting this sort of really harmful material that has no basis whatsoever," says Brian Hood, an Australian mayor victimized by lies from an AI chatbot. (Dade Ruvic/Reuters)

Listen 5 min Comment 18 Save Gift Article Share

Brian Hood is a whistleblower who was [praised](#) for “showing tremendous courage” when he helped expose a worldwide bribery scandal linked to Australia’s National Reserve Bank.

But if you ask ChatGPT about his role in the scandal, you get the



August 15, 2022
11:02 AM EDT
Last checked 10 days ago

Patent Appellate Intellectual Property Public Policy

U.S. appeals court says artificial intelligence can't be patent inventor

By Blake Gribbin

Unsubscribed



The United States Patent and Trademark Office (USPTO) is seen in Alexandria, Virginia, U.S. REUTERS/Andrew Kelly

Summary Law Docs Related documents

- Thaler had asked for patents on behalf of his AI system
- Court affirms ruling that patent 'inventor' must be human being

ARTIFICIAL INTELLIGENCE / TECH / LAW

AI-generated art cannot be copyrighted, rules a US Federal Judge

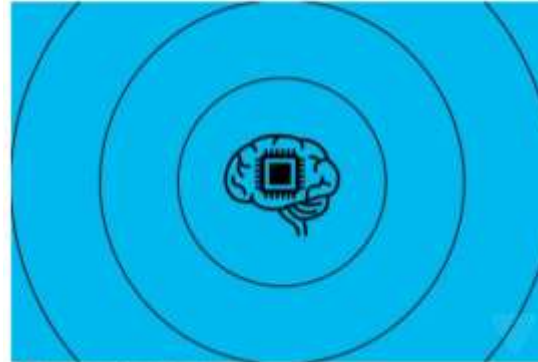


Illustration by Alan Santos / The Verge

/ DC District Court Judge Beryl A. Howell says human beings are an "essential part of a valid copyright claim."

By Wes Davis, a weekend editor who covers the latest in tech and entertainment. He has written news, reviews, and more as a tech journalist since 2000.

Aug 16, 2022, 9:42 PM MET | 34 Comments / 34 tags



United States District Court Judge Beryl A. Howell ruled on Friday that AI-generated artwork can't be copyrighted, as noted by *The Hollywood Reporter*. She was presiding over a lawsuit against the US Copyright Office after it refused a copyright to Stephen Thaler for an AI-generated image made with the Creativity Machine algorithm he'd created.

Thaler had tried multiple times to copyright the image "as a work-for-hire to the owner of the Creativity Machine," which would have listed the author as the creator of the work and Thaler as the artwork's owner, but he was repeatedly rejected.

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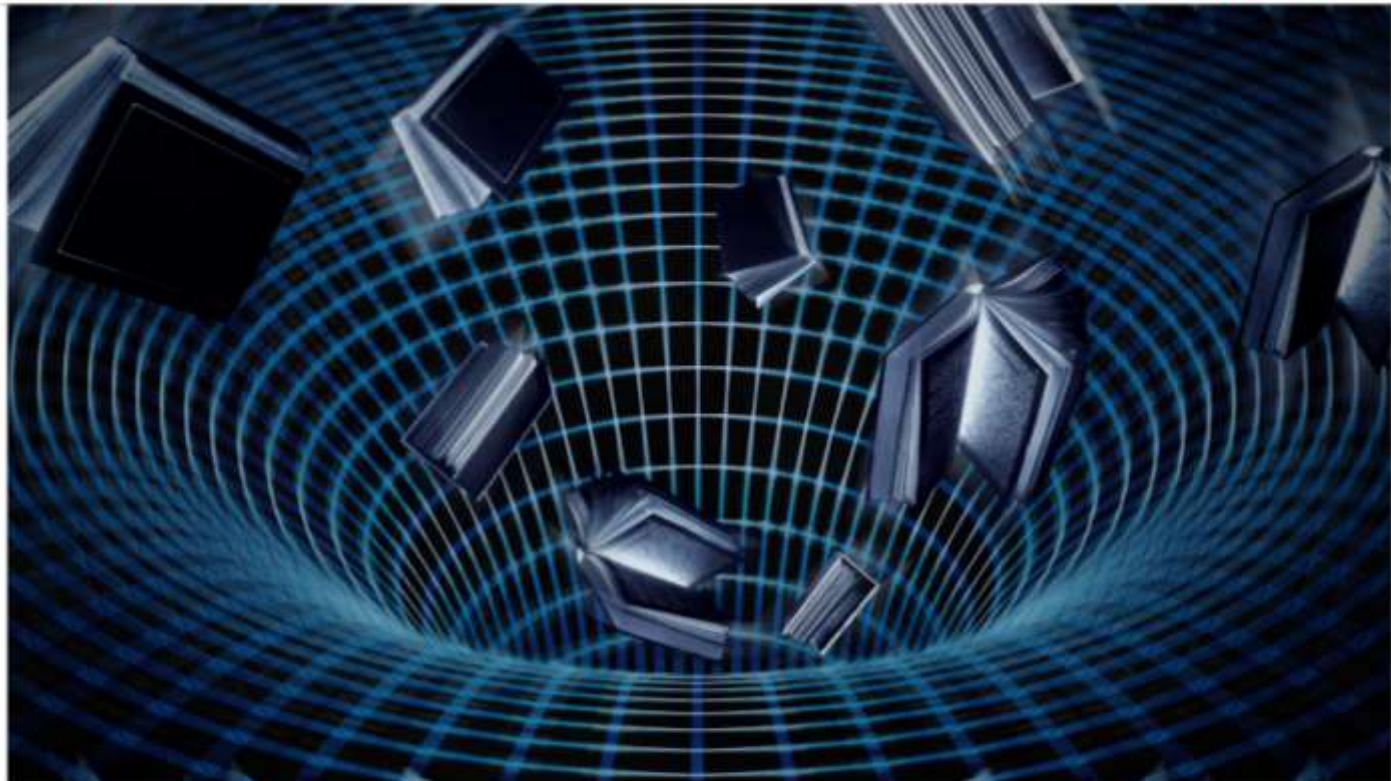


Illustration by The Atlantic. Source: Getty.

TECHNOLOGY

REVEALED: THE AUTHORS WHOSE PIRATED BOOKS ARE POWERING GENERATIVE AI

Stephen King, Zadie Smith, and Michael Pollan are among thousands of writers whose copyrighted works are being used to train large language models.

By Alex Reisner

ChatGPT Has a Big Privacy Problem

Italy's recent ban of Open AI's generative text tool may just be the beginning of ChatGPT's regulatory woes.



PHOTOGRAPH: BADAHOZ/GETTY IMAGES

WHEN OPENAI RELEASED [GPT-3 In July 2020](#), it offered a glimpse of the data used to train the large language model. Millions of pages scraped from the web, Reddit posts, books, and more are used to create the generative text system, according to a [technical paper](#). Scooped up in this data is some of the personal information you share about yourself online. This data is now getting OpenAI into trouble.

Samsung workers made a major error by using ChatGPT

 [techradar.com/news/samsung-workers-leaked-company-secrets-by-using-chatgpt](https://www.techradar.com/news/samsung-workers-leaked-company-secrets-by-using-chatgpt)

By Lewis Maddison published 2 days ago

April 4, 2023



(Image credit: Valeriya Zankovych / Shutterstock.com)

Samsung workers have unwittingly leaked top secret data whilst using ChatGPT to help them with tasks.

The company allowed engineers at its semiconductor arm to use the AI writer to help fix problems with their source code. But in doing so, the workers inputted confidential data, such as the source code itself for a new program, internal meeting notes data relating to their hardware.

That Photo of Pope Francis in a Puffer Jacket Was Generated by AI

A fun and seemingly harmless image, but since people believed it, does it portend larger issues?



An AI-created image of Pope Francis in a puffer jacket, which fooled a lot of people online.

Midjourney/Reddit

GENERATED BY A.I.



A handout image generated by AI and provided by Jordan Rhone, which was created using Midjourney to highlight the resilience of conspiracy theories like the moon landing.

Kyle Roche Hidden Video May Be Deepfaked, Expert Says

By **Lauren Berg**

Law360 (March 16, 2023, 10:22 PM EDT) -- Freedman Normand Friedland LLP told a California federal judge overseeing allegations Dfinity sold unregistered securities that the crypto company cannot rely on secretly recorded comments from ex-firm partner Kyle Roche to bolster its attempt to disqualify the plaintiffs' firm, saying Wednesday an expert report shows the video clips might be deepfaked.

According to the **report** prepared by David Kalat, a director at Berkeley Research Group LLC with a film degree and experience in forensic computer examinations, the video segments that appear to show Roche talking about the instant case show signs of "repeated compression, tampering, and extensive manipulation."

Kalat said the videos contain "artifacts" that are "consistent with the use of deepfake technology," including that Roche's face appears blurred and that there are breaks in the audio.



“To think this all began with letting autocomplete finish our sentences.”