

Corporate & Commercial and Technology, Media & Telecommunications

ALERT

28 JUNE 2023



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INCORPORATING
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Part Two: Should I ask my lawyer or should I just ChatGPT it?

In Part One, we explored ChatGPT's capabilities in the legal field, and we saw both its impressive potential and significant limitations. Now, in Part Two, we delve deeper into the potential consequences for legal professionals relying solely on AI tools, such as ChatGPT, by considering a real-life scenario that sheds light on the importance of accuracy, ethics and the indispensable role of human judgement.



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For our readers who haven't yet read Part One, you can [find it here](#).

In Part One, we saw how M's sole reliance on ChatGPT led to disastrous results. This unfortunate turn of events serves as a cautionary tale for those tempted to rely solely on ChatGPT or similar AI tools for legal research and advice. While AI models like ChatGPT can offer general information and summaries on various topics, the intricacies of legal principles and their application to a particular set of facts still require professional human expertise.

Recently, a lawyer based in New York faced a court hearing after using ChatGPT for legal research and submitting a brief in support of an argument, citing several previous court cases to establish precedent. The opposing counsel alerted the judge that they were unable to locate some of the cases mentioned in the brief. The court found itself grappling

with what the judge referred to as an "*unprecedented circumstance*" when it was discovered that a filing contained references to legal cases that did not exist.

The lawyer who had employed the AI tool, claimed to be unaware that the content it generated could be false. Upon investigation, it was revealed that the research had not been conducted by the lawyer representing the plaintiff, but rather by a colleague within the same law firm. This colleague, an attorney with over 30 years of experience in practice, had used ChatGPT to search for relevant precedents. The attorney acknowledged his regret for relying on the tool, admitting that he had never used AI for legal research before and was unaware of the potential for false information. ChatGPT carries warnings and disclaimers that it can produce inaccurate information, and even hallucinate at times.

Similar to M's scenario, screenshots submitted as part of the documentation before the court displayed a conversation between the attorney and ChatGPT in which the attorney asked if certain cases were real, including one specific case that could not be located by anyone else. As we saw in Part One, ChatGPT responded affirmatively, citing its sources as legal reference databases such as LexisNexis and Westlaw. It assured the attorney that the cases were indeed real. This incident serves as a stark reminder of the risks associated with relying solely on AI tools for legal research and advice. Subsequently, the lawyer and his partner were fined \$5000 for submitting fake citations in a court filing as the Judge was of the view that lawyers acted in bad faith and made "*acts of conscious avoidance and false and misleading statements to the court.*" A lesson for one and all!

Part Two: Should I ask my lawyer or should I just ChatGPT it?

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As millions of individuals embrace AI technologies like ChatGPT, concerns regarding the potential risks of artificial intelligence have emerged. Misinformation and bias are among the apprehensions associated with AI's increasing influence.

The human touch

One of the critical aspects of the legal profession is accuracy. The law demands precision, meticulous research and a thorough analysis of statutes, regulations and case law. While ChatGPT may provide initial insights and summaries, it cannot guarantee the accuracy and reliability that human lawyers provide through their qualification and experience.

Moreover, the legal field is not just about finding answers; it's about understanding unique circumstances, applying legal principles to specific facts, and making nuanced

judgements. AI tools currently lack the contextual understanding and real-world experience necessary to weigh different legal arguments, anticipate counterarguments or consider the broader implications of legal decisions.

Ethics also play a vital role in the legal profession. Lawyers adhere to a code of professional conduct that requires them to act in their clients' best interests, maintain confidentiality, and uphold the principles of justice and fairness. AI tools, on the other hand, operate purely based on algorithms and data patterns, devoid of moral judgement or ethical considerations.

Relying solely on AI tools like ChatGPT for legal matters carries significant risks. It may lead to incorrect advice, misinterpretation of the law, or biased responses that could have severe consequences for individuals and

society. Legal decisions can have far-reaching implications, and the expertise and ethical judgement of human lawyers are indispensable in ensuring justice and fairness prevail.

In the ever-evolving landscape of law and technology, it is imperative that legal professionals strike a delicate balance between leveraging the benefits of AI tools and upholding the standards of accuracy, ethics, and human expertise. The synergy between technology and legal expertise, when properly managed, can lead to more efficient and effective legal practice while ensuring the integrity and fairness of the legal system.

**Muzammil Ahmed
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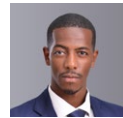
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BBBEE STATUS: LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

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