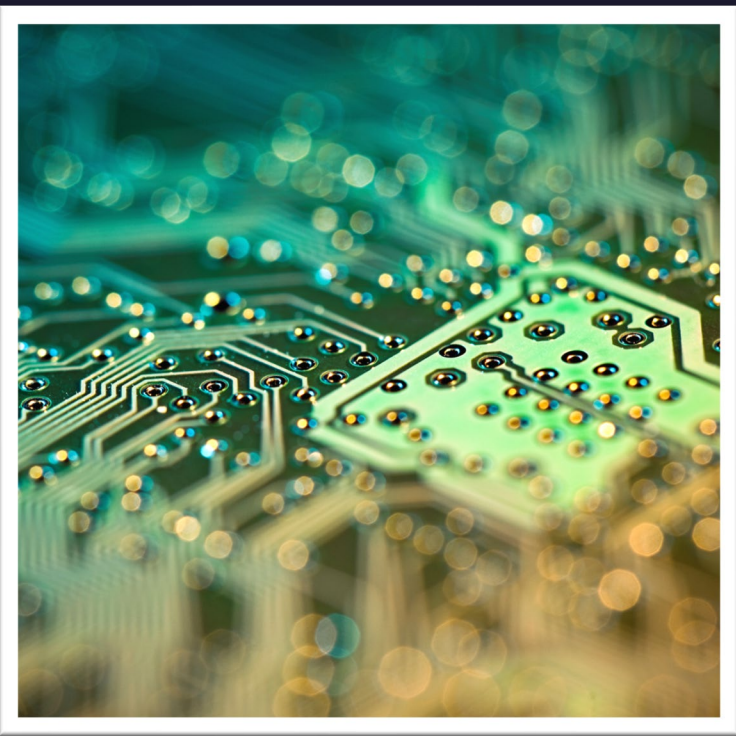




# Artificial Intelligence and the Legal Profession

**Kristi A. Nickodem**

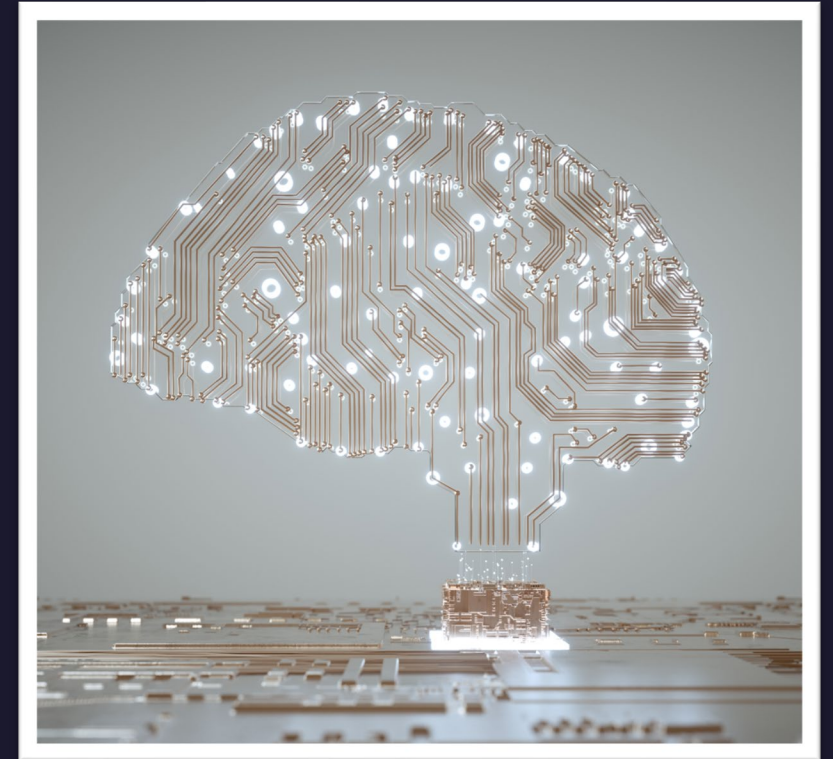
Assistant Professor of Public Law and Government, UNC School of Government



## Artificial Intelligence:

Computer systems that can perform tasks that usually require human intelligence, such as visual perception, speech recognition, decision-making, problem-solving, and language translation.

**Generative AI:** A class of artificial intelligence techniques that focus on generating new content or data that resembles human-created content. Instead of being explicitly programmed to perform specific tasks, generative AI models are trained on large datasets to learn patterns and structures within the data.







How did the North Carolina Supreme Court define a "true threat" for purposes of determining when certain speech is unprotected by the First Amendment?



The North Carolina Supreme Court defined a "true threat" for purposes of determining when certain speech is unprotected by the First Amendment in the case of *State v. Taylor*, 379 N.C. 589 (2021). The court adopted an objective test to identify a "true threat."

In this case, the court held that a "true threat" is defined as:

1. **Objective Standard:** The statement must be one that a reasonable person would interpret as a serious expression of an intent to commit an act of unlawful violence against a particular individual or group of individuals.
2. **Context Matters:** The context in which the statement is made is crucial in determining whether it constitutes a "true threat." This includes the surrounding circumstances, the relationship between the speaker and the recipient, and the listener's reaction.

3. **Specific Intent Not Required:** The court emphasized that it is not necessary for the prosecution to prove that the speaker had a specific intent to carry out the threat. Instead, it is sufficient if a reasonable person would foresee that the statement would be interpreted as a serious expression of intent to harm.

This definition aligns with the U.S. Supreme Court's interpretation of "true threats" in cases such as *Virginia v. Black*, 538 U.S. 343 (2003), which emphasized that the speaker need not actually intend to carry out the threat, but the statement must be one that a reasonable person would interpret as a serious threat of violence.

In summary, the North Carolina Supreme Court's definition of a "true threat" focuses on how a reasonable person would perceive the statement in context, rather than the subjective intent of the speaker.



## GPT-4 has:

- Passed the Bar Exam
- Scored a 163 on the LSAT
- Scored 1410 out of 1600 on the SAT
- Scored in the 99th percentile on the verbal section of the GRE and 80th percentile of the quantitative section of the exam.
- Received the highest possible score on AP Exams for Art History, Biology, Environmental Science, Macroeconomics, Microeconomics, Psychology, Statistics, US Government, and US History.



# Prompt to image generators

“Otter on a plane using wi-fi”

*Credit for images:*  
Ethan Mollick, The Wharton School, U. Penn









 Gemini

ElevenLabs

Claude

 MURF.AI

 Gamma

 synthesia

 Speechify



ChatGPT



Otter.ai

Midjourney

 OpenAI

DALL-E 3



Stable Diffusion

Harvey.

Westlaw Precision

Now with generative AI

DILIGEN

Josef

Lexis+ AI™

Spellbook

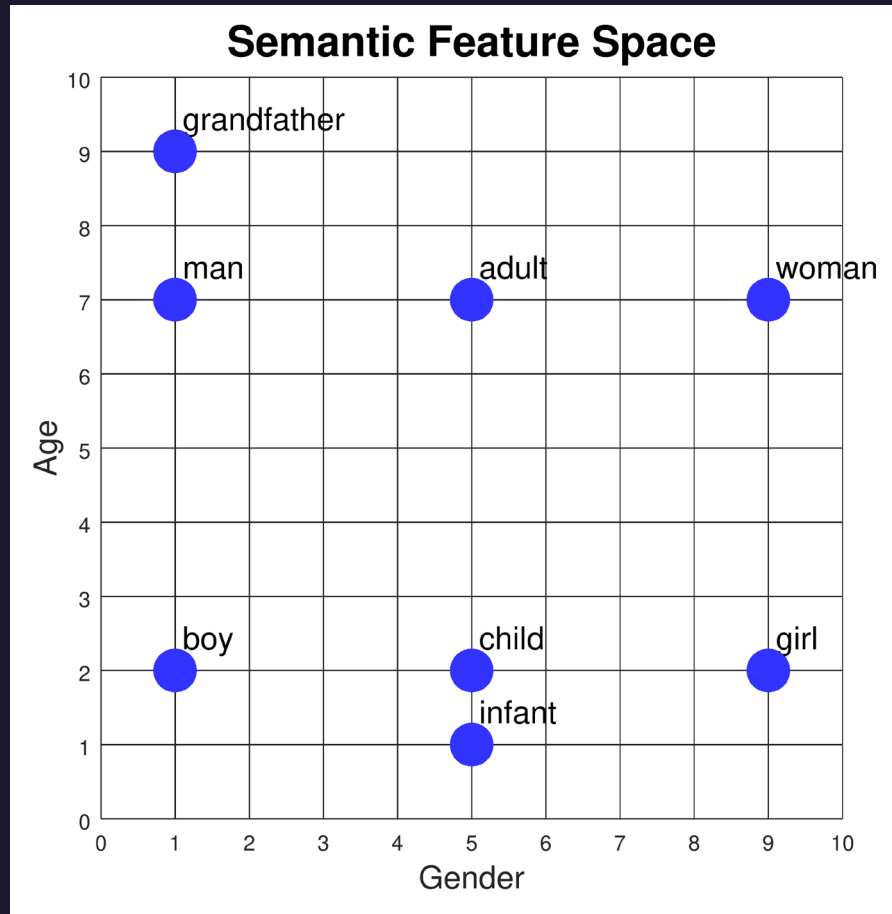
Clio Draft

Meet CoCounsel—the world's  
first AI legal assistant





# How does this work?

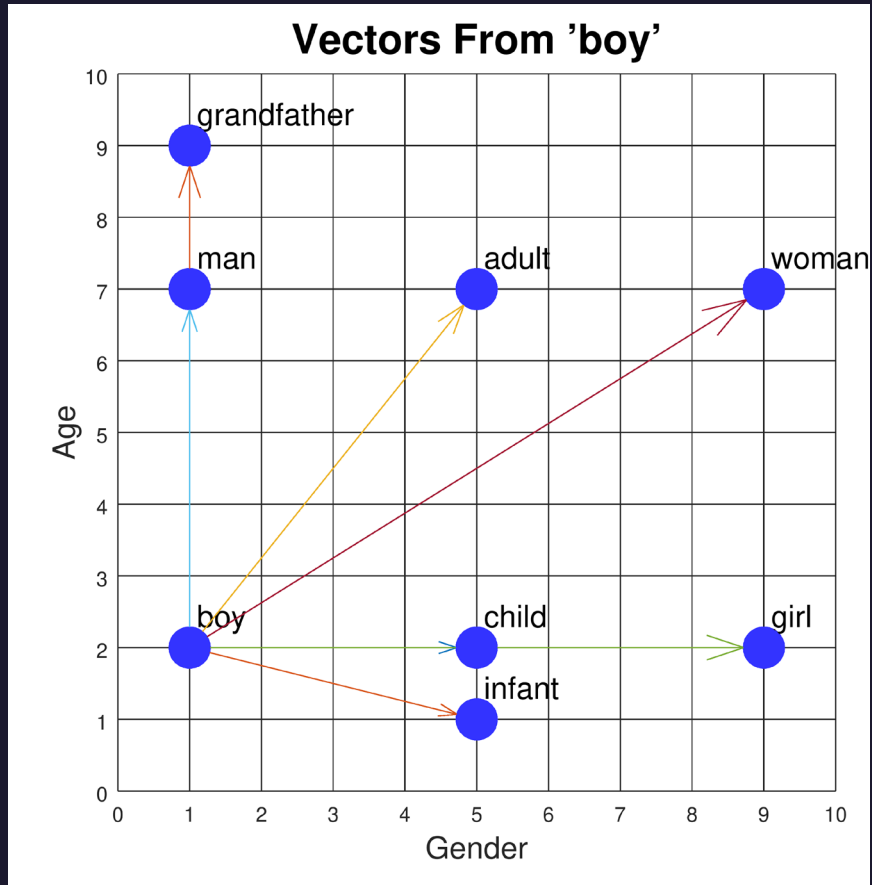


Word Coordinates		
	Gender	Age
grandfather	[ 1,	9 ]
man	[ 1,	7 ]
adult	[ 5,	7 ]
woman	[ 9,	7 ]
boy	[ 1,	2 ]
child	[ 5,	2 ]
girl	[ 9,	2 ]
infant	[ 5,	1 ]

*Image Credit:* Carnegie Mellon University Computer Science Academy



# How does this work?

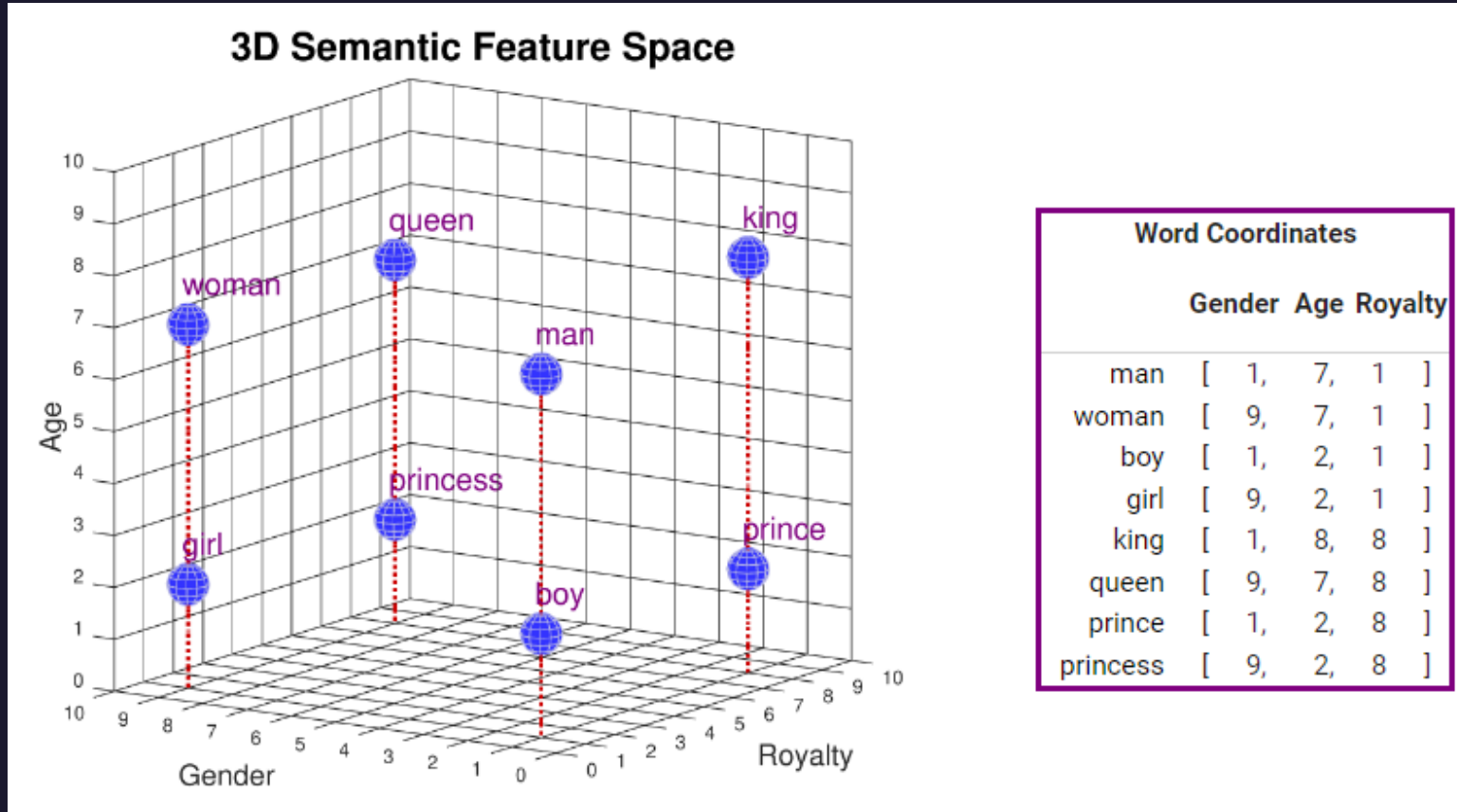


Distance from "boy"	
grandfather	7
man	5
adult	6.4031
woman	9.4340
boy	0
child	4
girl	8
infant	4.1231

*Image Credit:* Carnegie Mellon University Computer Science Academy



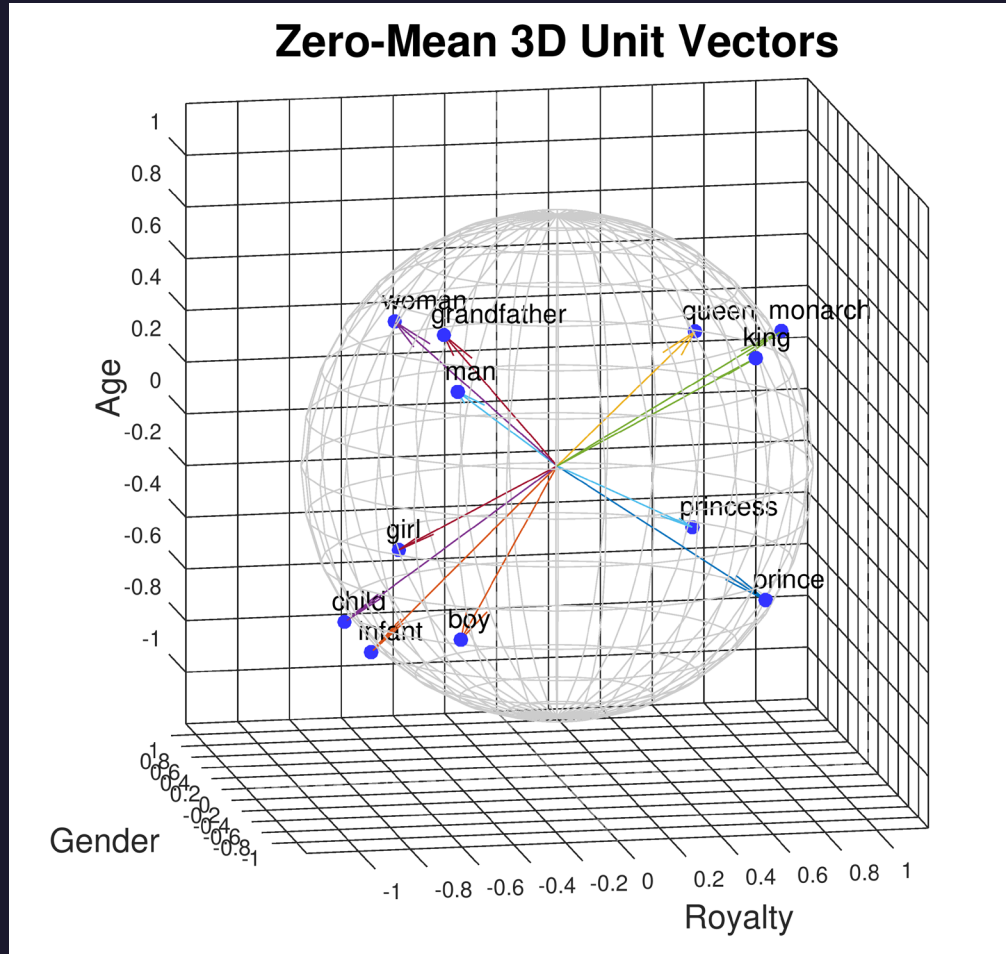
# How does this work?



*Image Credit:* Carnegie Mellon University Computer Science Academy



# How does this work?



Zero-Mean 3D Unit Vectors			
	Gender	Age	Royalty
grandfather	[ -0.5426,	0.6412,	-0.5426 ]
man	[ -0.7191,	0.4576,	-0.5230 ]
woman	[ 0.7741,	0.4168,	-0.4764 ]
boy	[ -0.6971,	-0.5070,	-0.5070 ]
girl	[ 0.7543,	-0.4642,	-0.4642 ]
king	[ -0.5570,	0.5064,	0.6583 ]
monarch	[ 0.0676,	0.4730,	0.8785 ]
queen	[ 0.6608,	0.3558,	0.6608 ]
prince	[ -0.5846,	-0.4252,	0.6909 ]
princess	[ 0.6484,	-0.3990,	0.6484 ]
child	[ 0.0733,	-0.5866,	-0.8066 ]
infant	[ 0.0642,	-0.7057,	-0.7057 ]

*Image Credit:* Carnegie Mellon University Computer Science Academy



Retrieval  
augmented  
generation

Fine-tuning

LLM

(e.g., GPT-4)



An abstract graphic featuring a network of interconnected nodes and lines. The nodes are represented by small circles in various colors, including blue, red, and white. The lines connecting them are thin and translucent, creating a complex web-like structure. The background is a dark blue gradient, and the overall effect is one of digital connectivity and data flow.

# Potential Risks to Users

# Accuracy problems

Hallucinating Law: Legal Mistakes with Large Language Models are Pervasive

OpenAI Hit With First Defamation Suit Over ChatGPT Hallucination

**Proliferating 'news' sites spew AI-generated fake stories**

These lawyers used ChatGPT to save time.  
They got fired and fined.

Top news app caught sharing “entirely false” AI-generated news

# *Mata v. Avianca,* No. 22-CV-1461 (PKC) (S.D.N.Y.)

Mr. Schwartz testified at the sanctions hearing that...he was “operating under the false perception that this website [i.e., ChatGPT] could not possibly be fabricating cases on its own.”

He stated, “I just was not thinking that the case could be fabricated, so I was not looking at it from that point of view. My reaction was, ChatGPT is finding that case somewhere. Maybe it’s unpublished. Maybe it was appealed. Maybe access is difficult to get. I just never thought it could be made up.”





**Missouri appeals court fines litigant after finding fake, AI-generated cases cited in filings**

**\$2000 Sanction in Another AI Hallucinated Citation Case**

Michael Cohen gave lawyer fraudulent case citations generated by AI

**Another NY lawyer faces discipline after AI chatbot invented case citation**

# AI on Trial: Legal Models Hallucinate in 1 out of 6 (or More) Benchmarking Queries

## Hallucination-Free? Assessing the Reliability of Leading AI Legal Research Tools

**Varun Magesh\***  
Stanford University

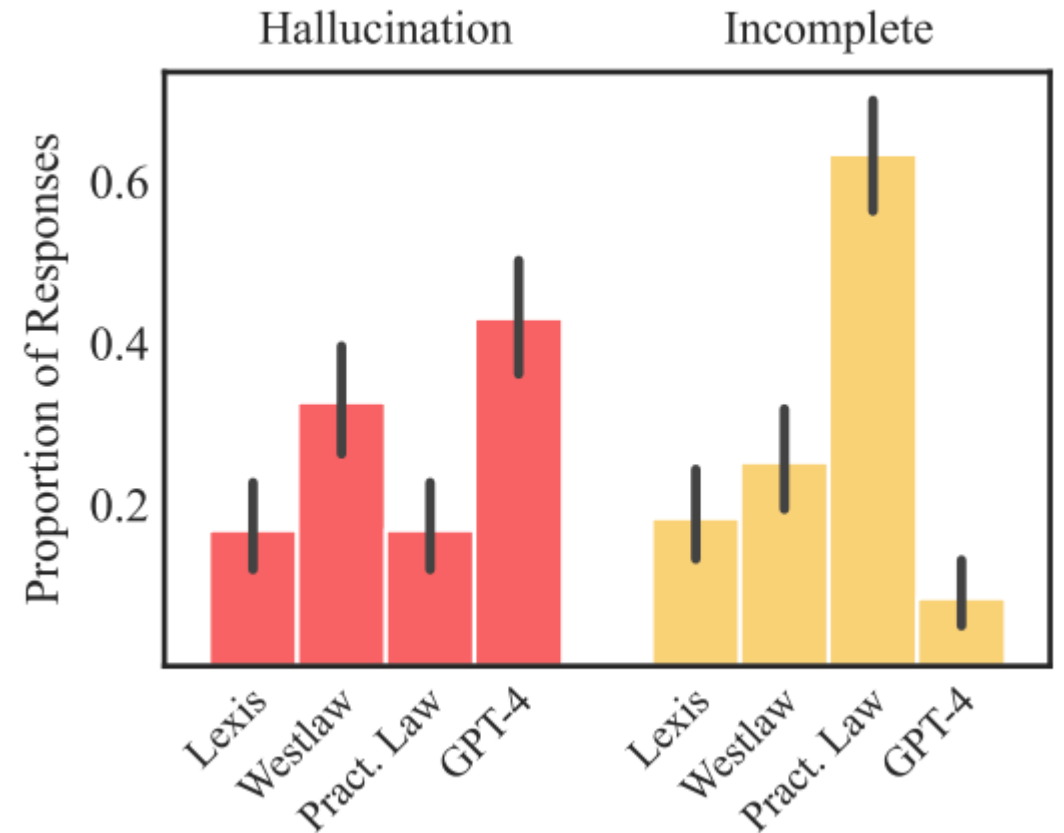
**Faiz Surani\***  
Stanford University

**Matthew Dahl**  
Yale University

**Mirac Suzgun**  
Stanford University

**Christopher D. Manning**  
Stanford University


**Daniel E. Ho†**  
Stanford University



### Input Query

Are the deadlines established by the bankruptcy rules for objecting to discharge jurisdictional?


### Westlaw AIAR Response

[A] **paragraph from the Federal Rules of Bankruptcy Procedure**, Rule 4007 states that the deadlines set by bankruptcy rules governing the filing of dischargeability complaints **are jurisdictional**. [...] 

### Input Query

What standard of review applies to abortion regulations under the U.S. Constitution?

### Lexis+ AI Response

Currently, the “undue burden” test, as established in *Planned Parenthood of Southeastern Pa. v. Casey*, is the governing standard. [Planned Parenthood of the Heartland, Inc. v. Reynolds](#), [...]. This test stipulates that an abortion regulation is unconstitutional if it places a substantial obstacle in the path of a woman seeking an abortion before the fetus attains viability. [...] 

### Input Query

Why did Justice Ginsburg dissent in Obergefell?


### Practical Law Response

**Justice Ginsburg dissented in Obergefell** because she believed that the court’s interpretation undermined Congress’s intent under Section 601(a) (1) to protect copyright owners against unauthorized importation of low-priced, foreign-made copies of copyrighted works. She argued that the text of the Copyright Act clearly applies to works governed by the statute. [...] 

### Input Query

Do any special requirements apply to online dating services in Connecticut?

### GPT-4 Response

Yes, Connecticut has specific legal requirements that apply to online dating services. Under Connecticut law, particularly **Conn. Gen. Stat. § 42-290**, online dating services that charge a fee and have members who reside in Connecticut must provide their users with specific safety awareness notifications. These notifications must include: [...] 



**A cautionary tale for cities embracing AI: NYC's chatbot is advising businesses to break the law**

# Risks to personal data and confidential information







Scoop: Congress bans staff use of Microsoft's AI Copilot

**Samsung Bans Staff's AI Use After Spotting ChatGPT Data Leak**

Amazon stops employees from using generative AI tools like ChatGPT

**ChatGPT can leak training data, violate privacy, says Google's DeepMind**

**Proposed 2024 Formal Ethics Opinion 1**  
**Use of Artificial Intelligence in a Law Practice**  
**July 18, 2024**

*Proposed opinion discusses a lawyer's professional responsibility when using artificial intelligence in a law practice.*

**Inquiry #1:**

Considering the advantages and disadvantages of using AI in the provision of legal services, is a lawyer permitted to use AI in a law practice?

**Opinion #1:**

Yes, provided the lawyer uses any AI program, tool, or resource competently, securely to protect client confidentiality, and with proper supervision when relying upon or implementing the AI's work product in the provision of legal services.



# Coates' Canons NC Local Gov't Law Blog

<https://canons.sog.unc.edu/>

## Unpacking the Potential Risks of Generative AI Chatbots on Local Government Websites

Published: 05/01/24

Author Name: [Kristi Nickodem](#)

 Print



# Potential Risks in Decision-making



Mortgage approval algorithms have been shown to disproportionately to deny home loans to people of color.



*Science* published research showing that a commercial algorithm used by health care systems falsely concluded that Black patients were healthier than equally sick White patients, and thus predicted that Black patients needed less care.



Amazon abandoned an experimental AI recruiting tool after finding that it showed substantial bias against women.



New Lie-Detecting AI for Job Interviews Risks Violating Old Laws

**AI shows clear racial bias when used for job recruiting, new tests reveal**

'Liability': Moms Face Built-in Bias from AI Resume-Screeners, Study Finds

New EEOC Enforcement Playbook Features AI Hiring Bias Focus (2)



# Dutch scandal serves as a warning for Europe over risks of using algorithms



AI tool used to spot child abuse allegedly targets parents with disabilities

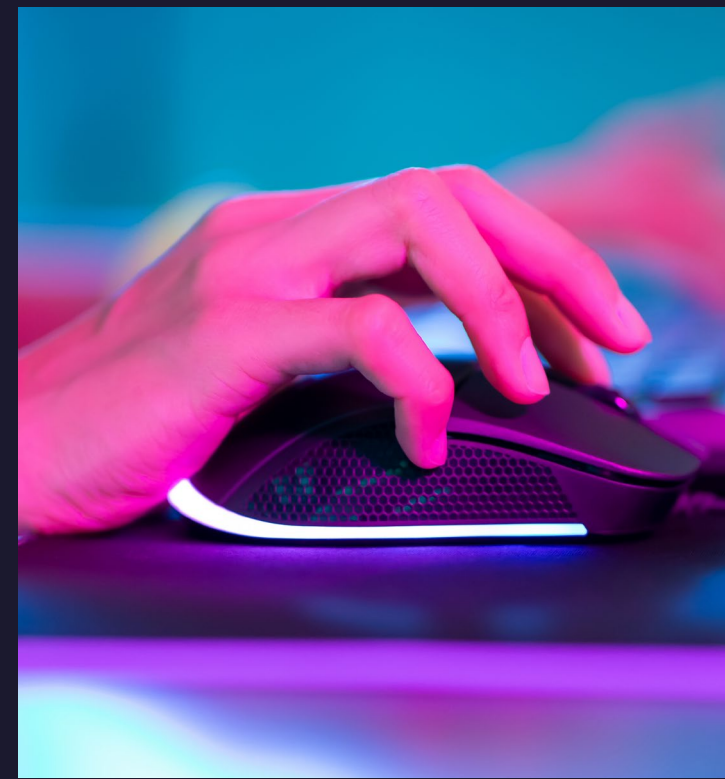


## When an Algorithm Helps Send You to Prison

# **AI ruling on jobless claims could make mistakes courts can't undo, experts warn**

Nevada's plan to let AI rule on unemployment claims is risky, experts warn.

**AI ban ordered after child protection worker used ChatGPT in Victorian court case**



**Police officers are starting to use AI chatbots to write crime reports. Will they hold up in court?**







# Potential Societal Impact



# Potential for deepfakes



# Microsoft's VASA-1 can deepfake a person with one photo and one audio track

TL;DR: single portrait photo + speech audio = hyper-realistic talking face video with *precise lip-audio sync*, *lifelike facial behavior*, and *naturalistic head movements*, generated in *real time*.



# New methods for fraud and other crimes

**They thought loved ones were calling for help. It was an AI scam.**

**Finance worker pays out \$25 million after video call with deepfake 'chief financial officer'**

**AI will make scam emails look genuine, UK cybersecurity agency warns**

**Athletic Director Used AI to Frame Principal With Racist Remarks in Fake Audio Clip, Police Say**



# A rise in AI- generated CSAM

**The AI-Generated Child Abuse Nightmare Is Here**

**New Jersey teen sues classmate for allegedly creating, sharing fake AI nudes**

**54 Attorneys General Call on Congress to Study AI and Its Harmful Effects on Children**

**US prosecutors see rising threat of AI-generated child sex abuse imagery**

**Study uncovers presence of CSAM in popular AI training dataset**

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023**

**SESSION LAW 2024-37  
HOUSE BILL 591**

**AN ACT TO ESTABLISH SEXUAL EXTORTION OFFENSES, TO UPDATE OFFENSES  
RELATED TO SEXUAL EXPLOITATION OF A MINOR, TO UPDATE SEX  
OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS, AND TO  
CLARIFY THE OFFENSE OF DISCLOSURE OF PRIVATE IMAGES.**

**"§ 14-190.13. Definitions for certain offenses concerning minors.**

The following definitions apply to G.S. 14-190.14, displaying material harmful to minors; G.S. 14-190.15, disseminating or exhibiting to minors harmful material or performances; G.S. 14-190.16, first degree sexual exploitation of a minor; G.S. 14-190.17, second degree sexual exploitation of a minor; G.S. 14-190.17A, third degree sexual exploitation of a ~~minor~~ minor; and G.S. 14-190.17C, obscene visual representation of sexual exploitation of a minor.

**Material.** – Pictures, drawings, video recordings, films or other visual or physical depictions or representations, including digital or computer-generated visual depictions or representations created, adapted, or modified by technological means, such as algorithms or artificial intelligence, but not material consisting entirely of written words.



**Slovakia's Election Deepfakes Show AI Is a Danger to Democracy**

Increased  
election  
interference

AI-generated robocall impersonates Biden in an apparent attempt to suppress votes in New Hampshire

**Philly sheriff's campaign takes down bogus  
'news' stories posted to site that were generated  
by AI**

FCC Makes AI-Generated Voices in Robocalls Illegal

Russia and China are using OpenAI tools to spread disinformation



# Deepfakes in the courtroom: US judicial panel debates new AI evidence rules

Panel of eight judges confronts deep-faking AI tech that may undermine legal trials.

**People are trying to claim real videos are deepfakes. The courts are not amused**

---

**ADVISORY COMMITTEE  
ON  
EVIDENCE RULES**

---

**April 19, 2024**

## **Washington state judge blocks use of AI-enhanced video as evidence in possible first-of-its-kind ruling**

Lawyers for a man charged with murder in a triple homicide had sought to introduce cellphone video enhanced by machine-learning software.

# “The liar’s dividend”



A screenshot of the California Law Review website. The page has a white background with a dark blue header. The header includes navigation links for 'Apply', 'Events', and 'Alumni' on the left, the title 'CALIFORNIA LAW REVIEW' in the center, and search, Instagram, and Twitter icons on the right. Below the header, the article information is displayed: 'Article • Volume 107 • December 2019 • Bobby Chesney • Danielle Citron'. The main title of the article, 'Deep Fakes: A Looming Challenge for Privacy, Democracy, and National Security', is prominently displayed in a large, bold, dark blue font.

Apply Events Alumni

CALIFORNIA LAW REVIEW

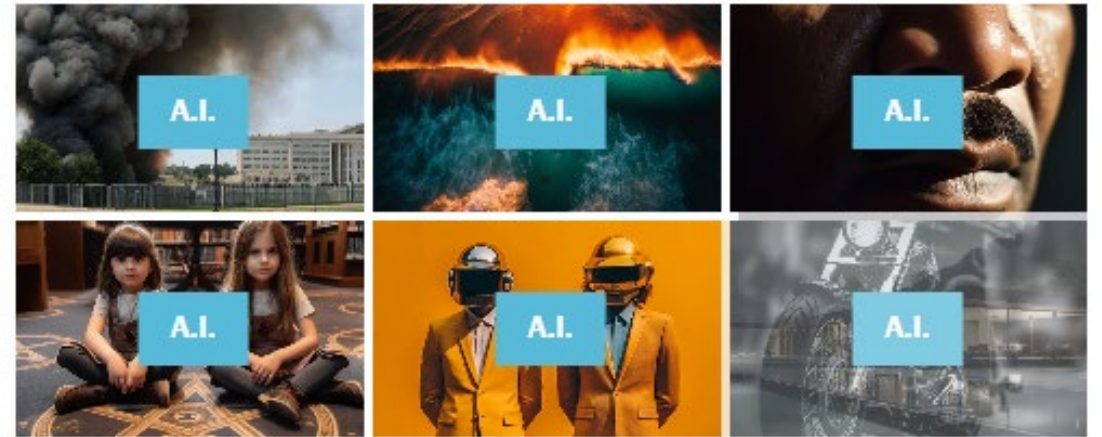
Article • Volume 107 • December 2019 • Bobby Chesney • Danielle Citron

**Deep Fakes: A Looming Challenge for Privacy, Democracy, and National Security**

# Detect Deepfakes:

<https://detectfakes.kellogg.northwestern.edu/>

## New York Times:



How Easy Is It to Fool A.I.-  
Detection Tools?



Regulation...  
more to  
come?

FTC announces new rule prohibiting AI  
use to impersonate government agencies

**AI-generated voices in robocalls can  
deceive voters. The FCC just made  
them illegal**

**FEC forgoes new AI rulemaking ahead of  
election**



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## Artificial Intelligence in the States: Emerging Legislation

[Home](#) / [Center of Innovation](#) / [National](#) / ... / Artificial Intelligence in the States: Emerging Legislation

# Coates' Canons NC Local Gov't Law Blog

<https://canons.sog.unc.edu/>

## Developing Guidelines for the Use of Generative Artificial Intelligence in Local Government

Published: 03/14/24

Author Name: [Kristi Nickodem](#)

 Print

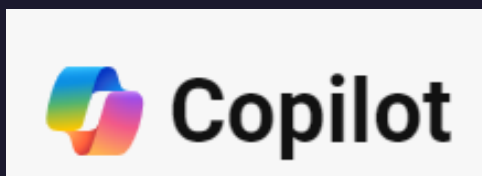
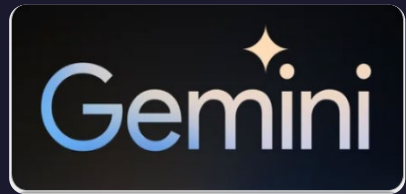
# Using AI Responsibly



Use AI to  
help you  
think, not  
think for you



# Working with Text Generation Tools



Role/Persona

Specific Task

Focus/Tone

Aim/Goal

Limitations

# Example (Persona, Task, Focus/Tone)

## NI You

Act like a skillful attorney who is defending a client charged with homicide. Write a closing argument to convince the jury of your client's innocence. Focus on the prosecution's lack of evidence that the murder weapon belonged to your client. Use simple, clear language.

## NI You

Act like a town's public information officer. Write a press release about a downtown revitalization project undertaken by Everytown, North Carolina. Emphasize how the revitalization project will help boost the local economy by driving people to visit downtown businesses.





Use natural language, not keywords

Use multiple prompts

More context is better

Not good for research



Be mindful  
when using AI  
transcription  
and  
summarization







# Expect change



# Questions?

[nickodem@sog.unc.edu](mailto:nickodem@sog.unc.edu)

