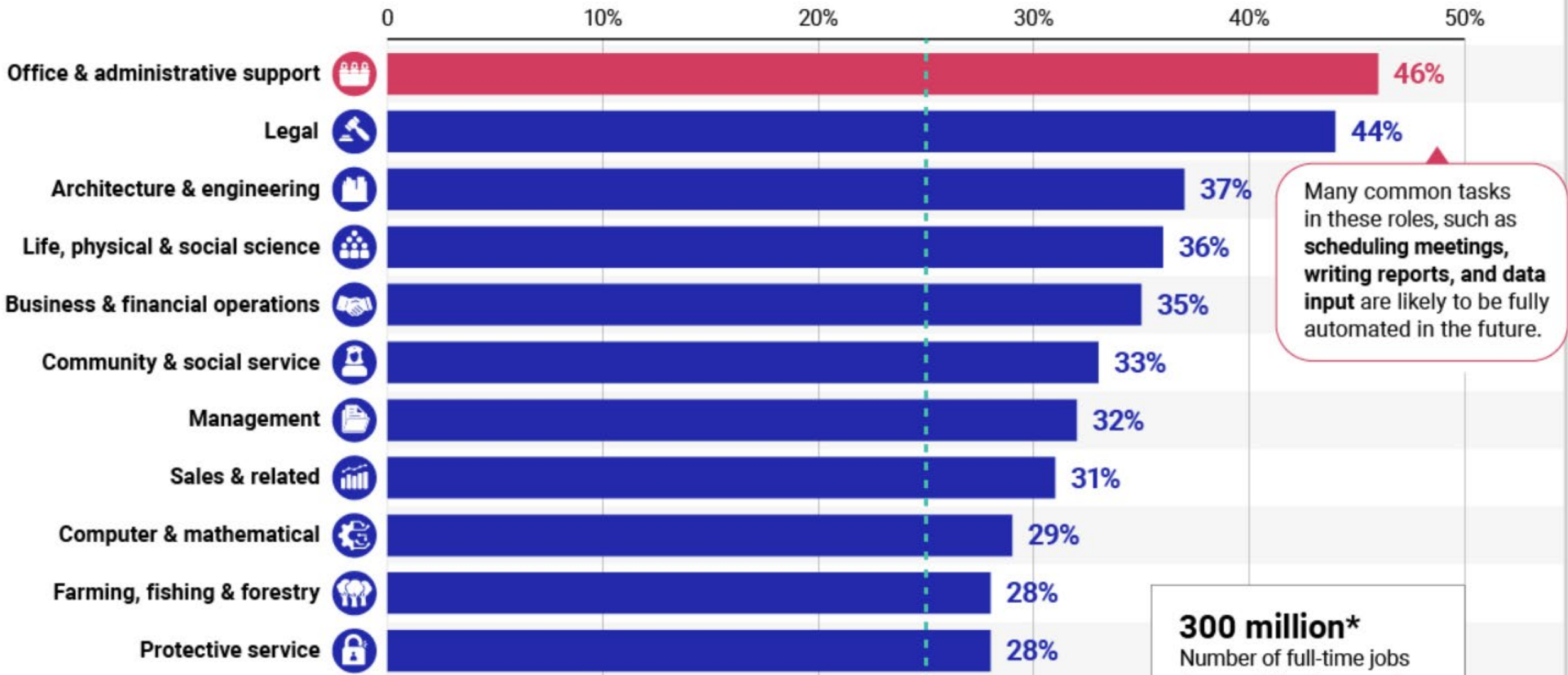
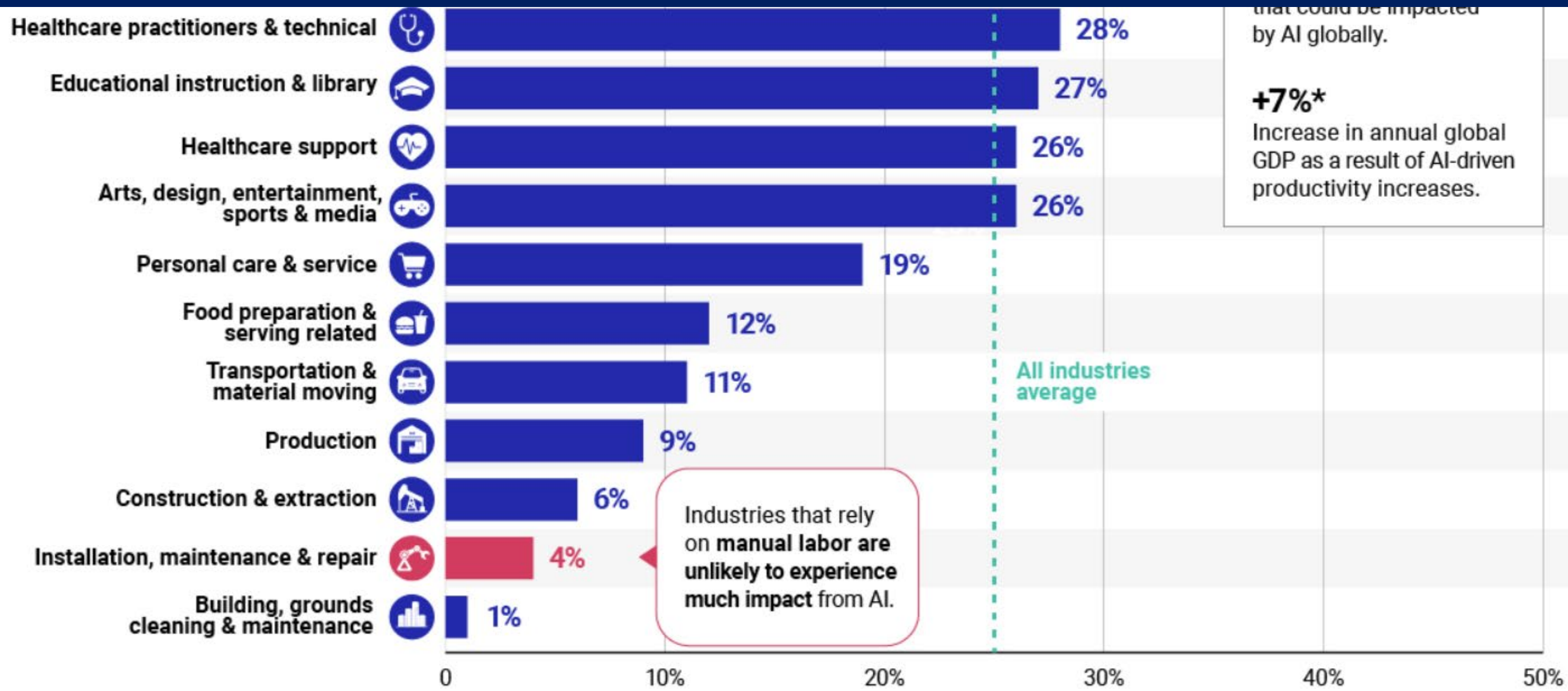


Chat GPT for Busy Lawyers or: How I Learned to Stop Worrying and Love ChatGPT

Estimated Share of Employment Exposed to AI Automation





that could be impacted by AI globally.

+7%*
Increase in annual global GDP as a result of AI-driven productivity increases.

Industries that rely on **manual labor** are unlikely to experience much impact from AI.

Source: Goldman Sachs Global Investment Research (March 2023)

* Over a 10-year period starting from a point when roughly half of all businesses have adopted generative AI.

ETHICAL DUTY OF TECHNOLOGY COMPETENCE

In 2019, the Supreme Court of Texas amended the Texas Disciplinary Rules of Professional Conduct to read as follows:

- Because of the vital role of lawyers in the legal process, each lawyer should strive to become and remain proficient and competent in the practice of law, including the benefits and risks associated with relevant technology. To maintain the requisite knowledge and skill of a competent practitioner, a lawyer should engage in continuing study and education.

Cmt. 8 to Texas Rule 1.01.

Machine Learning (a/k/a “Artificial Intelligence”)

- Until recently, it was a mad scientist project.
- By recognizing patterns, it can make predictions.

Chat GPT Pitfalls

Fabricates (a/k/a “Hallucinates”)

- Trainers in Silicon Valley programmed Chat GPT to give as many answers as possible, even if occasionally wrong. In other words, “always certain, sometimes right.”

Biased

- This is because of the material on which the LLMs are trained and the ways that the trainers (Silicon Valley types) may try to correct the perceived bias.

Will train on your data (unless you opt-out)

- Raises serious confidentiality issues

Verbose

- Trainers want Chat GPT to talk too much rather than too little.

Chat GPT Pitfalls (cont.)

Mimics reasoning (but not very good at legal reasoning)

- Because Chat GPT is a statistical system, it is not the same thing as human legal reasoning.

Responses can be bland/unoriginal

- Because it always goes back to the medium, it preempts exceptional or cutting-edge legal arguments.

Occasional Short Circuit (a/k/a “Nervous Breakdown”)

- Can go off the rails.

But Chat GPT is just the beginning . . .

ChatGPT
Explore GPTs

ChatGPT 4

Click on the account name to disable chat history



How can I help you today?

Brainstorm incentives
for a customer loyalty program in a small bookstore

Explain superconductors
like I'm five years old



Write a spreadsheet formula
to convert a date to the weekday

Help me pick
a gift for my dad who loves fishing

Message ChatGPT...

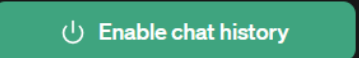
Add Team workspace
Collaborate on a Team plan

NE Nelson Ebaugh

 Clear chat 

Chat History is off for this browser.

When history is turned off, new chats on this browser won't appear in your history on any of your devices, be used to train our models, or stored for longer than 30 days. **This setting does not sync across browsers or devices.** [Learn more](#)

 Enable chat history

ChatGPT 4 ▾

Confirmation
that the chat
history is off and
that my data will
not be used to
train the system



How can I help you today?



Brainstorm incentives
for a customer loyalty program in a small bookstore



Explain superconductors
like I'm five years old

Write a spreadsheet formula
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Help me pick
a gift for my dad who loves fishing

 Message ChatGPT... 


-  Add Team workspace
Collaborate on a Team plan
-  NE Nelson Ebaugh

 Clear chat 

ChatGPT 4 

Chat History is off for this browser.

When history is turned off, new chats on this browser won't appear in your history on any of your devices, be used to train our models, or stored for longer than 30 days. **This setting does not sync across browsers or devices.** [Learn more](#)



 Enable chat history



How can I help you today?

Click on the paper clip icon to upload a document to summarize or analyze

- Brainstorm incentives**
for a customer loyalty program in a small bookstore
- Explain superconductors**
like I'm five years old
- Write a spreadsheet formula**
to convert a date to the weekday
- Help me pick**
a gift for my dad who loves fishing

-  Add Team workspace
Collaborate on a Team plan
-  NE Nelson Ebaugh

 Message ChatGPT... 

NE

You



Ramirez jury trial transcript (with ROA n...

PDF

On which pages of the uploaded transcript is there a discussion about the defendant's travel itinerary?



ChatGPT

The discussion about the defendant's travel itinerary can be found on pages 116-117 and 158-160 of the uploaded transcript [?].



NE

You

00516045697 - Appellant Montemayor'...
PDF00516190821 - Appellee USA's Brief.pdf
PDF00516213178 - Appellant Montemayor's...
PDF

Attached you will find three documents: the Appellant's opening brief, the government's response brief, and the Appellant's reply brief. Please review all three documents and identify potential questions the Court of Appeals may ask during the oral argument. This will help me prepare more effectively for the presentation.

< 3 / 3 >



ChatGPT

Having reviewed the documents provided, including the Appellant Montemayor's Brief, the Government's Response Brief, and the Appellant Montemayor's Reply Brief, I have identified several potential questions the Court of Appeals may ask during oral argument. These questions cover key areas of dispute and legal principles relevant to the case:

1. Standing to Suppress Cell Phone Records and Data:

- Can you clarify Mr. Montemayor's claim to privacy interests in the cell phones and how this impacts his standing to challenge the search of the accompanying phone records?
- How does the court's understanding of abandonment or disclamation of ownership and possession impact the legality of the search and seizure of cell phone records in this case?

2. Error Affecting Substantial Rights:



- Regarding the Haines error, how does the government's acknowledgment affect Mr.



Message ChatGPT...



NE

You

The U.S. Constitution is available via the following link:

<https://constitution.congress.gov/constitution/>. Please summarize the U.S. Constitution in four sentences.

**ChatGPT**

The U.S. Constitution, established in 1787, is the supreme law of the United States, embodying the framework of its government and the principles of its federal system. It consists of a preamble, seven articles that delineate the structure and powers of the federal government, and 27 amendments that have been adopted over time to address issues ranging from individual rights to the electoral process. The first ten amendments, known as the Bill of Rights, explicitly guarantee essential freedoms and legal protections to individuals. Through its system of checks and balances, separation of powers, and federalism, the Constitution ensures a balance between authority and liberty, governing the relationship between the federal government, the states, and the citizens.



NE

You

Please complete the following sentence: Jones did not request a specific sentence in his statement to the court. Instead, he asked for mercy and leniency from the court, expressing remorse for his actions and _____.



ChatGPT

highlighting his willingness to make amends and contribute positively to society in the future.





You

Please translate the following text into Spanish: Oscar has been in ill health recently and unfortunately kicked the bucket.

< 2 / 2 >



ChatGPT

Oscar ha estado enfermo recientemente y lamentablemente murió.



“Oscar has been ill recently and sadly died.”

Microsoft Translator

English



Oscar has been in ill health recently and unfortunately kicked the bucket.



Spanish



Oscar ha estado enfermo recientemente y desafortunadamente pateó el cubo.



Widely used phrases



Data from: [Microsoft Translator](#)

NE

You

Please rewrite the following passage with stronger topic sentences and better transitions between paragraphs.

“This court has previously recognized various types of circumstantial evidence from which a trier of fact may, but is not required to, infer that the defendant had the requisite knowledge.” *United States v. Vara*, 476 Fed. Appx. 554, 558 (5th Cir. 2012) (per curiam). “Such evidence may include nervousness, conflicting statements to law enforcement officials, and an implausible story.” *Id.* (quoting *United States v. Martinez–Lugo*, 411 F.3d 597, 599 (5th Cir.2005) (per curiam) (internal quotation marks omitted)). “Another ‘example of circumstantial evidence which may be probative of knowledge is the value of the drug being transported.’” *Id.* (quoting *United States v. Villarreal*, 324 F.3d 319, 324 (5th Cir. 2003)). “‘No single piece of circumstantial evidence need be conclusive when considered in isolation;’ instead, [this Court] must ask ‘whether the evidence, when considered as a whole,’ is sufficient to permit a rational jury to make a finding of knowledge beyond a reasonable doubt.” *Id.* (quoting *United States v. Miller*, 146 F.3d 274, 281 (5th Cir. 1998)).

In closing argument, the government pointed to four factors that it argued provided a basis for a finding of guilty knowledge beyond a reasonable doubt: (1) Ramirez’s nervousness; (2) Ramirez’s purportedly conflicting statements to law enforcement officials; (3) photos on Ramirez’s phone that no one knew who took or even how they appeared on his phone; and (4) the weight and value of the cocaine that was discovered in the hidden compartment. ROA.472-76.

Ramirez’s nervousness

To be sure, Ramirez displayed nervous behavior at the Falfurrias Border Patrol checkpoint. But “[t]his court has explained that ‘[i]n the absence of facts which suggest that the defendant’s nervousness or anxiety derive from an underlying consciousness of criminal behavior, evidence of



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NE

You

Please rewrite the following text to make it clearer and correct any grammar, punctuation, or spelling mistakes :

I have been writing this brief all day and am starting to get sloppy./ as/ careless. Could really use some help from Chat GPT to correct my misspellings, grammar mistakes and polish this brief so I can get on home to see my family.

< 2 / 2 >



ChatGPT

I've been working on this brief all day and am starting to get sloppy—as well as careless. I could really use some help from ChatGPT to correct my misspellings, grammar mistakes, and polish this brief so I can go home to see my family.





You

Please write a letter to my client forwarding the most recent appellate brief I filed on his behalf and explaining what he should expect to occur next.



ChatGPT

Certainly! Below is a template letter for forwarding the appellate brief to your client and explaining the next steps in the appellate process. Please adjust the details (marked in brackets) to fit your specific situation.

Dear [Client's Name],

I hope this letter finds you well. I am writing to update you on the progress of your appellate case and to forward the most recent appellate brief that I filed on your behalf with the [Appellate Court Name].

Enclosed with this letter, you will find a copy of the appellate brief that was submitted on [Date of Submission]. This document is a crucial part of our appeal, as it presents the arguments and legal bases we are relying on to challenge the decision made in your case at the trial court level. I encourage you to review the brief at your convenience, and please do not hesitate to reach out to me if you have any questions or need further clarification on the points raised.

Regarding what to expect next, the appellate process involves several steps following the submission of our brief. Here is a brief overview:

1. **Response from the Opposition:** The opposing party will have an opportunity to submit their response brief. This document will counter the arguments we have laid out in our brief, defending the trial court's decision.
2. **Reply Brief:** Depending on the arguments presented by the opposing party, we may have the option to submit a reply brief. This would be our chance to address and counter any new points or arguments raised by the opposition.
3. **Oral Arguments:** After the briefs have been submitted, the court may schedule a session for oral arguments. During this session, both sides will have the opportunity to present their case verbally to the judges and answer any questions the court may have. While not all appeals involve oral arguments, they can be a pivotal aspect of the process if scheduled.
4. **Decision:** After reviewing the briefs and hearing the oral arguments (if any), the appellate court will make its decision. This process can take several months, as the judges will carefully consider the legal arguments and precedents before issuing their ruling.
5. **Further Appeals:** Depending on the outcome and specific circumstances of our case, there may be options for further appeals, including petitioning a higher appellate court or, ultimately, the state or federal Supreme Court.

Rest assured, I will keep you informed at every stage of this process and remain available to answer any questions or concerns you may have. It is my priority to ensure that you feel supported and informed as we navigate through this appellate journey together.

I am sending you this email for the Federal Bar Association (FBA) because I see that you used to be a member of the FBA but did not renew recently. I would like to encourage you to consider renewing your FBA membership.

The pandemic admittedly slowed us down a bit, but I'm excited to share that the FBA is now buzzing with energy under new leadership. We're rolling out some outstanding CLE programs that I believe you'll find both engaging and educational. Plus, the annual dinner each fall is a lot of fun and provides a great opportunity to network with colleagues and judges from the SDTX and the Fifth Circuit.

Renewing your membership is just a click away: [Join us again at the FBA.](#)

Cheers!

NE

You

Please create an image that I can use for my newsletter about recent appellate decisions from the U.S. Court of Appeals for the Fifth Circuit.



ChatGPT



Here's an elegant and professional image that represents the judicial process and recent appellate decisions from the U.S. Court of Appeals for the Fifth Circuit, incorporating iconic symbols of law and justice. This image is designed to convey the gravity and importance of the



Message ChatGPT...



10:00

54

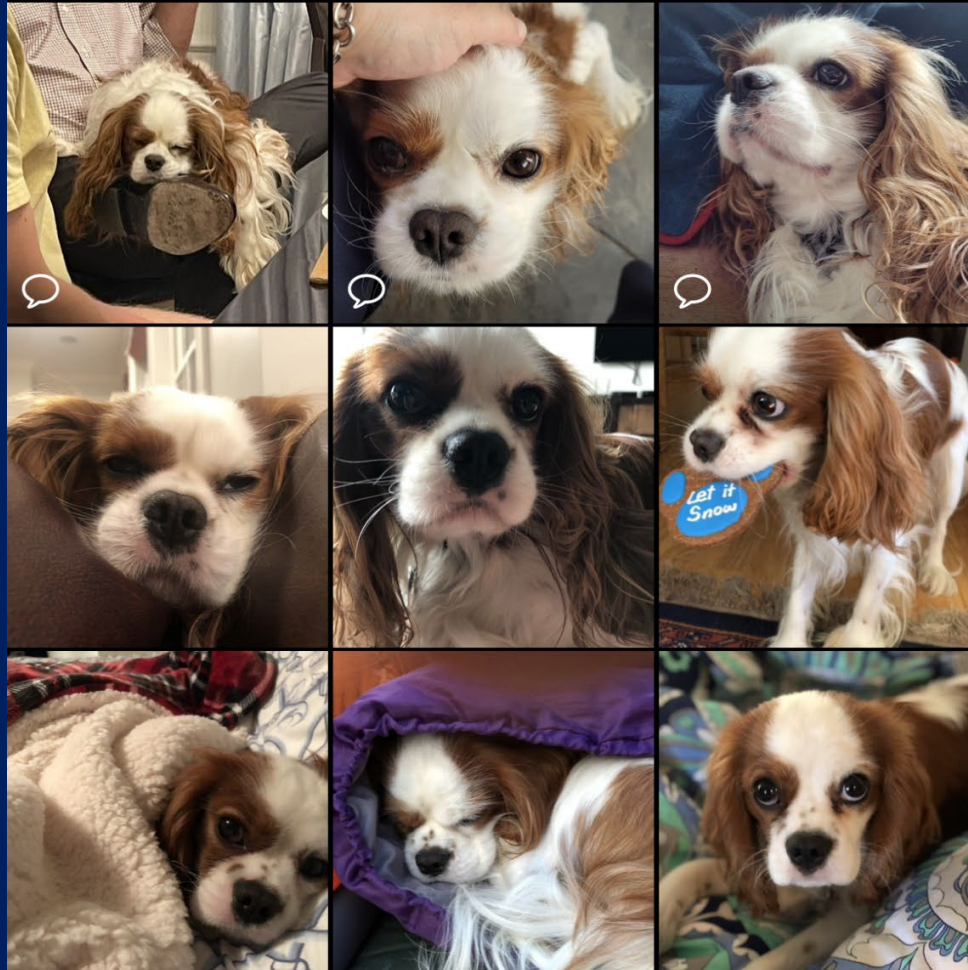
dog



Cancel

209 Photos

See All



9:59

54

fish



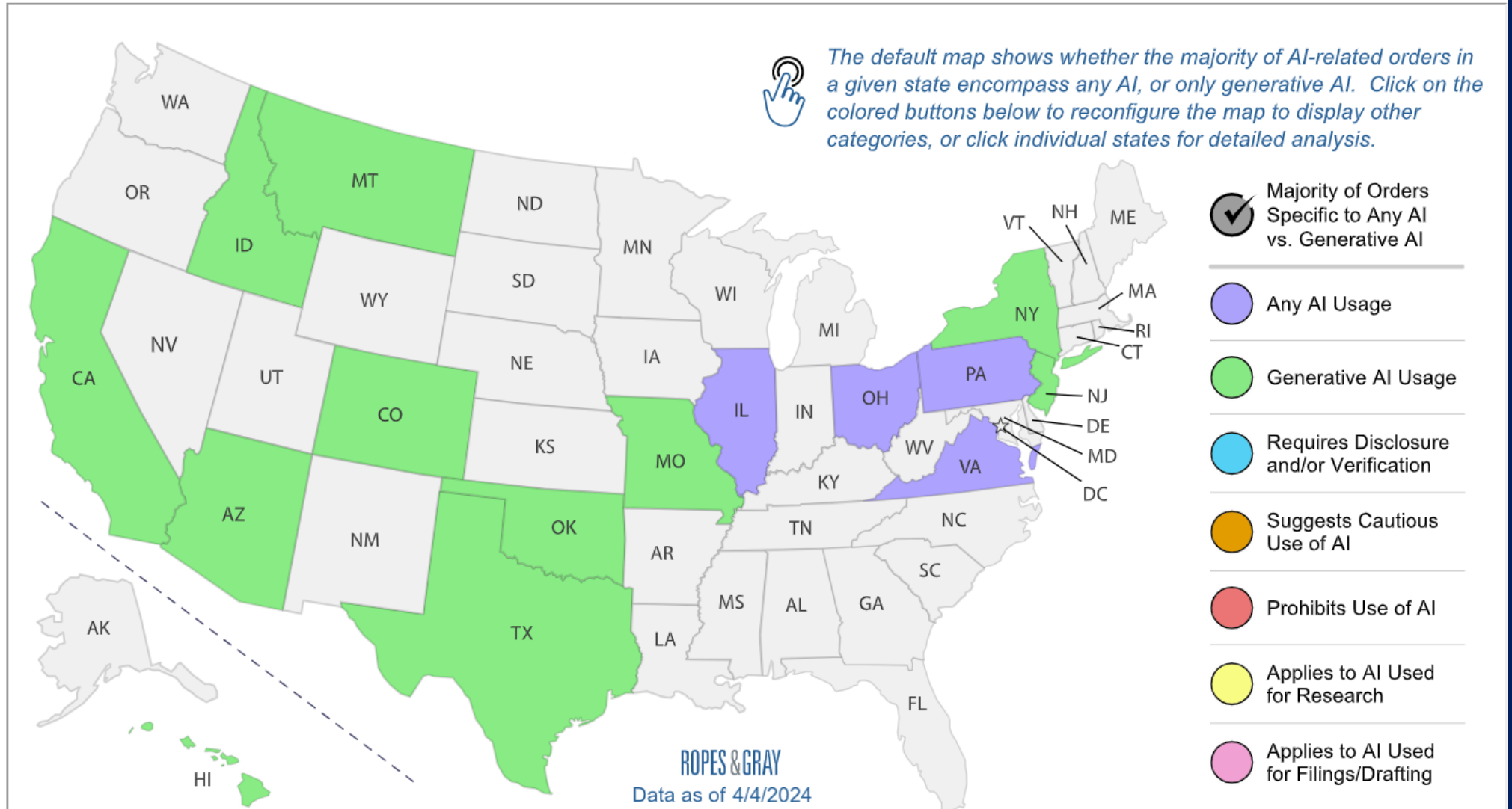
Cancel

64 Photos

See All



Standing Orders and Local Rules on the Use of AI



Court - Judge Name	Effective Date	Applicable To	Categories	Summary
<p>Bexar County, TX - Local Rules</p>	<p>1/9/2024</p>	<p>Generative AI</p>	<p>Generative AI Usage</p>	<p>The local rules require pleadings to contain a certification that any materials “produced” by generative AI have been verified through “traditional (non-A.I.) legal sources.” While such certification is targeted at the use of generative AI, the requisite verification process seemingly prohibits the use of any AI when evaluating the gen AI-generated content and does not distinguish between AI generally and generative AI.</p>
			<p>Requires Disclosure and/or Verification</p>	
			<p>Applies to AI Used for Filings/Drafting</p>	
<p>E.D. Tex. - District-Wide</p>	<p>12/1/2023</p>	<p>Generative AI</p>	<p>Generative AI Usage</p>	<p>The local rules refer specifically to “generative artificial intelligence,” and caution lawyers that gen AI tools “may produce factually or legally inaccurate content.” The rules remind counsel that users remain responsible for verifying “any computer-generated content” to ensure it complies with the Federal Rules. There are no prohibitions, disclosure requirements, or other limitations on the use of gen AI tools.</p>
<p>Suggests Cautious Use of AI</p>				

<p>N.D. Tex. - Judge Matthew J. Kacsmaryk</p>	<p>11/27/2023</p>	<p>Generative AI</p>	<p>Generative AI Usage</p>	<p>This standing order requires all parties, whether or not they use generative AI, to file a certification attesting either that no filings will be drafted with gen AI, or that any content drafted with gen AI will be checked for accuracy.</p>
			<p>Requires Disclosure and/or Verification</p>	
			<p>Applies to AI Used for Filings/Drafting</p>	
<p>W.D. Tex - Judge Fred Biery</p>	<p>11/21/2023</p>	<p>Any AI</p>	<p>Any AI Usage</p>	<p>Judge Biery has been issuing orders in cases noting that “[i]n this modern environment of artificial intelligence,” counsel are reminded of their ethical duties to be honest with the court. <i>See, e.g., Montez v. Esparza</i>, Case No. 5:23-cv-01483, Dkt. No. 7. The orders indicate that “signature of counsel” constitutes an affirmation that all filings have been validated for accuracy.</p>
			<p>Suggests Cautious Use of AI</p>	
<p>N.D. Tex. - Bankruptcy</p>	<p>6/21/2023</p>	<p>Generative AI</p>	<p>Generative AI Usage</p>	<p>This general standing order is limited to filings drafted using generative artificial intelligence and requires verification that any gen AI-generated language was checked for accuracy.</p>
			<p>Requires Disclosure and/or Verification</p>	
			<p>Applies to AI Used for Filings/Drafting</p>	

<p>Tex. 394th Dist. - Judge Roy Ferguson</p>	<p>6/9/2023</p>	<p>Any AI</p>	<p>Any AI Usage</p> <p>Requires Disclosure and/or Verification</p> <p>Applies to AI Used for Research</p> <p>Applies to AI Used for Filings/Drafting</p>	<p>Although this standing order’s preamble mentions “generative artificial intelligence,” the substantive section appears to apply to all AI tools, as it requires anyone utilizing “any form of artificial intelligence for legal research or drafting” to submit a certification. The certification itself—which references gen AI—requires an attestation that anything “created or contributed to by generative artificial intelligence” is “verified as accurate through traditional (non-AI) legal sources.” Accordingly, this order could require all parties who use any form of AI to submit an attestation about the use of generative AI, whether or not generative AI was actually used.</p>
<p>N.D. Tex. - Judge Brantley Starr</p>	<p>5/30/2023</p>	<p>Generative AI</p>	<p>Generative AI Usage</p> <p>Requires Disclosure and/or Verification</p> <p>Applies to AI Used for Filings/Drafting</p>	<p>This standing order requires all parties, whether or not they use generative AI, to file a certification attesting either that no filings will be drafted with gen AI, or that any content drafted with gen AI will be checked for accuracy.</p>