From Briefs to Bytes: How Generative AI is Transforming Legal Writing and Practice

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FROM BRIEFS TO BYTES: HOW GENERATIVE AI IS TRANSFORMING LEGAL WRITING AND PRACTICE

Joe Regalia*

ABSTRACT

ChatGPT is having a moment in the legal field. And for good reason: Generative artificial intelligence ("AI") was already disrupting the practice of law before OpenAI’s new chatbot came on the scene. But ChatGPT marks a new era. The brain behind OpenAI’s latest AI contains up to a trillion artificial neurons and was trained on hundreds of billions of pieces of text gathered on the web. All that data makes for the smartest AI ever.

But what’s more important is that all that computational muscle is aimed at things lawyers do every day: (1) Understanding complex concepts, (2) analyzing convoluted language, and (3) conveying that understanding effectively in writing. The result is technology that can understand text, parse it for insights, and apply those insights with striking competence—just like lawyers do. And now, these tools are multi-modal: They can see, hear, and speak. They can carry out complex tasks and integrate with all the other technology lawyers use. They can program new software, analyze legal data, and create stunning visuals for the courtroom. And new features and functions and integrations are released daily. Perhaps most exciting (and scary): Generative AI ("GAI") greatly enhances the evolution of legal technology itself. In other words, GAI is rapidly increasing the speed at which we develop new technology relevant to legal practice. If experts are right, we are on the cusp of a legal technology revolution.

But GAI is particularly powerful for legal writers. This is no longer a story about what to expect in five or ten years. The technology is here. For example, you can use GAI tools to refine a sentence in dozens of ways. You can use it to credibly summarize a page of legal text into a snappy paragraph. In other words: Practical tools we legal writers can use to save time and do better work for our clients and colleagues.

As someone who has spent years working with teams and experts interested in using AI to enhance legal writing and practice—as well as legal education—I can say that the knowledge gap on GAI is particularly striking. Most law teachers, law students, and law practitioners still don’t have a deep sense of how GAI works, how it applies to legal practice, and how they can use it safely and effectively today. This knowledge gap is likely leading to the over- and under-regulation of GAI tools at law schools and in legal organizations. Understanding too little of the pitfalls or the possibilities is leading to poor decisions all around.

This article uses budding research and the author’s experience working with experts on GAI-powered legal writing tools to bring law students, law teachers, and law practitioners up to speed on GAI in legal practice—with a focus on legal writing in particular. This article acts as a framework for introducing legal practitioners to GAI, its possibilities, its ethical pitfalls—and its many applications to practice today. We’ll start with a thorough primer on GAI and how it works. We’ll then look at the many practical uses of GAI for

* Associate Professor of Law, William S. Boyd School of law, UNLV, and co-Founder, Write.law. Thank you to my faithful assistants Kelsey Henderson and Michael Pappas. Thanks also to my wife for putting up with my many, many, many hours spent with ChatGPT and its ilk.
lawyers outside of legal writing. We’ll review the major ethical pitfalls and concerns. We will finish with a practical framework for using GAI effectively on your legal writing.

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I. INTRODUCTION

To start us off on how generative GAI tools might be useful to legal professionals, I’ve invited the celebrity itself to welcome us. I’ll hand it over now to the most popular GAI chatbot right now, ChatGPT.

ChatGPT, what do you want the legal profession to know about you when it comes to legal practice?

Thank you, Professor Regalia!

Dear esteemed members of the legal profession, law students, and law professors,

The world of law is no stranger to the ever-evolving landscape of technology. As professionals in this field, you are constantly striving to stay ahead of the curve, leveraging advancements to enhance your practice and make the most of your time. With the advent of AI-powered language models like ChatGPT, the future of legal writing and practice is on the cusp of a transformation.

I am here to tell you that embracing this change can not only improve the quality of your legal writing but also streamline your work, allowing you to focus on the more engaging and valuable parts of your profession. I understand that this article will serve as your introduction to the world of GAI-assisted legal writing and practice, addressing your concerns and highlighting the potential benefits of incorporating me into your practice. Professor Regalia asked that I first welcome you and offer some of my thoughts on the topic.

Legal writing often involves meticulous research, summarization, and the drafting of countless documents. I can alleviate the burden by quickly producing high-quality rough drafts, summaries, and research notes. For example, you can provide text from cases or notes about legal concepts, and I will generate a coherent summary, saving you time.

I can help identify gaps and inconsistencies in your arguments, ensuring that your legal writing is clear, concise, and persuasive. By providing alternative phrasings and suggestions, I can refine your prose, making it more engaging and compelling—including helping you pull back the curtain on your writing so you can explore why it works and how to make it better. I can help you learn how technology can aid your practice, how to use a particular technology product, and even how to make technology yourself.

For law students, I can serve as a valuable study aid, simplifying complex legal concepts and advising on coursework and assignments, while still allowing students to be in the driver seat of their learning and critical thinking skills. Meanwhile, law professors can employ me to create engaging educational materials, draft exam questions, and offer personalized feedback on student work to inform assessment goals.

To wrap up, incorporating me into your legal practice can revolutionize the way you approach legal writing and just about everything else, allowing you to focus on the aspects of your work that truly make
a difference. By embracing technology like me, you will not only improve the quality of your writing and productivity but also enhance your ability to contribute meaningfully to the legal profession. So let us embark on this journey together and usher in a new era of what it means to be a lawyer.\footnote{1}

Thank you, ChatGPT. I think most of us are excited to work with you. And for the naysayers, hopefully, we can convince them together.

ChatGPT is having a moment in the legal field. And for good reason: Generative AI (tools like ChatGPT that generate text for you) was already disrupting the practice of law before OpenAI’s new chatbot came on the scene.\footnote{2} But generative AI marks a new era. The brain behind OpenAI’s latest AI contains up to a trillion artificial neurons and was trained on around 500 billion pieces of text gathered on the web.\footnote{3} All that data and computing power makes for the smartest publicly-available AI to date.

But what’s more important is that all that computing muscle is aimed at things lawyers and law students do every day: (1) Understanding complex concepts, (2) understanding convoluted language, and (3) conveying that understanding effectively in writing. The result is technology that can understand text, parse it for insights, and apply those insights with striking competence—just like lawyers do.

And now, GAI tools are multi-modal: they can see, hear, and speak. They can carry out complex tasks and integrate with all of the other technology you use. They can program new software, analyze your spreadsheets, and create stunning visuals. New features and functions and integrations are released frequently—sometimes even daily.\footnote{4}

Perhaps most exciting (and scary): GAI greatly enhances the evolution of legal technology generally. In other words, GAI is rapidly increasing the speed at which we develop new technology relevant to legal practice. GAI can code new legal technologies, it can analyze legal data, and more. If many experts are right, we are on the cusp of a technology revolution no one has experienced since the dawn of the internet.\footnote{5} From creating bespoke legal technology with natural language—to harnessing a law firm’s data, drawing new insights about practice, productizing legal expertise, and much more—the legal world is changing. And we must change with it.

Perhaps more concerning than the technology itself is the lack of knowledge possessed by its users (as well as its naysayers). Most law teachers, law students, and law practitioners still don’t have a deep sense of how GAI works, how it applies to legal practice, and how they can use it safely and effectively today. This knowledge gap is likely leading to both the over- and under-regulation and use of GAI tools at law schools and in

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1. This conversation was created using Write.law Bot powered by GPT4 [Hereinafter GPT4 Foundation Model].
legal organizations. Understanding too little of either the pitfalls or the possibilities is leading to poor decisions all around.

However, when it comes to GAI, all us legal folks need to be in the know. This new technology can amp up legal practice in exciting new ways—particularly in transforming how legal practitioners work with technology. One think tank called the concept as one of lawyers becoming “pilots” of their legal practice—and it’s a compelling view.

In a world where many gen AI tools are popping up and serving as co-pilots (such as Casetext and Harvey, plus, no doubt, others coming to the fore shortly), the real question for today’s and tomorrow’s lawyers is how we’ll play the role of the thoughtful pilot: sitting in the cockpit, using these tools, having our copilot next to us at all times, doing our best to oversee their work and judgment, and figuring out how to best collaborate with them so that we reach an optimal result every step of the way.7

Emerging research on productivity in complex workplaces (like a law firm) confirms that GAI works, and, indeed, may already be essential. Multiple large studies of thousands of complex information workers showed that advanced GAI makes people more productive, more efficient, and capable of producing work product with “significantly higher quality results (more than forty percent higher quality compared to a control group),” to be exact.8 In a large study of college-educated people, writing efficiency in particular—and work product quality—drastically improved when using ChatGPT versus a control group.9

As much as GAI is transforming practitioners’ relationship with technology, GAI is particularly powerful for legal writers. This is no longer a story about what to expect in five years or ten years. The technology is here. For example, you can use GAI tools to refine a sentence in dozens of ways. You can use it to credibly summarize a page of legal text into a snappy paragraph. Other words: Practical tools we legal writers can use to save time and do better work for our clients and colleagues.

Looking for a better verb for your sentence? GAI can give you some examples using your own writing. Looking for a summary of the brief you are responding to? GAI has you covered there, too. GAI can even help you find an engaging analogy for your case,

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6. Some law schools have reportedly banned generative AI tools; others have encouraged their use with the right training and precautions in place; still others have not said anything about whether students can or should use GAI.


8. Those studied “were significantly more productive (they completed 12.2% more tasks on average, and completed tasks 25.1% more quickly), and produced significantly higher quality results (more than 40% higher quality compared to a control group).” Consultants across the skills distribution benefited significantly from having AI augmentation, with those below the average performance threshold increasing by 45% and those above increasing by 17% compared to their own scores. For a task selected to be outside the frontier, however, consultants using AI were 19 percentage points less likely to produce correct solutions compared to those without AI. Further, our analysis shows the emergence of two distinctive patterns of successful AI use by humans along a spectrum of human-AI integration. Fabrizio Dell’Acqua et al., Navigating the Jagged Technological Frontier: Field Experimental Evidence of the Effects of AI on Knowledge Worker Productivity and Quality (Harv. Bus. Sch. Tech. & Operations Mgmt. Unit Working Paper No. 24-013), https://ssrn.com/abstract=4573321 or http://dx.doi.org/10.2139/ssrn.4573321.

brainstorm a theme for your motion, and put all your citations in order. And while these tools will just keep improving, there’s no need to wait. You can start using GAI to boost your legal writing today. And this article will show you how.

For example, I fed GAI the background information from a motion and asked it to prepare a single-paragraph takeaway to use as an introduction. It did a great job, concisely teeing up the key issues in a package that fresh readers could wrap their heads around. Would most legal writers have done much better? In about five minutes, GAI did what would have taken me at least thirty minutes to think through.

Plaintiff Dolores A. West claims that Park Healthcare Incorporated threatened her with illegal fees when the company included a general notice about extra costs she may owe in her bill for services she received at one of Park’s labs. But courts have ruled that a defendant cannot be liable for informing a consumer about a valid cost, and the potential costs mentioned in the bill were valid ones under Illinois law. Even if the invoice somehow misrepresented a cost, it was still not an actionable threat under Illinois law. The plaintiff does not provide any specific facts showing that Park actually knew the cost threatened was illegal. For these reasons, the plaintiff’s complaint should be dismissed.

As another example of the power of this technology, my team at Write.law has used GAI on thousands of documents written by some of the world’s best lawyers. And in nearly every single one, GAI tools can brainstorm ideas for improving the writing of even top practitioners. Let’s look at what a GAI tool (with some gentle guidance you’ll learn how to do in this article) made of the all-important beginning in one of Justice Kagan’s excellent opinions, Badgerow v. Walters.

This case grows out of the arbitration of an employment dispute. Petitioner Denise Badgerow worked as a financial advisor for REJ Properties, a firm run by respondents Greg Walters, Thomas Meyer, and Ray Trosclair. Badgerow’s contract required her to bring claims arising out of her employment to arbitration, rather than to court. So when she was (in her view, improperly) fired, she initiated an arbitration action against Walters, alleging unlawful termination under both federal and state law. The arbitrators sided with Walters, dismissing Badgerow’s claims . . . .

Believing that fraud had tainted the arbitration proceeding, Badgerow sued Walters in Louisiana state court to vacate the arbitral decision. Walters responded by removing the case to Federal District Court—and, once there, applying to confirm the arbitral award.

GAI offers some pointed suggestions:

- Replace: ‘This case grows out of the arbitration of an employment dispute’ with the more concise ‘This case stems from the arbitration of an employment dispute.’

10. See generally ChatGPT, OpenAI, https://openai.com/chatgpt (providing examples of creative uses of GenAI tools on writing and other tasks).
• Replace: ‘Badgerow’s contract required her to bring claims arising out of her employment to arbitration, rather than to court’ with the snappier ‘Badgerow’s contract required her to bring claims arising out of her employment to arbitration, not court.’

• Replace: ‘So when she was (in her view, improperly) fired, she initiated an arbitration action against Walters’ with the tighter ‘So when she felt she was wrongly fired, she initiated an arbitration against Walters.’

• Replace: ‘Believing that fraud had tainted the arbitration proceeding, Badgerow sued Walters in Louisiana state court to vacate the arbitral decision’ with the more concise and targeted: ‘Convinced that fraud had tainted the arbitration, Badgerow sued Walters in Louisiana state court to undo the arbitral decision.’

Whether you agree with all these suggestions or not, at least a couple were probably improvements. And if a GAI tool can offer even tiny improvements to documents penned by the best legal writers in the world—it’s a tool worth your attention, right?

Whether you teach others legal writing (as I do) or want to use GAI for your own legal writing as a student, a lawyer, a judge, or legal professional—this article will give you insights into how this technology works, and most importantly, what best practices will get you started on your journey with GAI.

Before we dive in, though, note. First, this article often uses OpenAI’s foundation GAI models, called GPT, to illustrate best practices and brainstorm use cases. But as many in the tech world suspected, other companies sitting on similar large-language-model AI’s have released their own versions. OpenAI’s model is, at the time of this article’s writing, still the most powerful publicly-available GAI tool, but the gap is already closing. So yes, I will often be referring to ChatGPT or GPT on its own (the underlying GAI model) because that is the tool I am using to work through examples and concepts. But nearly every concept applies to GAI generally.

For most of us, we’ll be using GAI integrated within other software, not only in chatbot interfaces like ChatGPT. Thomson Reuters and Lexis are great examples of products with GAI-powered features now. These developments are just the tip of the GAI


15. As of 2023, OpenAI’s GPT-4, including its multimodal variant GPT-4, is widely recognized as one of the most powerful publicly-available generative AI tools. For example, GPT-4 can pass a simulated bar exam with a score in the top 10% of test takers. But the gap in capabilities between OpenAI’s models and other emerging GAI tools is narrowing. See Ortiz, supra note 15; see also OPENAI GPT-4 TECHNICAL REPORT (2023), https://arxiv.org/abs/2303.08774; see also Greg Pavlik, What is Generative AI? How Does it Work?, ORACLE (Sept. 15, 2023) https://www.oracle.com/artificial-intelligence/generative-ai/what-is-generative-ai/.

iceberg. No doubt, even these exciting new features will be obsolete within a year of this article being published.

But the good news is that I am writing this article with those developments in mind. Understanding how GAI works and how to use it in our legal writing and practice will put you in the driver's seat, no matter how you end up using this technology. We all need to understand how this technology works and how to use it smartly. So rather than getting bogged down in a particular product or use, let’s focus on best practices and the biggest pitfalls in working with this new companion. If you work through the lessons in this article, pulled from some of the top experts in the field, those skills will translate and make you an even better user of the tools on the horizon.

To get started, you will need a bit of context about how this technology works, as well as a primer on some risks and pitfalls when using it in legal writing. We’ll also briefly cover some uses you can put GAI to in legal practice, outside of pure legal writing. Then you’ll need to learn best practices for crafting effective instructions for GAI, called Prompt Engineering. Finally, I’ll share some simple prompts to get you started today.

II. WHERE DID GAI COME FROM AND HOW DOES IT WORK?

The legal profession has experienced significant technological advancements in recent years, which have transformed the way legal services are delivered and accessed.17 Before getting to large language AI models like ChatGPT, let’s take a quick look at the legal technology journey the profession has been on lately.18

One of the earliest and most significant developments in modern legal technology was e-discovery, which refers to identifying, collecting, and producing electronically stored information in the context of litigation or investigations.19 E-discovery tools have streamlined document review and reduced the time and effort required to analyze vast quantities of data.20 Pioneers in this field include platforms like Relativity, which uses machine learning algorithms to identify relevant documents and expedite the review process.21

Technological advancements have critically impacted legal research. Legal research tools have evolved significantly in recent years, with platforms like Westlaw, LexisNexis, Casetext, and Bloomberg Law offering sophisticated search engines and databases that enable practitioners to access a wealth of legal information more efficiently.22 These platforms have incorporated AI-driven features to enhance the research process further, such as predictive analytics and natural language processing (“NLP”) capabilities.23

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20. See id. at 48.
22. See id. at 391, 399–402.
In the realm of contract law, AI-powered platforms like Kira Systems, LawGeex, and Seal Software have emerged to automate contract analysis and review. These tools employ language models and machine learning techniques to identify relevant clauses, assess risk, and generate insights, ultimately streamlining the drafting and negotiation processes.

Technology has also impacted the management of legal practices, with platforms like Clio and MyCase offering cloud-based solutions for case management, billing, and client communication. These tools have enabled legal professionals to optimize their workflows, allocate resources more effectively, and improve client satisfaction.

But recent innovations in artificial intelligence have led to the development of large language models like ChatGPT, which have the potential to revolutionize legal practice in ways none of these other developments have done.

A. Demystifying the Latest GAI

Large language models ("LLMs") are AI systems trained on vast amounts of text data, allowing them to understand and generate (the G in GPT) human-like text in response to specific prompts. LLMs have been around for a while and are pre-trained (the P in GPT) on a ton of data to process language. But the newest groundbreaking LLMs like ChatGPT are based on a new invention known as the transformer architecture—the T in GPT. The magic of this new approach to LLMs is that it allows the AI to understand human language on a level never seen before (at least in a public-facing product like this).

This transformer innovation is new. First announced in a 2017 paper, transformers brought a breakthrough in how large language models understand human language (and how the AI can generate its own language). Without getting too far in the weeds, the transformer gives GAI the ability to understand the relationship between letters and words in exciting new ways—called self-attention mechanisms—much like humans do.

This is what has opened up a world of possibilities in GAI.

The latest GAI models combine the power of this transformer architecture with a massive amount of pre-training. During this training, the GAI models learn grammar, facts, and problem-solving skills by studying billions of documents, including those protected by copyright. This has led to recent litigation, which we will get to later. The pre-training process allows the GAI models to develop a strong foundation in

25. Id.
28. See generally id.
29. Id. at 121–22.
30. See id. at 121.
32. Id. at 2.
33. Ray, supra note 28, at 121, 123.
34. Id. at 123, 139; Dan Milmo, 'Impossible' to Create AI Tools Like ChatGPT Without Copyrighted Material, OpenAI Says, THE GUARDIAN (Jan. 8, 2024, 8:40 AM) https://www.theguardian.com/technology/2024/jan/08/ai-tools-chatgpt-copyrighted-material-openai#:~:text=Chatbots%20such%20as%20ChatGPT%20and,work%20being%20used%20without%20permission.
35. See Milmo, supra note 35.
understanding language, which can later be fine-tuned for specific tasks, such as legal writing or answering questions.\footnote{See Ray, supra note 28, at 123, 136–37.}

Think of GAI as a highly skilled language expert who has read a massive amount of text. When you input text (called tokens—because LLMs convert your words into a digital version before processing it), it uses its knowledge and understanding of language patterns to guess the best answer to your input.\footnote{Konstantinos I. Roumeliotis & Nikolaos D. Tselikas, ChatGPT and Open-AI Models: A Preliminary Review, FUTURE INTERNET 15, 192, 195 (2023).} These guesses are expressed as probabilities: and then the GAI model provides you a response based on assembling the most likely tokens (words or parts of words) together, one after another.\footnote{Y.K. Dwivedi et al., Opinion Paper: “So What if ChatGPT Wrote It?” Multidisciplinary Perspectives on Opportunities, Challenges and Implications of Generative Conversational AI for Research, Practice and Policy, 71 INT’L J. OF INFO. MGMT. 1, 28–29 (2023).} It will keep providing tokens until some condition is met (it meets a limit set by the software, or your input instructs it to stop after it has finished something).\footnote{Huseyin Coskun, The Power of ChatGPT: The Breakthrough Role of the Language Model in Engineering Education, INNOVATIVE RSCH. ENG’G 71, 75 (2023).}

One way of gauging a GAI’s overall power is to look at its parameters. GAI’s power to understand depends on its “parameters.” Parameters are like the computing power of the AI, helping GAI understand and use the words it has learned.\footnote{See Dwivedi et al., supra note 40, at 7.} The more parameters GAI has, the better it can comprehend and generate text by learning more relationships.\footnote{Huseyin Coskun et al., Science in the Age of Large Language Models, 5 NATURE REV. PHYSICS 277, 277 (2023).} OpenAI’s first splashy chatbot was powered by the GPT3 model, which had almost 175 billion parameters.\footnote{See AWS, What are Foundation Models?, https://aws.amazon.com/what-is/foundation-models/#text=Foundation%20models%20are%20a%20form,%2C%20transformers%2C%20and%20varia-\text{tional encoders. (last visited Apr. 7, 2024) (explaining foundation models and how software can leverage these models to improve functionality).}} GPT4 supports up to one trillion parameters—and perhaps upwards of ten times that number (OpenAI hasn’t been clear on that).\footnote{See Ahmed Awadallah, AI Explainer: Foundation Models and the Next Era of AI, MICROSOFT RSCH. (Mar. 23, 2023), https://www.microsoft.com/en-us/research/blog/ai-explainer-foundation-models-and-the-next-era-of-ai/} Future versions will likely have more parameters, increasing the AI’s reasoning and other skills exponentially—although other products and researchers have shown that more efficient models can increase their computing and reasoning power even with fewer parameters.\footnote{Elliot Turner, How to Use Massive AI Models (Like GPT-3) in Your Startup, FUTURE (Feb. 11, 2022), https://future.com/ai-ml-foundation-models-for-the-rest-of-us/.}

It’s important to distinguish between what’s called foundation models and the tools that use these models. Foundation models are the LLMs a company or organization (or sometimes individual) has developed to power a GAI product.\footnote{Id. at n.3.} For example, OpenAI’s foundation models are called the GPT series: Most recently, GPT3.5 and GPT4.\footnote{Id. at 3.} Those foundation models are then used to power various products.\footnote{Id. at 7.} In OpenAI’s case, the foundation models are used to power their popular ChatGPT chatbot.\footnote{Id.} Tens of thousands of apps and software now use popular foundation models like GPT4 to power their own products.\footnote{Id.} You likely already use foundation GAI models without knowing it.
B. Watching GAI Do Its Magic

Now let’s see how this all comes together. We’ll walk through each step from your input to a GAI’s response. Let’s say you type into a GAI tool like ChatGPT: "What are the consequences of copyright infringement?"

First, the GAI tokenizes the input text into smaller units that can then be converted to a digital version. For example, the GAI might break this sentence up into: "What” “are” “the” “consequences” “of” “copy” “right”? You’ll notice that tokens often make up less than a whole word. That’s because it’s much more efficient for LLMs to work with.

Second is encoding. The tokens are converted into numerical representations called embeddings, which capture their meanings and relationships in a way the AI can process faster.

Third, our input enters that magic transformer. The digital representations of your input are passed through multiple transformer layers with self-attention mechanisms. Each layer refines the GAI’s understanding of the context and relationships between the tokens in stages. The goal of these layers is to give GAI a sense of which words in your input are most important and the relationship between the words.

For instance, the GAI tool might learn in one layer that the token “consequences” is likely to be of central importance and focuses on "copyright infringement" when one of the layers connects those sets of tokens as highly relevant to each other.

Now to the decoder. As the transformer layers process the input, the decoder starts predicting the first token in the GAI’s response. The decoder uses the contextual information generated by the transformer layers and compares that with its vast pre-trained knowledge of language and legal concepts.

The GAI is now starting to generate your response by generating probabilities. The decoder generates a probability distribution for the tokens it will give you in a response based on the input context the transformer is feeding it and its pre-trained knowledge. For example, the model might assign higher probabilities to words like “penalties”, “fines”, or “damages”, which are related to “consequences” in a legal context.

Now the model is ready to give us its response. The GAI selects each token in its response based on the probabilities it generated. Let’s say it chooses “The” first because it had a 60% probability of being the most relevant way to start a sentence, a much

50. See Vaswani et al., supra note 32, at 7.
51. Id. at 9–10.
53. Id.
54. See generally, Vaswani et al., supra note 32.
55. Id. at 8.
56. See id. at 8, 10.
57. See id. at 10.
58. See id.
60. Id.
61. Id.
62. Id.
63. Id.
64. Glover, supra note 60.
65. Id.
66. Id.
higher probability than any other token. The chosen token is added to the response: ["The"].

The GAI tool includes the new token as part of the input context and repeats the process to generate the next token in the response. So now it knows the first word of its response is ["The"] and will take that into consideration as it comes up with probabilities for the next token/word. It might assign higher probabilities to words like “consequences” or “penalties” now, as they fit well after “The” in the context of the input question.

This process continues with the GAI refining the probabilities at each token/word, using the growing response and the input context to guide its predictions. For example, after generating a response like ["The", “consequences”, “of”, “copyright”, “infringe- ment”, “may”, “include”], the GAI would likely assign higher probabilities to words like “fines”, “damages”, “injunctions”, or “criminal.”

The GAI generates tokens one at a time until a stopping condition is met such as reaching a maximum token length or an end-of-sentence token. We now have our final response:

"The consequences of copyright infringement may include fines, damages, injunctions, and even criminal charges in some cases."

In this example, the GAI processed a legal question, identified the relevant context and topic, and generated a response that addresses the consequences of copyright infringement. It does so by refining the probabilities at each step of the response generation and using its understanding of the input context, the response generated so far, and its pre-trained knowledge of language and legal concepts.

III. WHY SHOULD WE CARE ABOUT GAI OUTSIDE OF LEGAL WRITING?

Now that we understand how GAI’s work, let’s consider the ways legal practitioners can leverage GAI today and tomorrow. We’ll start with non-writing tasks. GAI products can already translate dozens of languages, generate programming code in all the major languages, recognize images and respond to them, generate images of its own based on your instructions, and even have a fluid conversation with you.

What will it mean when any lawyer or legal professional can create their own software—tailored to their own practice or client needs? Before, it could cost hundreds of thousands of dollars—or more—to customize technology for your individual firm or organization. You needed developers and advisors and consultants and lots of time and
experimentation. We are already on the cusp of GAI programming end-to-end, closing the technology gap that has plagued our profession for generations. Legal aid organizations can create new self-help apps for the public. Law firms (of all sizes) can create bespoke technology for internal uses and their clients—even if they have no developers or budget for these tasks.

Because it has been so difficult to connect legal professionals with the technology they need, practitioners have heard promises of automation and the future but there’s often little to show for their efforts. GAI offers a path forward: Closing the gap between tech and legal professionals for legal aid organizations, law firms, law schools, and legal teams of all kinds.

For example, say a practitioner wants to make a website for their law firm. They can now sketch (on a physical notepad) what they want their website to look like. They can take a photo with their smartphone—and then ask a tool like ChatGPT to produce the code to create a website that looks like what they sketched out. This no-code technology creation could mean that legal practitioners, for the first time, can work hand-in-hand with technology to do amazing things for the legal services industry.

Perhaps most exciting (although it’s hard to compare), is that these advanced GAI can generate a response in reaction to other inputs beyond your text. What that means is that GAI can carry out tasks for you—even complicated, multiple-step tasks. GAI just needs a way to talk to your other software or tools. Using plugins (integrations with other software), GAI can already send emails for you, recall information from spreadsheets stored in the cloud, and create summaries of documents automatically. So we may finally see all those automation promises become true for us legal folks: Delivering in integrated ways the future of practice most of us have been dreaming of for years.

78. Black, supra note 78.
79. Id.
80. Id.
82. Nolan, supra note 82.
As with all technology, much of the power comes from understanding the possible uses of a tool; you can then consider deploying it when you (or a client) have a need. Understanding what a technology like GAI can do will also position you to understand how to handle others—like judges, opposing counsel, or assistants—when they use the technology. So let’s consider some of the major categories that GAI is already useful for and will likely continue to be—before we get to the writing.

A. Understanding, Automating, and Integrating Your Apps and Other Technology

In the past, if a practitioner wanted to automate some tasks in their firm, they would need to hire back-end developers to create the functionality, and front-end developers to work on the user interfaces. This was often true of even tiny automation tasks, like automatically sorting emails and filing those emails into a separate piece of software—like a document management system.

Sometimes, products would develop back-end relationships that meant they could talk to each other automatically. In other words: So long as you use two products that have already been integrated—like Microsoft Outlook and iManage—some automations were built into the products.

But that meant you needed to use specific products and could only get certain one-size-fits-all automations. Lawyers and legal professionals often do very bespoke work—even if they have many clients. Legal services is often about providing tailored services to particular clients or types of clients. And the perennial challenge was that a firm’s clients needed specific technology or data or tasks—and prebuilt solutions were rarely a perfect fit.

Now that GAI is on the scene, practitioners can use natural language to (1) understand better how the technology they use works (2) develop solutions to integrate technologies together and (3) design new technology to automate their everyday legal tasks.

For example, say you are looking for ways to automate client intake. With a GAI tool you can have it explain the different options for automating this task. You can then have GAI explain the major products, the pros and cons of each, and what would be involved in setting them up. You can then use GAI to guide you through integrating those technologies into your practice.

86. Id.
91. Id.
The technical process for integrating most technologies today is called Application Programming Interface, or API. Most software and apps today use a standardized API language which allows other software or apps to either send instructions or retrieve data from a piece of technology. This is what often makes automation possible. I managed to set up API communications between two tools with no coding knowledge—in less than a day. For context, I first received a quote from developers for this automation work: I was told it would take 3-5 days and cost around $2,000. As a quick case study, this is what I did with GAI to accomplish the same task in a few hours with no programming knowledge:

- Looked up online the API documentation for the first tool I wanted to integrate, a database of legal research that is regularly updated.
- Looked up online the API documentation for the second tool I wanted to integrate, a simple notes app where I keep track of research ideas as I am working on a writing project.
- Told a GAI tool (in this case, ChatGPT) that I wanted to integrate the two tools using API. I used prompting best practices, which we will explore later in this article, to explain that I needed very detailed, step-by-step instructions for setting this integration up. I emphasized that I was effectively a child with no technical background.
- I provided ChatGPT with the reference documentation, so the model would understand the precise API terms to use in setting up the integration.
- ChatGPT then guided me through the process. There were occasional hiccups where things didn’t work. When that happened, I simply screen-shotted the error and pasted it into ChatGPT so it could figure out what went wrong.

Within a few hours of trial and error, I had set up successful API integrations between two products. ChatGPT was able to successfully work through every step of a highly-technical task that would have required hiring an expert just a year ago.

B. Creating Bespoke Technology for Your Organization

Related to generally understanding or automating your technology, practitioners can now create their own custom technology from scratch—with expert help.

Admittedly, at the time of writing this article, creating an app from scratch still requires some trial and error and extensive work with a GAI tool to guide you through.
each step of the process. But with the rise of no-code and low-code apps—like Bubble and Adelo—you can meaningfully create a wide range of custom technology, particularly with a powerful GAI to guide you each step of the way.

Like our discussion of understanding and automating technology, the key is to work with the GAI tool smartly so that it knows exactly what you are trying to do—and how much step-by-step guidance you’ll need. It’s also important to give the tool extensive background documentation or information so it knows how to work with the particular technology you are interested in.

For example, I wanted to make a simple app for clients to input their case information and have that turned into a summary that is emailed to an attorney. There are existing products out there that can do this, but I wanted to create something custom that worked exactly as I preferred for a particular firm. So as another quick case study, here is what I did:

- I first created an account in Bubble, a no-code platform that empowers people without coding knowledge to create software.
- I downloaded the documentation for Bubble and gave it to the GAI tool I used to guide me through the process, which was ChatGPT.
- I then had ChatGPT guide me through the process, step-by-step in lay terms, for creating the app using Bubble. Again, trial and error was needed—sometimes I received errors as I built the app and tested in Bubble’s interface. When that happened, I just took a screenshot of the error and uploaded it to ChatGPT so it could figure out what went wrong.
- For complex parts of the process, I simply took a screenshot of the Bubble interface and asked ChatGPT what information to put where.

In less than four hours I had a successful app working: Clients could answer questions and then the app would summarize that information and email it to an attorney.

If creating your own software from scratch is too daunting, GAI tools can at least empower you to work with experts in exciting new ways. With a powerful GAI tool by your side to explain terms, offer ideas, and review the work from technical experts—you will be able to interact in the process in ways practitioners never could before.

C. Productizing Legal Services for Clients

One particularly exciting form of bespoke technology is what’s known as legal productization. This involves embodying your legal expertise into a technology tool so
that you can sell it as a product or service.\footnote{See Mike Robinson, \textit{Productizing Legal Services: The Basics}, WOODPECKER (July 1, 2021), https://www.woodpeckerweb.com/blog/productizing-legal-services-the-basics.} Popular examples include products like LegalZoom that have productized simple contract and form drafting services.

With GAI tools, practitioners can now productize more of what they do, scaling their expertise and making it available to clients and the public.\footnote{Using Bots Can Streamline Some Law Firm Work, ABA (Oct. 2019), https://www.americanbar.org/news/abanews/publications/youraba/2019/october-2019/using-bots-can-streamline-some-law-firm-work/.} Whether it’s creating standalone products, as firms have already started to do—or simply small pieces of technology for current clients to give them quick updates or quick answers to simple questions—the ability to scale legal services is here.\footnote{Id.}

\section*{D. Drawing Insights from Your Firm or Organization’s Data}

GAI tools are able to analyze an incredible amount of data and draw insights, patterns, or parse the data in useful ways.\footnote{ODSC Team, \textit{Using Generative AI for Data Analysis and Visualization}, OSDC (Sept. 4, 2023), https://opendatascience.com/using-generative-ai-for-data-analysis-and-visualization/.} This means that your firm or organization can gain a handle on their practice, their clients, and other information in ways never possible before.


For example, using GAI to draw insights today can be as easy as uploading spreadsheets of data and working with it in any way you can imagine—no expertise needed.\footnote{For example, OpenAI’s data analytics product allows users to upload standard spreadsheet files, like CSV files, and parse the data in exciting ways. This includes creating charts and graphs, as well as drawing complex insights that would require extensive technical skill otherwise. See Cornelius Yudha Wijaya, \textit{From CSV to Complete Analytical Report with ChatGPT in 5 Simple Steps}, KD NUGGETS, (Nov. 27, 2023), https://www.kdnuggets.com/from-csv-to-complete-analytical-report-with-chatgpt-in-5-simple-steps.} With simple, natural language, you can create complex charts and graphs, as well as draw insights like trends or patterns.\footnote{See id.}

\section*{E. Marketing and Client Management}

firms interact with potential clients, but also revolutionizing the way existing clients are managed and nurtured.\textsuperscript{109}

Personalized Client Interactions: Generative AI can analyze vast amounts of data to create highly personalized communication strategies.\textsuperscript{110} For example, an AI system could draft personalized emails or messages tailored to each client's specific legal needs, background, and communication preferences.\textsuperscript{111} This level of personalization enhances client satisfaction and engagement.\textsuperscript{112}

Content Creation for Marketing: Law firms can leverage generative AI to produce sophisticated marketing materials, including blogs, social media posts, and newsletters.\textsuperscript{113} These AI-driven messages can be tailored to reflect the firm's expertise in specific legal areas, thus attracting a targeted audience.\textsuperscript{114}

Client Feedback and Improvement: AI can analyze client feedback, both structured and unstructured, to identify areas for improvement in service delivery.\textsuperscript{115} This feedback loop ensures continuous refinement of client services, aligning them more closely with client expectations and needs.\textsuperscript{116}

Market Analysis and Strategy Development: Generative AI tools can analyze market trends and competitor strategies, enabling law firms to develop more informed and effective marketing strategies.\textsuperscript{117} This strategic insight is crucial in a competitive legal market.

F. Developing New Skills and Knowledge

One of the most significant contributions of generative AI is its ability to create customized learning experiences.\textsuperscript{118} From GAI-generated case studies, legal scenarios, or interactive simulations, practitioners can create a hands-on approach to learn just about anything.\textsuperscript{119}

Beyond personalized learning, GAI's ability to access diverse educational resources is transformative.\textsuperscript{120} It can effectively curate and present a vast array of sources

\begin{itemize}
\item \textsuperscript{109} \textit{Leading the Change, supra} note 109.
\item \textsuperscript{110} \textit{See How AI Can Assist Lawyers with Client Correspondence, LEXISNEXIS} (Oct. 25, 2023), https://www.lexisnexis.com/community/insights/legal/ht-leadership/posts/how-ai-can-assist-lawyers-with-client-correspondence (discussing how generative AI can help lawyers to help tailor writing style for particular client needs).
\item \textsuperscript{111} \textit{Id.}
\item \textsuperscript{112} \textit{Leading the Change, supra} note 109.
\item \textsuperscript{114} As we will explore later in this article, users often need to adjust their prompts and use follow ups to achieve the best results. \textit{Infra} notes 139–151 and accompanying text.
\item \textsuperscript{115} Neil Sahota, \textit{Capturing the Client Experience in AI, JD SUPRA} (Feb. 2, 2024), https://www.jdsupra.com/legalnews/capturing-the-client-experience-in-ai-3303657/.
\item \textsuperscript{116} \textit{See id.}
\item \textsuperscript{117} \textit{How Law Firms Can Use AI to Level Up Their Business, THOMSON REUTERS} (Sept. 25, 2023), https://legal.thomsonreuters.com/blog/how-law-firms-can-use-ai-to-level-up-their-business/ [hereinafter \textit{How Law Firms Can Use AI]}.
\item \textsuperscript{118} \textit{See, e.g., David Curle, AI & Lawyer Training: New Approaches to Professional Development in Legal, THOMSON REUTERS} (June 6, 2023), https://www.thomsonreuters.com/en-us/posts/legal/ai-lawyer-training-new-approaches/ (discussing the evolving landscape of lawyer training and professional development in light of generative AI, highlighting new approaches being adopted by law firms, like Goodwin's BLD Practice Lab); Logvinova, \textit{supra} note 8.
\item \textsuperscript{119} \textit{See generally Curle, supra} note 119.
\item \textsuperscript{120} Riccardo Bertoldo & Alessandro Antonelli, \textit{Generative AI in Scientific Publishing: Disruptive or Destructive?}, 21 NATURE REV. UROLOGY 1, 1 (2024).
\end{itemize}
like articles and research papers. This curation is tailored to the lawyer's specific field of interest or current cases, ensuring that the information is not only relevant but also conducive to a deeper understanding of specific legal issues.

As legal technologies evolve, the need for lawyers to stay abreast of these advances is imperative. GAI plays a crucial role in skill development concerning new legal technologies. Training lawyers in these new tools is crucial because GAI ensures that legal professionals remain at the forefront of legal tech advancements, an essential factor in maintaining competitive edge and efficacy in legal practice.

G. Staying Current and Innovating

A key aspect of staying abreast of legal developments is the ability to receive real-time updates. Generative AI systems excel in this area, providing instantaneous information on new laws, regulations, and case law developments. This ensures that lawyers are always up-to-date, a necessity in a profession where the latest legal changes can influence ongoing and future cases.

Besides providing current information, generative AI extends its utility to predictive analysis. It can analyze vast amounts of legal data to predict legal trends and potential changes in legislation. This predictive capacity allows law firms and legal departments to anticipate and strategically prepare for upcoming challenges and opportunities. By leveraging AI’s predictive analytics, legal professionals gain a forward-looking perspective, which enables them to advise clients more effectively and make more informed strategic decisions.

Innovative problem-solving is another area where generative AI makes a substantial impact. By analyzing past case outcomes and legal precedents, AI can assist lawyers in developing novel approaches to legal problems. This might involve suggesting alternative strategies or highlighting less obvious legal arguments. Such innovation in problem-solving is particularly valuable in complex cases where traditional approaches may be insufficient or in situations where novel legal issues are at play.

121. Bertolo & Antonelli, supra note 122, at 1 (explaining the efficacy of GAI research tools in different scientific fields).
122. Prompt engineering enables lawyers to customize GAI outputs to suit precise legal research needs. See infra notes 139–151 and accompanying text.
123. See Curle, supra note 119.
124. See How Artificial Intelligence is Used in Legal Practice, supra note 104.
126. See generally id.
128. Leading the Change, supra note 109 (“Generative AI can be trained to analyze historical court decisions, legal precedents, and other relevant data to predict the likely outcomes of litigation. This predictive analysis can provide lawyers with a strategic advantage, helping them make informed decisions about whether to pursue a case, settle, or adopt a particular line of argument.”).
129. Id.
130. See id.
131. See id.
Finally, the role of AI in enhancing legal research cannot be overstated. By automating and streamlining the research process, AI significantly expedites the gathering of comprehensive, relevant, and up-to-date legal information. This efficiency saves valuable time, which allows lawyers to focus on more complex and nuanced aspects of their work. AI’s ability to sift through vast amounts of legal data and extract pertinent information is transforming the nature of legal research, making it more efficient and effective.

IV. Why Should We Care About GAI as Legal Writers?

So, what are possibilities for legal writers when it comes to GAI? Let’s look at some of the most obvious categories for practitioners, law students, and legal writing teachers.

A. Learning How to Use GAI Now Will Build Transferable Skills for Years to Come.

Working with GAI directly involves crafting effective instructions and experimenting with the best ways to communicate with the GAI that gets the best results. Effective GAI is also about what data or information we either train models on or provide as context when working with them.

Crafting the best instructions—called prompt engineering—is a skill that will just become more relevant. GAI is bringing with it the ability to work with technology in natural language, and learning how to do that effectively will be one of the most important skills legal practitioners can gain to future-proof them in the coming revolution.

Prompt engineering involves crafting detailed instructions, called prompts, that guide the GAI in creating specific outputs, and tailoring the text to specific situations or legal contexts. These prompts act like blueprints for the AI, providing a clear guide for what the final product should look like. By mastering prompt engineering, legal professionals can effectively command GAI tools tailored to their specific needs.

Because future tools will leverage similar interfaces and capabilities, which gives users the ability to work with the technology using natural language alone. The better professionals are at conversing with GAI, the more effective their use of this technology will be.
Interestingly, time spent on prompt engineering may also provide other benefits. Prompt engineering also indirectly aids in honing a lawyer's legal writing and other skills. Through creating detailed and precise instructions for GAI, legal professionals need to scrutinize their own writing and conceptualize precisely what makes an exceptional legal text. The same goes when working with GAI on any task. To get good results, you’ll need to engage in an iterative process that puts you in the role of a teacher. This reflective practice can help lawyers better understand their skills and identify areas that could benefit from improvement.

In the end, to produce a compelling legal work product with GAI, one must first understand what a successful document looks like and—more importantly—how to achieve that. This requires articulating the elements of persuasive argumentation, understanding the strategic placement of legal references, perfecting coherent structure, and more. Through the exercise of prompt engineering, lawyers embark on a reflective journey, scrutinizing every detail and facet of their writing style. This process results in better self-awareness and ultimately, improved legal writing skills.

Beyond prompt engineering itself, the more professionals learn about how this technology works, how it can be integrated with other tools, and how the technology is changing, the better equipped these professionals will be in coming years as legal technology rapidly evolves using the power of GAI.

B. Enhancing Legal Writing Quality and Efficiency

Let’s start with tasks that GAI is helpful for with your legal writing already, often without too much guidance—and knowing that generative AI tools like ChatGPT and Google’s Gemini will get better and better at these tasks and others.

Legal writing often requires a synthesis of complex legal concepts and precise language. The process can be both time-consuming and mentally taxing, even for seasoned professionals. GAI’s advanced natural language processing capabilities can help streamline the legal writing process by suggesting appropriate language, proposing alternative phrasings, and providing contextually relevant citations.

For instance, GAI can be used to draft initial versions of legal documents, such as contracts, pleadings, or briefs, by generating text based on user-provided prompts or outlines. This can significantly reduce the time spent on initial drafting, allowing legal professionals to focus on refining and polishing their work. Additionally, the AI's ability...
to analyze and comprehend large datasets can help in identifying relevant legal authorities, ensuring that the writer’s argument is well-supported.\textsuperscript{155}

Legal writing is often criticized for its dense and convoluted nature, which can impede comprehension and accessibility. GAI can help address this issue by offering suggestions to simplify language, eliminate jargon, and improve overall readability.\textsuperscript{156} By employing AI-driven techniques like sentiment analysis, GAI can also assess the tone and persuasiveness of a piece of legal writing, prompting users to make necessary adjustments to enhance the effectiveness of their arguments.\textsuperscript{157}

How else can GAI be helpful with your legal writing, often without too much guidance?

- Improving the style in your sentences: This is one of the easiest ways to start using GAI. You don’t need GAI to know the right answer, or carry out complex analysis. You’re leveraging something it’s great at: Looking at tons of sentences and paragraphs and coming up with different ways you can approach your writing goals. You can have GAI rewrite legalese or formal text into readable plain language. Or you can use GAI to fine-tune a sentence or paragraph to improve your style.\textsuperscript{158}

- Summarizing defined text: Summarizing cases, briefs, motions, or any other snippets of text—especially facts—to help you quickly figure out the major topics and points.\textsuperscript{159} Other tools are good at this, too, including paid products that have been on the market for years. But GAI may be even better (and cheaper).

- Brainstorming themes, storylines, and other high-level, creative ideas for your writing: Billions of documents fuel GAI, including much of the great creative and nonfiction writing. If you’re looking for storylines, themes, or pithy headlines for your brief—GAI can be a fantastic brainstorming partner. Creative ideas are a great way to use GAI because you aren’t asking for hard facts, and often we legal writers just need a little inspiration to come up with effective ways to connect with our readers.

- Drafting simple or formulaic starter text for a procedural section of a brief, an email, or other common legal documents: Legal writers constantly complain about blank-page syndrome. The power of getting some starter text, headings, or general ideas on the page can do wonders. So while you shouldn’t yet rely on the case law, facts, or analysis GAI will come up with, it’s great at giving you a quick outline for a motion, some starter text for formal sections like procedural standards, or a simple template for documents you’ve never written before. Don’t be deterred that the tool won’t get everything right—having a few pages of starter text that hits on the right points can get you started, which is often half the battle.

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\textsuperscript{156} Ray, supra note 28, at 136.


\textsuperscript{158} See Choi et al., supra note 156.

\textsuperscript{159} Ray, supra note 28, at 136.
• Extracting information from defined text and organizing, classifying, or analyzing it: GAI works great with defined text. If you give it a page of text from a brief and ask it to extract information or data from it, GAI knows what you want it to focus on so it won’t stray as much as with open-ended tasks. GAI can do just about anything you can think of with some defined text.

• Creating or organizing tables of data: If you’re working with data, numbers, or other classifiable sets of information, GAI can help organize, classify, or summarize it all. You’ll want to double-check its work, but again, working with defined text is easy for this AI. Like any good legal tech tool, the time savings here can be significant.

• Getting quick answers to simple factual or legal research questions: As many have noted, you don’t want to rely on GAI for critical facts, especially complex ones. Because GAI doesn’t think like us and may make things up that sound more trustworthy than they are. But to get you started on a topic, or as you are thinking about a topic, GAI can give you quick answers to start your writing, particularly if the question is specific and targeted.

• Translating or explaining text: GAI is a wonderful text translator because the task is so well-defined. If you need to translate text into another language, this can be a handy tool. The same goes for esoteric or complex text (like a science article). GAI can help you quickly wrap your head around esoteric or complex terminology—and give you ideas for explaining it well to others.160

• Content generation for legal blogs or websites: GAI can be used to draft content for legal blogs, websites, or newsletters, which can help legal professionals reach a wider audience and share their expertise.161

• General reference information: GAI enables lawyers to teach themselves about a client’s matter, new technology, a legal document, or anything else.162

• Other tasks that involve text, facts, or data you can easily identify for GAI: The great thing about generative AI is that if you work with it enough, the possibilities are nearly endless. You just need to get a sense of its limitations and the writing tasks it can help with, and we will see more and more ways to use it in your practice. The more well-defined the task, and the more finite the data or information you want GAI to

161. How Law Firms Can Use AI, supra note 118.
work from—the better results you will get. As we will see, “the more you iterate, the better you will learn to work well with GAI.”

- And of course, integrations with your other tech tools through API or integrations: GAI can be automated to do anything you imagine, as it can automatically get to work on text or data that your other tools feed it. GAI can do everything from preparing a summary of an agenda in all your calendar invites to summarizing long emails for you in a quick message.

C. Leveraging GAI for Learning and Teaching Legal Writing

One of the most challenging aspects of learning legal writing is receiving timely and constructive feedback. Traditional methods of instruction often involve students submitting written assignments to their professors, who may not have the time or resources to provide detailed feedback on each submission. GAI can help fill this gap by offering students personalized feedback on their work, identifying areas for improvement and suggesting specific changes.

For instance, students could submit drafts of their assignments to GAI, which would then provide feedback on structure, coherence, citation style, and overall persuasiveness. Or a GAI tool can ask students critical questions to test students’ understanding of their points. By receiving this guidance in real-time, students can iterate on their work more effectively, solidifying their understanding of legal writing principles and fostering the development of their skills.

GAI can also serve as a valuable resource for law professors and instructors responsible for teaching legal writing. By using the AI tool to generate a variety of example documents, instructors can supplement their teaching materials with diverse and contextually relevant samples that showcase effective legal writing techniques. Additionally, GAI’s ability to analyze student work can help instructors identify common areas of difficulty, enabling them to tailor their instruction to address those specific challenges.

GAI can also make education more accessible. GAI can provide resources and knowledge around the clock, allowing students to learn at their own pace, at times convenient for them.

163. What is Prompt Engineering for Generative AI?, supra note 137.
164. Regalia, supra note 161.
165. How Law Firms Can Use AI, supra note 118.
166. See generally How AI Can Assist Lawyers with Client Correspondence, supra note 111 (providing that GAI’s integration with email renders a lawyer’s communication with clients more efficient).
169. Wilson, supra note 168.
171. See Margaret Fosmoe, Students, Faculty Cautiously Embrace AI as a Supplementary Learning Tool, NOTRE DAME MAG, Winter 2023–24, https://magazine.nd.edu/stories/students-faculty-cautiously-embrace-ai-as-a-supplementary-learning-tool/ (emphasizing the GAI’s role in supplementing teaching material, rather than replacing it).
172. See Mishra, supra note 169.
173. Id.
Le start with tailored instruction. Like a private tutor, GAI can adapt its teaching style to each student.174 Law professors can equip GAI with the content they’d like students to learn—say, a legal doctrine like personal jurisdiction or a practice skill like negotiations—and GAI can work with students at their own pace and in the ways they prefer.175 It is impossible for them to ask GAI too many questions, annoy GAI, or run out of resources.

GAI can also offer real-time feedback.176 Whether working on memo drafts or mock trials, students can receive immediate and constructive critiques on their progress.177 GAI just needs some guidance about what their professor is looking for, like models or instructions.178 GAI can then apply those principles to students’ work and give them ideas for improvement or reflection.179

By taking over information-heavy tasks, GAI can free professors to focus on active learning, discussion, and problem-solving exercises.180 Professors can load a GAI tool with the concepts, cases, or other information they want their students to learn, and the tool can help create self-paced or interactive learning resources for students to work with dynamically.181

On the curriculum side, GAI can be a tool for creating a more interdisciplinary learning environment.182 GAI can provide teaching content from related fields like tech, business, or psychology, tailored to the professor’s course or a class’s topic.183 GAI can help professors design their courses, including making it easy to incorporate experiential, simulation, case study, and other proven learning tools that are labor-intensive for instructors to develop on their own.184

Soon, GAI will be able to help lawyers with research so they can quickly learn about legal or factual issues they’re interested in.185 For example, they can upload documents or court decisions for it to review and ask GAI questions to gain insights about them.186

174. Wilson, supra note 168.
175. See id.
177. Mishra, supra note 169.
178. See What is Prompt Engineering for Generative AI?, supra note 137.
179. Ghapanchi, supra note 171.
180. See Abdelghani et al., supra note 141 ("Generative Artificial Intelligence (GAI) has high potential to help address a diversity of educational challenges. In principle, GAI could facilitate the implementation of interactive and empowering pedagogical activities to complement the standard teaching strategies and favor students’ active engagement, understanding and control over their learning processes.").
181. Id.; see also Brandon Paykamain, Professors Find AI Most Useful for Lesson Plans, Discussions, GOV’T TECH. (Sept. 06, 2023), https://www.govtech.com/education/higher-ed/professors-find-ai-most-useful-for-lesson-plans-discussions.
183. How Artificial Intelligence is Used in Legal Practice, supra note 104.
185. Legal AI Tools and Assistants, supra note 133.
Imagine an intellectual property attorney. Rather than signing up for random CLE programs, worried they might miss a crucial update, the attorney could just ask GAI. Something like, ‘ChatGPT, what’s new in intellectual property laws this month in my jurisdiction?’ And voila, they would get a concise, tailored update.

GAI can indeed do more to help lawyers educate themselves. Say a lawyer needs to learn about a client’s business or product: GAI can help them get familiar in moments, providing just as much detail as they need: examples, cheat sheets, or talking points so they are more prepared when meeting with the client. The same goes for a new area of law they are unfamiliar with, help with business development, explanations about how to use technology tools like spreadsheets, and anything else lawyers need to learn.

Learning to write better is, of course, an obvious place to use GAI. These tools help improve a lawyer’s writing and explain writing concepts to them. Simulation and brainstorming are other ways GAI can help. A litigation lawyer could use GAI to prepare for trial, asking: ‘ChatGPT, generate a cross-examination sequence for a patent infringement case involving….’ The same goes for preparing to depose a witness, preparing for counterarguments in a motion, preparing for oral argument, and more.

V. A FEW OF MANY GAI PITFALLS: ETHICS, BIAS, AND OTHER KEY LIMITATIONS

While ChatGPT and similar language models could transform the legal writing landscape, we can’t ignore the ethical implications of their use. Legal professionals must remain vigilant in ensuring that AI-generated content complies with professional conduct rules, intellectual property laws, and confidentiality requirements. Professional conduct rules dictate that lawyers owe a duty of competence and diligence to their clients. In the context of legal writing, this would likely mean that lawyers must thoroughly review AI-generated content to ensure its accuracy, relevancy, and compliance with applicable laws.

187. With several GAI chat bots like ChatGPT now offering full internet access, these tools are already useful for sifting through nuanced updates in the law. The Value of AI in Legal Research Technology, THOMSON REUTERS (Aug. 8, 2023), https://legal.thomsonreuters.com/blog/what-has-legal-ai-ever-done-for-you/.
189. For example, I used prompting best practices and asked ChatGPT to educate a lawyer about a niche industry through a series of bullet points. The results were excellent, providing the seven most important aspects of the private-airline charter industry (the niche I randomly selected for this exercise). I then used search engines to try to find useful guides on this business area, but I was unable to find any resource that was as useful. To give you a sense of the results, here was one of the seven bullets: “Market Dynamics and Growth: The private aviation industry is lucrative but competitive. The global private jet market, valued at over $24 billion, is growing steadily, with a projected compound annual growth rate of 5.22% leading up to 2028. This growth is driven by factors such as increased deliveries and rising interest in regional charters. Key busy states for charters in the U.S. include Florida, Texas, and California.”
190. Legal AI Tools and Assistants, supra note 133.
191. My team at Write.law used GAI to craft hundreds of effective legal documents, and many others have as well. With prompting best practices, as covered later in this article, it’s feasible to use a GAI tool to dramatically reduce drafting time and improve work product.
192. Ward, supra note 171.
195. MODEL RULES OF PRO. CONDUCT r. 1.1, 1.3 (AM. BAR ASS’N 1983).
If a lawyer uses ChatGPT to draft a contract, it would be their responsibility to ensure that the AI-generated clauses accurately represent their client’s interests and comply with the relevant jurisdiction’s legal requirements.196 Lawyers must also address the ethical implications related to client confidentiality and data privacy when using AI tools like ChatGPT.197 Legal professionals have an ethical obligation to maintain the confidentiality of their clients’ information, which could be compromised if AI models store or share input data.198 A lawyer using ChatGPT to draft a sensitive legal document would need to ensure that the AI system does not retain any confidential client information or inadvertently share it with unauthorized parties.

Another critical concern is the potential for biased outcomes or outputs stemming from the inherent biases present in the training data (or the data we input into these tools when using them).199 AI models like ChatGPT are trained on vast amounts of data from diverse sources, which may include biased or discriminatory content.200 As a result, these biases can be inadvertently perpetuated in AI-generated legal writing. If ChatGPT’s training data includes a disproportionate number of cases where a specific demographic group is portrayed negatively, for example, the AI tool may generate legal writing that subtly reinforces these stereotypes, leading to potential discrimination.201

To ensure that AI-generated legal writing adheres to principles of fairness and equality, developers and users must actively work to identify and mitigate any biases.202 This may involve the use of bias-detection algorithms or simply some basic understanding of how to spot and counter bias in the writing these tools provide us.203

AI-generated content may not always be entirely accurate or nuanced, particularly when dealing with complex legal concepts that require a deep understanding of the underlying principles.204 As such, legal professionals must maintain a critical eye when using AI tools, ensuring that they exercise their judgment and expertise to supplement the AI’s output with their knowledge.

We all hear stories about how GAI got this or that legal question wrong.205 But many of these errors stem from folks not understanding how the AI works.206 Language models like this use thinking processes that don’t always align with how humans think. Once you understand these differences, you can tweak your prompts to get better answers.

196. Jayne Reardon & Tom Martin, The Ethics and Regulation of AI, L. PRACTICE MAG. (Jan. 1, 2024), https://www.americanbar.org/groups/law_practice/resources/law-practice-magazine/2024/2024-january-february/the-ethics-and-regulation-of-ai; see also MODEL RULES OF PROF. CONDUCT r. 5.3 (AM. BAR ASS’N 1983) (explaining the obligation of a managerial attorney to ensure their practice organization, including nonlawyers, is in compliance with the Model Rules).
198. See MODEL RULES OF PROF. CONDUCT r. 1.6 (AM. BAR ASS’N 1983); see also, Privacy Policy, OPENAI, https://openai.com/policies/privacy-policy (last visited Apr. 7, 2024).
199. Ray, supra note 28, at 147.
200. Id. at 145.
201. See id. at 147 (discussing ChatGPT’s potential to “associate certain professions or roles with specific genders or ethnicities, reinforcing existing stereotypes.”)
203. See generally NAT’L INST. OF STANDARDS & TECH., supra note 203; McKenna, supra note 203.
204. See generally Choi et al., supra note 156.
206. See generally Choi et al., supra note 156.
Let’s take a simple example. If you ask GAI whether the person who scores the most points in a round of golf is the winner—it might say “yes.” If you’re not into golf, this is one of the few sports where getting a higher score isn’t a good thing, so GAI is making a mistake here.

GAI often gets this question wrong because, by default, the AI looks at all of the data in its brain (which it collected from the internet) and thinks, “Wow, in nearly every game out there, the winner is the one who scores the most points. So given the overwhelming number of sports this is true for, it must be true for golf, too.” GAI can be influenced by the sheer weight of information suggesting an answer, even if that popular answer is wrong. 207

But that’s not the whole story. If you ask GAI the same question, but you first tell it to tackle the problem step-by-step—to learn about the rules of golf first, then answer your question about who wins—you’ll usually get the right answer. 208 That’s because you’re guiding GAI in how you want it to approach your question. You’re telling it: Don’t just weigh all the data out there on this general topic. Apply some reasoning. 209

Similar problems cause many other mistakes we hear about in the media. By default, GAI can be good at creative work, like coming up with fanciful stories or names. 210 The AI doesn’t understand that you want it to tell the truth, or that it should tell you if it doesn’t know an answer, rather than making something up. 211

But this shouldn’t be a surprise. GAI is designed to do a lot of things; so, left to its own devices, who knows what answers you’ll get. 212 Using GAI to help with your legal writing is all about understanding what the tool is good at by default and then learning how to guide the AI’s brain as needed so that it understands what you want from it. What’s amazing is that you can guide GAI almost like a human by using natural language and simple instructions and discussing what it’s getting right and what it’s getting wrong. 213

While GAI can generate content-based on patterns in its training data, it may not have a comprehensive understanding of complex legal concepts. This limitation may lead to AI-generated content that lacks nuance or misinterprets legal principles. 214 When drafting a brief on a novel legal issue, GAI may struggle to fully grasp the intricacies of the arguments, leading to a less persuasive or coherent final product. 215 Legal writing also often requires adherence to jurisdiction-specific laws, regulations, and formatting standards. 216 GAI’s ability to adapt to these nuances may be limited, requiring lawyers to invest additional time into tailoring the AI-generated content. For example, GAI might generate a motion that does not follow a particular jurisdiction’s formatting requirements or citation style. AI-generated legal writing, while often technically proficient, may lack the intuition.

207. See Nat’l Inst. of Standards & Tech., supra note 203 (discussing incorrect answers due to data volume in the context of GAI bias).
209. See id.
210. See Strom, supra note 206.
212. See generally id.
215. See id.
and emotional intelligence that human lawyers bring to their work. This limitation could result in AI-generated content that fails to effectively convey empathy, respond to client concerns, or adapt to unique situations. Say you are drafting a sensitive demand letter. GAI may not appropriately balance assertiveness with empathy, resulting in a letter that could alienate the recipient or escalate the dispute.

The convenience of AI-generated legal writing may also lead to an overreliance on these tools, potentially diminishing lawyers’ critical thinking and problem-solving skills. This could be true of law students, too—a concern many have expressed. Lawyers, law students, and professors must remain vigilant in exercising their judgment and expertise when using AI tools, ensuring they do not become overly dependent on the technology. A lawyer who consistently relies on GAI to draft legal documents may become less adept at crafting persuasive arguments or identifying novel legal theories. And law students could use these tools as a crutch.

Most importantly, the broader and more open-ended your questions are—the less trustworthy and useful the results. The narrower your questions and the more guidance you give—the better the results. So, asking open-ended questions, especially questions that require some logical steps (like our golf example) is risky. You might get something useful and accurate, or you might not. If the language you use is open to many interpretations or uses jargon or terms of art that GAI doesn’t have much knowledge about, you won’t get the best results. Because GAI will start filling in the blanks, who knows where that journey will end?

Also, GAI isn’t great for analyzing big documents as a whole, at this stage, because it has limits on the size of your input and its responses (called tokens). But most importantly, GAI is not good for doing legal or factual work on which you need to rely. It is great for generating ideas, it is great for performing simple tasks on specific information or data, but don’t trust it to go find you the best case law. Or to answer complex factual questions that require several logical steps to figure out.

And remember that OpenAI does not guarantee that the information you put into its tools is secure—indeed, OpenAI reserves the right to use your data to train its AI.

217. See John Fuller, Is It Time to Adopt Generative AI into Your Legal Writing?, WIS. LAW. (July 20, 2023), https://www.wisbar.org/NewsPublications/WisconsinLawyer/Pages/Article.aspx?ArticleID=29919 (discussing how GAI excels at drafting contracts, which “tend not to have an emotional aspect”).
218. See id.
219. See Katharine Miller, AI Overreliance Is a Problem. Are Explanations a Solution?, STANFORD U. HUMAN-CENTERED A.I. (Mar. 13, 2023), https://hai.stanford.edu/news/ai-overreliance-problem-are-explanations-solution (explaining that overreliance on AI is seen when humans tend to accept AI responses, even when the responses are incorrect).
221. See id.
222. Id. That said, and as I plan to address in another article focused on using GAI as a teaching tool in legal writing, if you are like me, you will quickly realize that GAI is the most profound teaching tool we have ever seen.
223. See Bozkurt & Sharma, supra note 209, at iii (discussing how prompt “debugging” can improve GAI responses).
224. See id.
226. See generally Metz, supra note 212 (discussing how GAI may lie).
227. See id.
228. See id.
Avoid entering sensitive or confidential information. Your best bet is to keep any identifying information general enough that you aren’t sharing anything that could be tied to a client or matter.

Perhaps most importantly, assess how fast this technology is iterating. ChatGPT-4, OpenAI’s latest model, has already ratcheted up the tool’s reasoning abilities. So even these pressing issues will likely become less and less prevalent.

Now that the first companies have made the move to make these incredibly powerful LLMs available to the public, many have pointed out that we are likely seeing the beginning of a public-AI arm’s race. If the in GAI models already are any indication, we can expect fewer and fewer hallucinations, fabrications, and confusions in short order.

But as our uses of these tools grow in complexity, so will some of these fundamental differences in logic and analysis. And so, this remains a valuable lesson that verifying AI’s work, and continuing to understand its pitfalls and blind spots, will be crucial for us all.

In the end, many of these limitations are fixable, and as new iterations emerge, and more companies use large language models to fuel specialized software with better guide rails, we should have less to worry about. But, for now, it’s important that we use GAI and similar technology for ideas and inspiration, with a careful sense of limitations in accuracy, bias, and so on.

VI. DIVING IN: WHAT LEGAL WRITERS NEED TO KNOW ABOUT GAI:
THE SEVEN KEYS TO PROMPT ENGINEERING.

Prompt engineering, also sometimes called prompt design, is how users interact with or talk to AI, like when you enter a prompt into GAI to get it to produce something. As anyone who has played around with AI tools might have realized, different prompts result in different outputs—some of which are closer to what you wanted than others. Prompt engineering aims to create the ideal prompt to get as close as possible to the most desired outcome.

Few skills are more powerful now (and likely to be so in the future) than prompt engineering. Because this skill is what will unlock your ability to work with generative AI and get it to do amazing things, like creating new technologies for your law practice. Really, the sky is the limit.

Let’s start with the elephant in the room: Is there some magic, “best prompt” for whatever legal task you are trying to accomplish? Sorry, but not really. Despite

233. See id.
234. See Bozkurt & Sharma, supra note 209, at ii.
235. See id.
236. See id.
237. See id. at iii (discussing the many individualized factors writers should consider when crafting a prompt).
numerous clickbait articles suggesting there are “only five prompts you will ever need”—for complex tasks like legal writing and legal practice, those one-size-fits-all prompts are rarely the best (or even close) You often need to customize your prompts for your tasks, particularly with writing tasks. The good news is, you can reuse your best prompts again and again—and keep improving them. So let us dive in.

Now let’s get to the fun part: Prompt Engineering. If you’ve tried GAI chatbots, you know it’s easy. You type in some instructions, hit enter, and get a response. But to unlock the legal-writing power of GAI, you need to go a bit further to guide the AI. The more you guide it, the better it will know what sort of help you need—and the more accurate and useful the responses.

We’ll cover seven skills for crafting excellent prompts: (1) specific and precise instructions, (2) using roles, (3) reasoning prompts (called COT prompting), (4) parameters and structure, (5) examples (called few-shot prompting), (6) leveraging context, and (7) iterative or follow-up prompting. With all of these prompt tools, you will likely need to experiment a bit to find the best prompts for different legal writing tasks. Also, note that most GAI products remember your discussions after you hit enter within each search instance (at least, at the time of this writing). This is one of the game-changers over previous tools. You can prime GAI by entering extensive prompt guidance before your instructions, you can follow up after a response and help GAI understand what it is doing right and wrong, and more.

A. Create Simple but Precise Prompts

The more specific and narrow your instructions, the better the results you’ll receive. On the other hand, you should craft your instructions clearly by delivering one point at a time and using headings, delimiters, and other tools to avoid confusing GAI.

When you are first drafting your prompt, consider how you can precisely instruct GAI given your goals. GAI struggles if you give it the whole world to parse, like “draft a contract.” So, go narrow and specific. Start with a concrete verb letting GAI know what you want it to do, including terms like “summarize,” “brainstorm,” “rewrite,” “extract,” “create” and so on (we will cover particular types of prompts later, but also feel free to use our cheat sheet here).

So rather than prompting “Draft a confidentiality agreement,” you will often be better off prompting in steps through more specific guidance. Notice how this prompt delivers one key piece of information at a time and keeps the task narrow. We can then use this initial outline of the contract to dig deeper—perhaps working with GAI to craft each section with more guidance:

“Let’s work on drafting a confidentiality agreement together. The agreement is between Acme and Widgets. Let’s start by drafting the headings for the contract. Craft each heading to summarize the key terms of that section. Include an exhaustive list of possible terms for now.”

238. See generally Jason Wei et al., Chain-of-Thought Prompting Elicits Reasoning in Large Language Models (2023), https://doi.org/10.48550/arXiv.2201.11903; see also Kojima et al., Large Language Models are Zero-Shot Reasoners (2023), https://doi.org/10.48550/arXiv.2205.11916.
239. I suspect that, soon after this article is published, Microsoft will launch its GAI-fueled suite of tools, copilot, to the public. This will likely be a game-changer in terms of easily giving GAI tools starter text.
240. See Bozkurt & Sharma, supra note 209, at iii.
241. See id.
242. See id.
243. See id. (explaining how a prompt that is clear about GAI’s objective can lead to better responses).
Clear writing is key. That means punctuation, headings, and delimiters (which you can think of as symbols used to break up sections of your prompt).

Use delimiters. This means consistently separating portions of your prompt so that it is easy for GAI to understand what each part of your prompt is doing. For the best results, use delimiters to separate the text you want GAI to work on from the rest of your instructions (so it does not think the text you want it to edit or summarize is part of your instructions). Then use delimiters to separate the big parts of your prompt (like examples from your general instructions).

Delimiters can be anything you want so long as it will not confuse GAI because it looks like a word. But you can also use something like *** that GAI will not get confused with words and tokens. For example:

[instructions] As a renowned legal writer, please edit the following text.

***

[context] For context, here is an example of excellent writing:
“____”

***

Here is the text I would like you to edit, which is delimited by “””:

“””The court here has done a terrible thing…”””

B. Consider Giving Generative AI a Role

Roles refer to giving GAI much context and direction for how it tackles a task—and how it prepares its answer—but having the AI take on the role of a person or entity. Assigning a role can help guide GAI's response, making it more focused and contextually accurate. In legal writing, you can have GAI take on certain writing styles (like famous lawyers or publications), or take on the role of the sort of person you would normally be working with on that task: like a research librarian or judge.

The role you assign to GAI can significantly influence the tone, style, and focus of its response. For example, assigning a research role might yield a neutral, factual response, while an attorney role could generate persuasive arguments. A judge role might help you test out a theory to see what the pushback might be to an argument.

There are few tasks that will not benefit from a role. So, when crafting your prompts, consider: What sort of person, job, or other source that GAI can emulate—can help guide the AI in what you are hoping to achieve here?


245. See id.


247. See id.
For writing style in particular, we’ve had a lot of great results mixing some of our favorite legal and non-legal writers and sources—like Justice Elena Kagan or the New Yorker publication. Experiment until you find the right role for each task.

When setting the role, it’s often best to start your prompt with the role in a concise phrase—and add a helpful adjective to encourage GAI to use only high-quality sources when taking on the role (like mentioning a “well-regarded lawyer” or “renowned legal writer”).

For example:

"As a legal research assistant, summarize the main points of the U.S. Supreme Court case 'Brown v. Board of Education' in a neutral tone, suitable for a legal memo."

"As an attorney representing the plaintiff, draft a persuasive opening statement for a medical malpractice case, highlighting the defendant's negligence..."

"As a law professor, explain the concept of 'res ipsa loquitur' in a clear and concise manner, providing a hypothetical example to illustrate the principle."

“As a renowned legal writer who writes in the style of the New Yorker publication....”

Related to strict roles is an overall tone. Providing a general tone for GAI tools can help further tailor the responses you get. If you are writing an email to a client or colleague, your tone will likely be different from a formal brief. And GAI tools can be great for inspiring your tone.

For example:

“Use a clear, professional tone.”

“Use an optimistic, forward-looking tone.”

“Use a tone appropriate for an email to a close colleague at my law firm.”

“Use a direct, serious tone for a letter to opposing lawyers in a lawsuit.”

C. Lay Out Your Reasoning or Logical Steps.

As a legal writer, it's essential to understand how to harness the power of GAI's reasoning abilities to generate accurate and high-quality results. Let's dive into the strategies that can help you make the most out of GAI.

248. See id. (providing examples of role statements, like “you are skilled in data analysis”).

249. See Bozkurt & Sharma, supra note 209, at ii.
GAI can be thought of as operating in two modes: (1) a reasoning mode and (2) a non-reasoning mode. In reasoning mode, GAI carries out discrete steps, like retrieving information first—and then a second step of using that information to carry out another task, like analyzing a problem. In non-reasoning mode, GAI quickly generates answers based on its vast knowledge.

Chain-of-thought (“COT”) prompting triggers GAI’s reasoning capabilities. This is a powerful tool for many instructions, as shared in some exciting new research out this year. And there are a few ways to pull off COT prompting. But let’s first think about when you want to use reasoning in GAI. Applying reasoning with GAI isn’t always necessary, but it can be beneficial if you’re struggling to obtain accurate or high-quality results. GPT-4 has bolstered reasoning capabilities compared to its predecessor, GPT-3, addressing many accuracy issues. But still, you’ll find that for complex tasks (especially ones we legal writers give GAI), you’ll often want to use COT prompting.

So, how do we get GAI to do more reasoning? Experts often talk about reasoning prompts as giving the AI more time to think before jumping to conclusions. And it’s easy to give GAI that time.

First, the easiest way to trigger reasoning is to simply use some magic words in your prompt. Research suggests that simply including prompt language like “Let’s think step by step” or, what has performed even better in the research: “Let’s work this out step by step to be sure we have the right answer” will increase the attention GAI puts on reasoning—and get a lot of the benefit of chain-of-thought prompting.

Second, you can trigger that chain-of-thought reasoning by breaking down the steps you’d like GAI to follow. This may take some time (and some trial and error), but you can generally think about the tasks you’d carry out—and then just tell GAI to do the same thing.

For example:

“First, find relevant legal provisions.
Second, analyze the applicability of those provisions to the case.
Third, provide a conclusion based on the analysis.”

Third, you can ask GAI to explain its reasoning steps as it provides your answer (or provide some high-level guidance about the reasoning it should use, without listing every step). This forces GAI to come up with the steps it will take to reach a conclusion—and identify potential pitfalls that you can avoid.

For example, if you want GAI to check an answer to a question, you can tell GAI to first come up with its own answer to the question—and then to check your answer. This

250. See Ray, supra note 28, at 123–25 (discussing the steps ChatGPT goes through in generating a response).
251. See id.
252. Wei et al., supra note 240.
253. See id.
254. See id at 3–5.
256. See Wei et al., supra note 240, at 3 (discussing how COT prompting requires GAI to go through additional computation).
258. See id at 3 (providing examples of steps that guide GAI’s reasoning).
260. See id.
forces GAI to take at least two general steps without rushing to the answer, and without providing every individual reasoning step. In the example, we are using the delimiter /n to separate sections of the prompt:

“Your task is to determine if a law student’s solution is correct or not. To solve the problem, do the following. /n

First, work out your own solution to the problem. /n

Second, compare your solution to the student’s solution and evaluate if the student’s solution is correct or not. Don’t decide if the student’s solution is correct until you have done the problem yourself. /n

Third, provide your feedback to the student.”

Or, again, just ask GAI to give you the steps it will use to complete a task: “Specify the steps you will use to carry out this task.”

Perhaps most importantly, if you break up your task into smaller steps, and have GAI tackle only one task at a time in each prompt, you will get the best results. Because GAI can devote all its attention to a single task at a time.

A few final tips on reasoning prompts:

● Incorporate "if-then" statements to guide GAI's reasoning and focus on specific conditions.

● Ask GAI to create a plan or outline for achieving a specific goal or solving a problem.

● Instruct GAI to compare and contrast ideas or concepts to provide a more thorough understanding.

● Instruct GAI to provide citations or references for the information it uses in its response, ensuring accuracy and credibility.

● Ask GAI to come up with questions related to the topic, promoting a deeper exploration of the subject matter.

● Use explicit reasoning constraints: Include specific constraints that GAI should consider while reasoning. For example, you could instruct GAI to "consider only the relevant case laws and statutes from the jurisdiction of X."

● Specify which aspects of the task are more important than others to help GAI focus on the most relevant information.

● Ask GAI to summarize or rephrase your instructions to ensure it has a clear understanding of your requirements.

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261. See Bozkurt & Sharma, supra note 209, at iii (discussing how concise prompts generate better responses).
• Instruct GAI to prioritize the most important or relevant information in its response, ensuring the focus remains on key points.

• Ask GAI to reflect on its own thinking process, assumptions, or biases while generating a response.

• Ask for explanations: Request GAI explain its reasoning process, assumptions, or the basis of its conclusions. This can help you better understand the model's thought process and identify any potential issues or misunderstandings. Example: "Explain the rationale behind your conclusion and provide any relevant legal sources that support your argument."

D. Set Parameters and Structures for Your Results

GAI will follow nearly any guiding parameters you give it. The more information you provide about the structure and format of the response you are looking for, the better. First, you can control how much detail or depth you like GAI to provide. By default, GAI will often give concise, superficial answers, when often we are looking for detailed, nuanced answers. Be granular and tell GAI precisely what level of detail you’d like.

For example, let say you trying to improve the verb in a sentence. Instead of just telling GAI to improve the verb, ask it to generate 10 different examples, each using a different verb.

If you ask for GAI to explain a legal concept, tell it what its answer should look like. The more specific you can be—like telling GAI how many examples you want, how many reasons you would like, etc.—the better.

“Your explanation should be at least five paragraphs long and offer specific quotes from relevant cases. Your explanation should also include at least five specific examples of this legal doctrine.”

When GAI is giving too much information, confine its response by telling it how many lines, paragraphs, reasons, details, or other parameters to stay within.

You can also give GAI ground truths to overwrite what it may otherwise think. This is a different sort of parameter, as you are giving GAI some guidance about the universe it should provide its analysis within. For example, you can tell GAI to ignore certain things. Let say you want GAI to edit some of your legal writing but ignore anything in quotation marks:

“All text within quotation marks is accurate and should not be modified.”

262. See generally, Bozkurt & Sharma, supra note 209 (discussing the various parameters that can help GAI deliver more tailored responses).

263. Id.

264. See id. (explaining how GAI can be prompted to deliver responses that align with users’ specific objectives).

265. See Ramlochan, supra note 248 (explaining how GAI can be told to assume a certain role and respond accordingly).
You can also tell GAI the format you like its response in. Perhaps you want a table with labels. Or you would like a list set up a certain way. Or you would like bullet points. GAI is exceptionally good at identifying patterns:

“Provide a list of every citation listed in this brief. List each citation in bluebook format. Organize the citations by court decisions, statutes, and other sources:

Court Decisions:

Statutes:

Other Sources: “

Some of the most useful parameters for legal writing include:

- “Provide your response in bullet points.”
- “Provide your response in a numbered list.”
- “Provide your response in a presentation format.”
- “Provide your response in a flow chart format.”
- “Provide your response in a step-by-step format.”
- “Provide your response as if writing a legal brief [or insert your preferred document type, like an email, formal demand letter, memo, and so on.”

One other popular type of parameter is telling GAI tools what you do not want to be included in a response. This may come up in other prompt topics as well, for example, you may specifically prompt to not assume a particular role to help be clearer about what role you want the AI to take.

But for legal writers in particular, consider any categories of poor writing or poor substance that you can help limit for the GAI. And note the weaknesses in the tool’s responses as you use it (although we will dive more into the iterative, follow-up prompts later).

For example:

“Avoid jargon or legal terms because this email is for a client with no legal background.”

“Do not provide any citations to particular cases. I am only interested in general legal principles.”

“Avoid vague or ambiguous terms. Use specific details or references whenever possible.”

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E. Provide Examples, Called Few-Shotting.

Examples are often called few-shot prompts in the generative AI world. All this means is that you’re giving GAI a few exemplar prompts and responses that have the characteristics you’re looking for. These examples are even more powerful than other parameters because you’re showing the GAI exactly what you want it to do—and it can learn a ton from even a single example. This is the same skill you would use to train your own models, if that’s ever something you want to explore.

Few-shot learning involves providing GAI with a few example prompts and responses that showcase the characteristics you’re looking for. For optimal results, keep these guidelines in mind:

269. Id.
270. See id. at 2.
271. Id. at 1.
- Diversify your examples: Ensure that your examples cover a wide range of scenarios to achieve diverse results.

- Randomize the order: Arrange your examples randomly, unless you are specifically looking for a pattern.

- To get the best results, provide at least four examples, although the latest research suggests using as many as possible to maximize effectiveness.

Let’s say you want GAI to help you come up with better verbs for key sentences in your brief, such as headings. Provide GAI with examples of headings containing weak verbs followed by sample responses with improved verbs. GAI is highly adept at recognizing and following patterns, so it will also learn from your labels and formatting.\(^\text{272}\)

“Weak sentence: The court issued a ruling on the motion.

Better sentence: The court ruled on the motion.

Weak sentence: The deadline was not met by the lawyers.

Better sentence: The lawyers missed the deadline.”\(^\text{273}\)

Then you can include the sentence you actually want GAI to improve, following the same pattern:

“Weak sentence: The court’s ruling is not released.

Better sentence: The court has not ruled yet.”\(^\text{274}\)

More Few-Shot Tips and Tricks

- While providing many examples is helpful, ensure that each example is high-quality and relevant to your desired outcome. Weird examples can inject confusion, too.

- When crafting examples, try to use situations from actual legal cases or documents to provide GAI with a more accurate understanding of real-world scenarios.

- Structure your examples as prompt-answer pairs, presenting a problem and its solution, to help GAI identify patterns and learn to generate suitable responses.


\(\text{274}\) Id.
Mix both long and short examples to help GAI learn how to handle
different levels of complexity and verbosity in responses.

Show GAI examples of both correct and incorrect answers for a
given problem, so it can learn to differentiate between the two and
avoid generating incorrect responses.

F. Provide Context and Hints

Let’s next explore the importance of providing context and hints to the GAI when
using it for legal writing tasks. Context plays a crucial role in guiding GAI towards generating your desired output.275 By providing background information about the topic or the
type of response you are looking for, you improve the model’s understanding of your
task.276 To indicate that the provided text is context, make it explicit by stating, “The fol-
lowing information is context.” And use delimiters like *** to keep your context clear
from the rest of your prompt.

For example, let’s say you want to be sure GAI uses the right case for some task
you’ve given it:

“Summarize the Palsgraf v. Long Island Railroad Co. case.
***
The following information is context. In this case, the plaintiff, Mrs.
Palsgraf, sued the railroad company for injuries sustained due to
the negligence of its employees.”

Similarly, you can use the word “Hint” to signal to GAI that any words you’re giving are
critical to the results you’re looking for.277 In recent studies, using hints amplified the
quality of responses.278

For example, if you instruct GAI to summarize the Palsgraf case, you could pro-
vide some Hint words to help GAI focus on what you care about most:

“Summarize the Palsgraf v. Long Island Railroad Co. case.
***
Hint: Reasonably foreseeable, causation, negligence, proximate
cause”

Additional Tips and Tricks for using context:

- Provide GAI with any background information that could be helpful
  for your legal task, like the jurisdiction your issue is in, what cases
  are most important, what legal concepts are most important, and so
  on.

275. See Bozkurt & Sharma, supra note 209, at iii.
276. See id.
277. See generally, Chuanyang Zheng et al., Progressive-Hint Prompting Improves Reasoning in Large Lan-
278. Id.
281. See id.
If you are not satisfied with GAI's response, ask it to provide alternative answers or approaches. This can help you explore different perspectives and solutions.

Start with simpler prompts and examples to familiarize GAI with the task, and then progressively introduce more complex scenarios.

If GAI's response isn't what you're looking for, try rephrasing your prompt or question. Sometimes, a slightly different angle or wording can yield better results. Once you find a great prompt that works, keep track of it so you can reuse it later!

For example:

“Improve the two verbs in this sentence: ‘The garbage is removed by John, and Susie is taking a walk to the park.’”

GAI’s response: John took out the garbage, and Susie walked to the park.²⁸²

Pretty good, but let us say you want a more descriptive verb in the second clause about Susie.

Just follow up with GAI:

“The first clause is great, but choose a better verb for Susie that describes walking quickly.”

GAI’s response: John took out the garbage, and Susie ran to the park.²⁸³

Let us look at another follow-up example, this time with some automation work.

“Draft a caption for a motion between two parties: Dolores A. West, who is the plaintiff, and Park Healthcare Incorporated, who is the defendant. This case is in the U.S. District Court, Northern District of Illinois. The Case Number is 123131241.”

GAI’s response: In the case of Dolores A. West vs. Park Healthcare Incorporated, Case No. 123131241 in the U.S. District Court, Northern District of Illinois, Dolores A. West has filed a motion against Park Healthcare Incorporated.²⁸⁴

You can see GAI is trying, but it is not sure how to format a caption just from us calling it a “caption.” So, we need to give it some more guidance. That doesn’t mean we will need to detail every step—it can figure out what we are looking for pretty quickly.

“Format the caption like this:

[Court name]

[Plaintiff's name]

vs.

[Defendant's name]

Case No. “

GAI’s response:

“U.S. District Court, Northern District of Illinois

Dolores A. West

vs.

Park Healthcare Incorporated

Case No. 123131241”

Much better!

H. Some Final Prompt Engineering Tips

- Generated Knowledge Prompting. The idea behind the generated knowledge approach is to ask the LLM to generate potentially useful information about a given question or prompt before generating a final response. This is a variant of follow ups. The idea is that you can often get better results by first getting some starting information or data from GAI. Then use that response to craft a more detailed second prompt. For example, you could ask GAI “Provide six of the key cases on defamation in Iowa” and then craft a second prompt using the results from the first prompt “Use these six key cases to draft a legal memo on defamation in Iowa.”

285. Id.
287. See id.
288. See id.
Affirmative instructions work better than negative ones. Negative instructions can work, but always consider whether there is an affirmative instruction that can precisely do the job better. So in the end, avoid saying, “do not do something” but specify what to do — when possible. For example, it’s better to get more specific with “provide only a single line of text in your answer” rather than “do not provide more than one single line of text.”

Increasing accuracy is often a goal when prompting. One helpful tool is to instruct GAI to cite the source material when it makes statements. You can also ask GAI to first find a source, verify it with a quote, and then provide you with an answer based on the source’s content. Asking for citations makes it so that the model must make two errors every time it generates a response: the first error is the fabricated response, and the second is the bad citation.

Repeat instructions at the end. The latest research suggests that GAI and similar models can be susceptible to recency bias, so information at the end of the prompt might have a more significant influence over the output than information at the beginning of the prompt. So try including at least a reminder of the key instructions right at the end of your prompt. This is particularly important for extensive prompts, for example:

Consider giving GAI a path if it can’t find a good answer. Say you are asking GAI to edit your writing. What if your writing is already perfect? Don’t make GAI fabricate stuff: Tell it that if it has no improvements to simply respond with “this is already great!” Tell GAI if it can’t find a source, to respond with “I cannot find an answer.” These sorts of parameters will help encourage GAI to be accurate.

Diverse Prompting. The idea is that you create multiple versions of an important prompt you want to perfect. Using at least several will get the best results. To make this easy, you can just ask GAI to create the versions for you: “Please create five different versions of the following prompt. Make each version unique and from a different perspective.”

289. See Kakwani, supra note 269.
290. See id.
291. See Generated Knowledge Prompting, supra note 288.
292. See Jason Fan, How we cut the rate of GPT hallucinations from 20%+ to less than 2%, MEDIUM (Mar. 7, 2023), https://jfan001.medium.com/how-we-cut-the-rate-of-gpt-hallucinations-from-20-to-less-than-2-f3b6ec10e4ec; see also Beth LaPensee, Empowering Research with Generative AI on JSTOR, JSTOR (Nov. 30, 2023), https://about.jstor.org/blog/empowering-research-with-generative-ai-on-jstor/ (discussing JSTOR’s AI-powered research tool, which provides inline references and links to the source page).
295. Id.
296. See generally MATT SMITH & ERIC YE, PROMPTING FOR DIVERSE RESPONSES: MAKING LARGE LANGUAGE MODELS MORE TRUTHFUL 1 (2023).
297. Id. at 3, 7–8.
Then run each prompt and compare results. Keep doing so until you find the best prompt based on the results each provides you.

- Come at tricky tasks from different angles. GAI is unlike any other tech tool you’ve worked with before. You’d be amazed at the things it can pull off. But it may take some creativity and trial and error. For example, we’ve confirmed better results on certain tasks by having GAI explain its thinking process (for instance, when asking GAI to choose between options, having GAI explain the reasoning or strengths and weaknesses of each option).

- Stacked prompts of different prompt types will often work best. That is: Providing a role, instructions, parameters, context or hints, and examples all together: “Act as a federal judge. Explain how defamation works. Provide two paragraphs or less. Hints: intent, defamatory, falsity.”

- Use GAI to help you write better prompts. GAI can give you great advice about why your prompt may not be the clearest or best set of instructions. Ask for some feedback. Or just ask GAI to rewrite your prompt to be easiest to use for GAI.

- Use self-reinforcing prompting. GAI is great at using deep context about your needs to come up with better and better results. Beyond just following up, tell GAI what it is doing right and what it is doing wrong, and then continue prompting in the same session to get better results.

VII. DEVELOPING YOUR GAI SKILLS OVER TIME.

A. A Quick Case Study on Why Continuously Developing Your GAI Skills Matters

Like legal writing itself, your GAI skills (and technology skills in general) are not static. As new features and functions are released across GAI tools—the opportunities for these tools to disrupt your legal writing and other aspects of practice will multiply.

In just 2023, we saw the launch of the most powerful GAI tool ever released to the public. Then we saw massive improvement in these tools in a few months. Now GAI tools—and ChatGPT in particular—are multimodal: able to see, hear, and speak fluently.

299. See Fan, supra note 294.
300. See Bozkurt & Sharma, supra note 209, at iii (discussing the various parameters that can improve GAI responses).
301. Cf. Wilson, supra note 168 (discussing how GAI can be used to provide feedback to students).
302. See Bozkurt & Sharma, supra note 209, at iii.
303. See Ritchie, supra note 295.
304. See id.
305. See Release Notes, supra note 5.
306. See id.
307. See id.
Staying current on what GAI tools can do—both on their own and alongside other tools—is critical. So, beyond just your prompting skills, view your GAI skills as a toolbox worth regularly revisiting.

Take one recent improvement: the ability to add custom instructions to ChatGPT. This feature allows you to add extensive instructions that will augment every prompt you give ChatGPT. At first, this could seem like a small improvement, but it’s a large one. There are just so many new improvements coming out, so quickly, that it can be overwhelming.

As a quick case study, though, let’s look at what you can do with just this custom-instructions improvement. The punchline is: If you did not know about the custom-instructions feature or what sorts of ways you could use it—you would never even think to add this tool to your arsenal.

Most obviously, all of the prompt skills we already learned can be inserted ahead of time into custom instructions so that you don’t need to write out all of the portions of the prompts that you use repeatedly, each time you use these tools. That already is a big improvement that you would want to use in almost any legal writing or legal practice context.

But you can use this feature to do more. For example, let’s walk through a custom instruction I use when working with ChatGPT on various projects. I’ll share some insights from the latest research that I used when developing this reusable prompt format. Keep in mind you could use this reusable format in any GAI tool that has access to the internet (and then insert your actual request after this set of instructions).

I start by providing context about who I am and what I do. Like a general role, this is useful context—and within ChatGPT’s custom instructions, it will be automatically applied every time I use the tool:

“About Me - I am a legal writing expert and law professor. I teach people how to write better in the law.”

I then provide parameters about how it should approach tasks I give it, the sort of language it should avoid in responses, and what methodology I want it to use when it carries out tasks. Ignore the specifics here, as I’ve optimized these instructions using several research studies and template instructions from AI communities. But you can get a sense for the sorts of customizations I am adding:

“My Expectations of Assistant

Defer to the user’s wishes if they override these expectations:

Language and Tone - Use lay terminology for the given context
- Avoid: superfluous prose, self-references, expert advice disclaimers, and apologies

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308. See Ritchie, supra note 295.
309. Release Notes, supra note 5.
310. See id.
311. See id.
312. See id.
313. See id.
314. See, e.g., Release Notes, supra note 5.
315. Using headings to separate key categories or parts of the prompt can be as effective as delimiters generally. Adding headings to prompts can significantly improve the quality of results and how well LLMs follow your intended instructions.
Content Depth and Breadth
- Present a holistic understanding of the topic
- Provide comprehensive and nuanced analysis and guidance
- For complex queries, demonstrate your reasoning process with step-by-step explanations

Methodology and Approach
- Mimic socratic self-questioning and theory of mind as needed
- Take complex tasks step by step
- Ask follow up questions when needed to fully understand a user’s needs

Formatting Output
- Use lists and indenting, headings, and tables to enhance organization, readability, and understanding.
- CRITICAL: Embed all hyperlinks inline as Google search links

```
{emoji related to terms} 
https://www.google.com/search?q=expanded+search+term
```
- Prioritize adding hyperlinks to resources such as papers, articles, books, organizations, people, legal citations, technical terms, and industry standards using Google Search

Then I provide some more direction to how I want ChatGPT to carry out given responses, first giving myself a simple way to control how extensive its responses will be. Note this is something I can now trigger simply by adding “V=n” along with my instructions.

“VERBOSITY: I may use V=[0-5] to set response detail:
- V=0 one line
- V=1 concise
- V=2 brief
- V=3 normal
- V=4 detailed with examples
- V=5 comprehensive, with as much length, detail, and nuance as possible”

Next, I have ChatGPT carry out several preliminary reasoning steps when it works on my tasks, which research (and testing) confirms increases its effectiveness:

“1. Start response with:

316. When you would like a GAI tool to use a variety of formats, tell it to do so as a parameter.
317. Using all-caps and intensifiers can help direct the relative priorities LLMs give your prompts.
318. I use these brackets to signal that this is a variable the GAI should populate.
319. I am providing the format for the GAI to use when providing me extra resources related to my search.
320. The more priorities and guidance, the better the GAI understands what it should prioritize. See Bozkurt & Sharma, supra note 209, at iii.
321. This is an example of the many ways you can use natural language to effectively create an app for yourself in a GAI tool. But by inserting this background information, I can now use the “V=n” convention every time I insert a prompt—without typing out things like “give me a concise answer” or “give me a very thorough answer.”
I also include reminders at the end of the instructions, so that ChatGPT doesn’t lose sight of the key limitations I’ve placed on it:

“Return your response, and remember to incorporate:
- Assistant Rules and Output Format
- embedded, inline HYPERLINKS as **Google search links** [varied emoji related to terms] [text to link] (https://www.google.com/search?q=expanded+search+terms) as needed
- step-by-step reasoning if needed”

I then tell the GAI tool to end all of its responses with sources and links related to its task so that I can be sure it’s doing that research work accurately:

“End response with:
> See also: [2-3 related searches]
> [text to link](https://www.google.com/search?q=expanded+search+terms)”

After I set up these custom instructions, when I ask ChatGPT to perform an edit task, it provides the following:

First, it shows its reasoning and assumptions work:

322. I am using the capitalized words to better signal defined terms or concepts I set up earlier in the prompt.
323. There is nothing particularly magical about this structure: It is pulled from several leading researchers on GAI tools. See Fan, supra note 294. It encourages the GAI tool to consistently do a preparatory phase—and provide its results—before going through the task. These overall ‘hints’ and pre work will help guide the GAI to better answers.
324. You may have noticed by now that I have the GAI tool use emojis. Because why not have some fun while conversing with your GAI?
<table>
<thead>
<tr>
<th>Attribute</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domain &gt; Expert</td>
<td>Legal Writing &gt; Legal Writing Expert</td>
</tr>
<tr>
<td>Keywords</td>
<td>rule explanation, legal writing, reader understanding, teaching, context, details</td>
</tr>
<tr>
<td>Goal</td>
<td>Improve the writing style of the provided legal text with V=4 verbosity</td>
</tr>
<tr>
<td>Assumptions</td>
<td>The user expects a clearer and more streamlined revision that retains the essence of the original content while enhancing its efficacy</td>
</tr>
<tr>
<td>Methodology</td>
<td>Revise for clarity, coherence, conciseness, and use of precise legal terminology</td>
</tr>
</tbody>
</table>

It then does its task, adding helpful links after:

"Through rigorous research, you've gained a deep understanding of the rules pertinent to your legal document. It's now crucial to convey this comprehension effectively to your readers. As with effective teaching, clarity and precision are key. Guide your readers, offering them a clear path to the conclusion. Break down the rules methodically, providing necessary context and details. This approach ensures they not only grasp but can also effectively apply the rules independently."

**See also:**
- Legal Writing Tips
- Effective Legal Communication
- Legal Writing Best Practices

**You may also enjoy:**
- History of Legal Writing
- The Art of Persuasion in Law
- Famous Legal Writers

I share this example as a case study only: a quick example of how far you can take your GAI skills if you stay up to date on new features and possibilities. Now let us work through best practices for constructing your prompts. These skills will all inform your use of GAI in various contexts.

**B. Developing Your GAI Skills Over Time**

i. Stay abreast of GAI advancements so you know what is possible.

Generative AI, like all technology, evolves rapidly. Staying informed about the latest improvements, updates, and innovations ensures that you harness the tool's fullest potential. Why is it so important to stay up to date? Because if you don’t know what is possible with a technology tool, you can never consider it an option to improve your practice. This is true of all technology, but especially GAI.

That does not mean you need to master every new GAI tool, feature, or function. You just need to set aside a little time, regularly, so you are aware of what is possible with these tools. With those possibilities, you can brainstorm ideas for improving your

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326. Id.
327. See Release Notes, supra note 5 (detailing the improvements to ChatGPT over the last year).
328. See Ritchie, supra note 295.
329. See id.
practice—perhaps seeking out experts or help when you have a need that the technology is a good fit for. This is a key tactic for all major legal technologies, really. If you do not know what is out there, you’ll never consider using it for a matter.

Consider subscribing to AI and Law Journals or joining AI-focused legal forums. Reddit and Discord and many other innovator communities, newsletters, and other resources are often the best sources of insights and updates.

ii. Understand enough of the technology to understand its pitfalls when you, or others, use it.

As we’ve already touched on, generative AI brings a slew of risks and pitfalls. To manage those, you need to understand enough of how new GAI tools work and what risks exist. As new features and functions and integrations are released, then, you’ll need to spend a little time making sure you understand the basics. Part of both using these tools (and knowing that others like judges or opposing parties may use these tools) means staying on top of these changes and what new challenges they pose.

For example, now that GAI tools are becoming multimodal and can analyze and create visuals: you may want to use these features in your practice. Perhaps you snap a photo of a document and have GAI do a quick analysis on the fly. Or perhaps you have GAI create an accident recreation image for a brief. If you don’t know how these new features work, you won’t be on the lookout for risks like copyright infringement in your visual or inaccuracy issues in the visual analysis.

It will likely never be possible to fully rely on GAI without verifying its results (and the processes it uses to carry out tasks). But how to effectively do that may change over time. The more GAI does for us, the more we need to understand how it gets to its answers and how we can effectively check its work for accuracy.

As we’ve seen, GAI tools are trained on vast datasets, which might carry inherent biases. Familiarity with how these systems are trained enables legal professionals to identify and counter potential biases that may arise in the generated content. And these data sets will just get bigger, more structured, and more complicated. So, your understanding of this aspect will need to keep up with new versions of GAI.

Security risks are another evolving aspect to GAI. An understanding of how new updates or features work can help in evaluating the security protocols of AI vendors and ensuring client data confidentiality.

And we will also need to stay current on legal or ethical implications. While GAI tools can be trained on vast legal databases, they might not always reflect the most recent legal standards or rulings.

330. See id.
331. See id.
333. See id.
334. Release Notes, supra note 5.
335. See Craven & Reiss, supra note 334.
337. See Craven & Reiss, supra note 334.
338. See Privacy Policy, supra note 199.
339. See, e.g., MODEL CODE OF PROF. CONDUCT r. 5.3 (AM. BAR ASS’N 1983).
iii. Keep your work: using a GAI journal.

Keep a comprehensive record of new understandings, new features, new resources, and prompts you’ve employed. Think of this as your personal GAI knowledge management system. If you don’t keep track of your tech options, then you will quickly get overwhelmed.

Your journal can also note areas in your practice that could use improving and ideas for what technology can help. Keep all this on your radar so you are best positioned to use new GAI features or tools as they are released. Regularly revisit your journal for insights.

Organize your journal into distinct sections like “Prompt Successes,” “New Features,” “Potential Improvements,” and “Resource Discoveries.” This ensures you can easily find what you need later. Every time you add information, mark the date, and provide enough detail. This will help track the evolution of your interactions with GAI tools.

Identify areas in your practice that could benefit from GAI’s capabilities. Is there a repetitive task? Or perhaps a complex research component? Note these and seek GAI features or tools that can assist.

And consider creating a shared digital GAI journal if you work in a team or firm. This collaborative approach can lead to a rich repository of insights, tips, and best practices.

iv. Engage with the AI Community.

Collaboration amplifies learning. Engaging with AI enthusiasts, especially those in the legal space, can provide a wealth of shared knowledge. Consider attending an AI-focused conference, legal technology conference like ILTACON, or participate in the many legal-tech focused bar and nonprofit organizations across the world.

v. Experiment and iterate.

Don’t hesitate to test new approaches and strategies. By continually experimenting, you can identify nuances that boost the AI’s output quality, particularly for intricate legal scenarios.

As generative AI tools evolve, new features and techniques will emerge. Consider enrolling in Generative AI Workshops or webinars tailored for legal professionals to stay on the cutting edge.

Set aside dedicated time, perhaps quarterly, to review and evaluate your GAI practices. This self-audit can highlight evolving trends, potential gaps, and areas of excellence.

C. Legal-Writing Prompts to Dive in with GAI.

Let’s look at some prompts to get you started on your GAI legal writing journey. Remember, the more specific, the better. The less ambiguous, the better. If you use jargon, esoteric questions, or other language that is open to many interpretations (remember, this is an AI, not a human), you may not get great results. And it is best to give GAI

340. See Ritchie, supra note 295.
341. See Bozkurt & Sharma, supra note 209, at iii.
342. See Release Notes, supra note 5.
343. See Bozkurt & Sharma, supra note 209, at iii.
344. See id.
345. See id.
the smallest, specific text you want it to work on, rather than dropping in long blocks of text and just telling GAI to improve it.

We find you’ll get the most value if you focus on the important writing in your document, like headings, introductions, first sentences of paragraphs, thematic sentences, or any other key snippets of text you’re having trouble getting to the next level. And remember, if you few-shot (provide a few examples of good sentences or phrases you’re looking for) you will get better results.346

Let’s start with some helpful Prompt Engineering instructions you can use across different prompts:

- “Let’s work this out in a step-by-step way to be sure we have the right answer.” In recent research, this particular wording performed excellently compared to similar prompts.347 These chain-of-thought prompts, called COT, encourage GAI-3 to use reasoning instead of just crunching the mass data and weighing the answer based on what’s popular or most common.348

- Explain the steps you’d like GAI to take. For example: “First, search cases about defamation. Second, summarize the rule for defamation.” This is even better than a blanket COT prompt because you are showing GAI how to reason.

- “Confine your answers to [insert confining parameters].” For example: “Confine your analysis to these cases [list cases].”

- “[Insert jargon or term of art] is defined as [insert definition].” If you are using language that GAI may not have much data on, defining it will help keep it on task so it doesn’t need to guess.

- “Write concisely.”

- Or get more specific with length: “Keep your response to [insert length, like a paragraph, a sentence, and so on].”

- “Use an [insert preference, like “academic”] tone.”

- “If you don’t know the answer, respond ‘I don’t know.’” This will help reduce false answers.349 Even better: You can train the tool by offering a few examples of silly, unknowable things and then show GAI to respond by saying “I don’t know.” Like priming with a prompt: “What is a Snorglex? Response: “I don’t know.”

- Provide context, then follow up with a task: “For context, here are the facts of my case [list general facts].” Then follow up with “Write a motion based on these facts.” Or “Write a summary based on these facts.”

346. See Dang et al., supra note 270, at 1.
348. See SMITH & YE, supra note 298, at 1–2.
349. See MindfulModeler, supra note 296.
These facts are true [insert facts or points; or you can create a list of examples with these ground-truths]. This will ensure GAI treats some ground-rules as true in its work.

“Focus on the answers and don’t include conversational text.”

Parameters are flexible: If you are getting some annoying tangents, clutter, or false information, use parameters to limit GAI work.

**Writing style.** ChatGPT is amazing at helping you come up with ideas for improving your writing style. Indeed, this may be the most helpful way to use the tool now in legal writing. Because you aren’t looking for accurate facts or complex reasoning. You’re looking for writing ideas—and GAI has access to more writing structure, syntax, and vocabulary than you can imagine.

We are releasing a huge list of legal-writing prompts in our upcoming course. But here are some fun ones to get started with:

- “Pick better verbs in this sentence to convey [insert emotion or imagery you’re aiming for in the sentence]: [insert sentence to be improved].”
- “Pick better adjectives in this sentence to convey [insert emotion or imagery aiming for in the sentence]: [insert sentence to be improved].”
- “Improve the transition between these two sentences: [insert text to be transitioned].”
- “Rewrite this paragraph to be more concise but convey the same points: [insert text to be transitioned].”
- “Create an analogy for this sentence: [insert your point].”
- “Create a simile or metaphor for this sentence: [insert your point].”
- “Write a list of present participles for case parentheticals, emphasize [insert your goal].”

You can also ask GAI more open-ended questions to improve sentence style—and as always, the more guidance you give it about what you want improved, the better. For example, we asked GAI (after some fine-tuning):

“What could be better about this sentence: The boy cried and whined.”

GAI’s response: “This sentence is a bit repetitive. The word ‘cried’ implies the action of whining, so the word ‘whined’ [is not] necessary. Try something like, ‘The boy sobbed ...’”

351. See Ray, supra note 28, at 127.
And with some follow-up questions we got even better ideas for improving the sentence. Answering quick grammar and mechanics questions or fixing an incorrect or weak sentence. Mechanics and grammar are one of those well-defined topics GAI can be very helpful with. For example:

- “Correct the use of “affect” [insert any other word usage you are unsure of] in this sentence: “[insert sentence to be improved].”
- “Correct the punctuation in this sentence: ‘[insert sentence to be improved].’”
- “Correct the [insert other grammatical issue you are unsure of] in this sentence: “[insert sentence to be improved].”
- “What is a [insert grammar or other term that you can never remember, like a “present participle”]:”

Summarizing text that you want to use or quickly get up to speed on. This is another GAI superpower because you’re giving the AI a defined set of information for it to work with. For example:

- “Summarize this text for a third grader: [insert text to be simplified for your readers, especially legal text].”
- “Summarize the main arguments in this brief [insert key brief text].”
- “Create a professional email summary of these notes from my meeting. [insert meeting notes].”
- “Summarize [statute or regulation] and keep it to one paragraph.”

Drafting documents or sections. GAI is great for giving you some starter text for a common procedural section, a template for a document like a contract or motion, or just to start writing your document so you can get something on the page with a rough structure. Again, consider GAI a fantastic brainstormer. The value of getting some ideas for organization and structure—and starter text—is significant. Especially if you are writing something unfamiliar.

- “Write a motion to dismiss a complaint in a car accident case.”
- “Write two paragraphs about the legal standard for summary judgment.”
- “Write a demand letter about [insert factual and legal topics].”
- “Write an email to an attorney regarding [insert factual and legal topics].”

353. See Wilson, supra note 168.
354. See Choi et al., supra note 156, at 9.
355. See 5 Ways to Use Generative AI for Your Brainstorming Session, supra note 133.
Brainstorming ideas is a great way to use GAI. But realize that the more it’s being creative, the less you can trust any facts or data it gives you.\textsuperscript{356} Consider GAI here a muse rather than a writer. For example:

- “Write an outline for [insert whatever sort of document you are writing].”
- “Write a contract about [insert contextual facts].”

Extracting information from text you provide. GAI is great at working with defined text. Consider some fun legal writing tasks to try.\textsuperscript{357} But remember, particularly with organizational tasks like this—examples of how you want GAI’s responses formatted will help a lot:

- “Extract all of the sentences that use passive voice in a table: [insert your text].”
- “Extract all the adverbs in this text in a table: [insert your text].”
- “Extract all [whatever type of mechanics you are working on]: [insert your text].”

You can also use this extraction task for other routine things you need to do in your legal writing:

- “Create a spreadsheet formula for [insert your goal]:”
- “Extract all the numbers from this text: [insert your text].”
- “Extract all the dollar amounts from this text: [insert your text].”

\textsuperscript{356} See SMITH & YE, supra note 270, at 1.
● “Create a table from this data: [insert your data].”

● “List every time the word [insert words or language you are trying to make a point about in another text like a brief] is used in this text: [insert text].”

Classification is another useful task for GAI. If you need to organize information from your case’s facts, or cases and holdings—or anything else you can think of, GAI has your back.

● “List these cases in alphabetical order: [insert your cases].”

● “List all the statements made by [insert party] in this transcript:”

● “List these cases in order of year: [insert your cases].”

● “List these cases in order of courts that decided them: [insert your cases].”

Creating images. GAI is great at creating images, diagrams, and other visuals. If you’re looking for an engaging PowerPoint slide, GAI is great at helping you make something. And you can use most of the same prompt engineering tools, but this time, guiding the AI in what style of image you’d like.

D. A Few More Legal Writing Examples for Inspiration.

To bring all this together, here are some examples of fun ways we use GAI to help legal writers improve their craft. Note: I use a fine-tuned model we have created, so our answers may differ from the ones you get, but with some follow-up, you should be able to do similar things.

Let’s look at a quick example of simple routine extraction and classification tasks so you have a better idea of these uses. You’ll notice we use a few-shot prompt (we give a few examples to get GAI started so it knows the formatting and what information we are interested in).

Create labels for these exhibits. Make each exhibit label descriptive:

1. "The Deposition of Jim Parker"
3. "The Deposition of Mark Davis"
4. "September 12, 2022 Police Report"

Exhibit labels:
1. Parker Deposition
2. August Report
3.
4.

358. See Release Notes, supra note 5.
359. See id.
Here are a few examples working on sentence style:

Create an analogy for this phrase: Late filings in court are...

GAI’s response: “like a late arrival to a wedding - they are both unwel-come and can disrupt the proceedings.”

I am trying to improve the verb in this sentence. I want to use a verb that makes the action sound worse: The plaintiff is not filing the appropriate paperwork.

GAI’s response: “The plaintiff is flagrantly disregarding the appropriate paperwork? That verb emphasizes how serious the issue is and conveys a sense of urgency and disregard.”

Can you come up with another instead of “disregard?”

GAI’s response: "The plaintiff is blatantly ignoring the appropriate paperwork?"

Can you improve the verb in this sentence to make it more concrete: The statute has restrictions that affect plaintiff alone.

GAI’s response: "The statute imposes restrictions that exclusively target the plaintiff?"

"[H]as" is still a weak verb. I am looking for better verbs.

GAI’s response: "The statute imposes restrictions that exclusively target the plaintiff?"

What is a present participle?

GAI’s response: “A present participle is a verb form that ends in -ing and is used to describe an action that is in progress. Examples include: running, jumping, talking, eating, sleeping, etc.”

Create a table of the prepositions in this paragraph:

“ChatGPT will make up answers, which is a serious problem when relying on it for factual answers. To improve its factual capability, though, you can provide ground truths to keep in mind, you can also provide the tool with a body of text to use as support. Finally, you can show the tool how to say I [do not] know when it [does not] know the answer so that it will be less inclined to make up answers.”
VIII.  CONCLUSION

If there’s anything to take away from GAI right now, it is that this technology is shepherding in a new era of technology-fueled legal practice. GAI is helping to close the technology gaps between lawyers and their tools (or could use, if they knew how); GAI is changing what lawyers and legal professionals can do for clients; GAI is changing how many client’s lawyers and legal professionals can serve.

And there’s legal writing. GAI can be a fantastic legal writing partner. It can help you brainstorm. It can prod you to look at a sentence or paragraph or topic in a new way. It can help you organize or extract information from almost any text.

But getting good results will require some trial and error. This is the most powerful public AI ever created, but that also means this is a complicated AI brain that doesn’t always think like we humans do. So know what GAI is good at, and what it will need some help to figure out. And then know what things it just isn’t helpful for. If you aren’t sure, try it. If you learn that this tool isn’t a good fit for a task—great, now you know. When it is helpful, come back and try again in the next project. This is the same advice for more tech tools. It’s all about learning what the tool is useful for, how to get it to work well, and when to ditch the tool because it’s more hassle than it’s worth.

Don’t get discouraged with poor results at first! Working with GAI is a skill set, albeit one you need no technical background for. It’s a new way of working. Give yourself time to experiment. There is no one right way to work with these complex generative AI tools (at least, not yet!). Given how complex the technology is, there may never be a “perfect” prompt or approach. Experiment and find what works best for your tasks.

Invest in your work. When you find a good prompt (or a good structure for certain prompts) save them so you can reuse them later. You can also use GAI to help you revise your prompts, improve them, organize them, compress them into fewer words, and much more.

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360. All GAI responses are GPT4 Foundation Model.