DISCLAIMER

ALL OPINIONS EXPRESSED BY PARTICIPANTS ARE SOLELY THEIR CURRENT OPINIONS AND DO NOT REFLECT THE OPINIONS OF CMCP, THEIR RESPECTIVE EMPLOYER, PARENT COMPANIES, LAW FIRMS, OR AFFILIATES.

IN THE INTEREST OF PROVIDING A SPACE FOR ROBUST CANDID CONVERSATION AND DISSENTING VIEWS ON SENSITIVE TOPICS, WE RESPECTFULLY ASK ATTENDEES TO EXERCISE RESPECT FOR OTHERS AND TO MAINTAIN CONFIDENTIALITY DURING AND AFTER THIS SESSION.

Slido Instructions

Option 1:

Scan the QR code to launch Slido. Choose the room AI and ChatGPT's Impact on the Legal Sector

Option 2:

Go to the event app or conference webpage.
Go to the agenda tab and click on the AI and ChatGPT's Impact on the Legal Sector, and click on the "Slido Poll" link to launch the poll

Agenda

OVERVIEW OF AI

- What is AI?
- Examples of AI/Chat GPT use

USES OF AI

- How is/can AI be used in your law office?
- What does AI mean for how lawyers are trained, employed, and how they service their clients?

LEGAL & REGULATORY ISSUES OF AI

- What are the legal and regulatory issues presented by AI?
- What are the legal business implications of increased use of AI?

Overview of AI

What is AI?
- Generative AI
- "General-purpose models" (GPAI)
- "Large Language models" (LLMs)

Generative AI Models Use Data
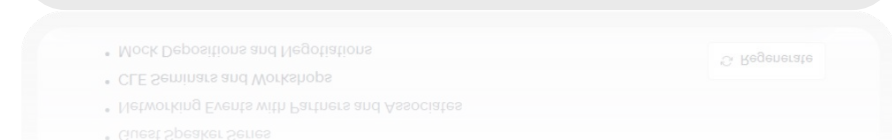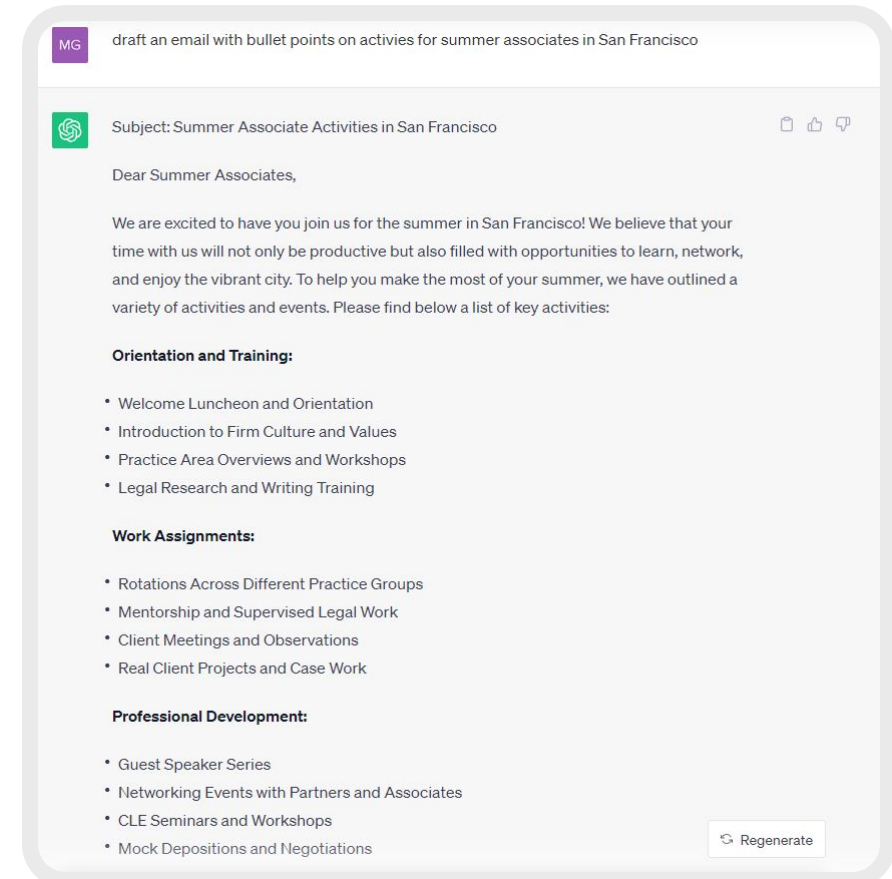- Training a model
- Fine-tuning a model

Gathering Data for Modeling
- Internet or public webpages
- Private databases and Internal datasets

Data Shared with Generative AI Models
- Kept forever?
- Deleted ?
- Similar to Internet publication

Examples of AI/Chat GPT use

Choice A

I write to submit this Motion to Strike the Opening Brief filed by the opposing party in the above-mentioned matter pending before this Court of Appeal. The purpose of this motion is to request the court to strike the Opening Brief on the grounds of non-compliance with the California Rules of Court and the failure to properly support arguments with appropriate legal authority. Furthermore, this motion seeks to address the refusal by this Court to judicially notice certain items of evidence, specifically The Lake Judgment, the Kihm Judgment, Report's transcript from June 26, 1998, Reporter's transcript from July 24, 1998, and the 1993 LAPD CCW Application Form. Below, I present the argument in support of this motion, including relevant case citations.

I. Introduction

The opposing party's Opening Brief exhibits numerous deficiencies that warrant its striking. Moreover, this Court has previously refused to judicially notice certain evidence items. This motion underscores both the procedural irregularities in the Opening Brief and the importance of the Court's refusal to take judicial notice of the specified items.

II. Failure to Comply with Appellate Rules

A. Violation of California Rules of Court (CRC), Rule 8.204(a)(1)(C): Failure to Provide a Statement of the Case

The opposing party's Opening Brief does not adhere to CRC Rule 8.204(a)(1)(C), which requires a clear and concise statement of the case. This omission significantly hampers the Court's understanding of the factual and procedural background of the case.

B. Violation of CRC Rule 8.204(a)(1)(B): Inadequate Statement of the Issues Presented for Review

The Opening Brief inadequately presents the issues for review, as mandated by CRC Rule 8.204(a)(1)(B). The brief fails to identify the specific legal questions to be addressed, making it challenging for the Court and opposing counsel to discern the precise arguments being advanced.

III. Lack of Clear and Coherent Argumentation

A. Violation of CRC Rule 8.204(a)(1)(B): Lack of Proper Legal Argument

The opposing party's Opening Brief falls short of presenting a coherent and organized legal argument, as required by CRC Rule 8.204(a)(1)(B). The brief often veers into tangential discussions and lacks the necessary structure, making it difficult for the Court to follow the opposing party's reasoning.

B. Failure to Cite Applicable Legal Authority

Can you tell which brief for a motion to strike is written by ChatGPT?

Choice B

Introduction

On February 27, 2013, this division denied in part appellants' request for judicial notice. The items which this court refused to judicially notice are:

1) The Lake Judgment;
2) The Kihm Judgment;
3) Reporter's transcript from June 26, 1998;
4) Reporter's transcript from July 24, 1998;
5) 1993 LAPD CCW Application Form.

For the reasons stated below, appellants' opening briefing brief should be stricken and re-filed without reference to the barred materials.

B.

Analysis

California Rules of Court, rule 8.204(e)(2)(B) authorizes the court to strike a non-conforming brief with instructions that it be re-filed within a specified time. (See *South Sutter LLC v. LJ Sutter Partners L.P.* (2011) 193 Cal.App.4th 634, 647 [court struck opening brief which contained references to "irrelevant" documents which were not judicially noticed by the appellate court]; *People v. Barry* (1957) 149 Cal.App.2d 646, 647 [brief stricken for containing irrelevant materials].)

The entirety of appellants' opening brief is infected with references to all five barred and irrelevant documents. The brief is 57 pages long, but on 13 pages or 23% of the brief appellants refer to the barred and irrelevant documents. Appellants in their request for judicial notice conceded both the Lake and Kihm judgments are not part of the record on appeal, yet the opening brief collectively makes 20 independent references to both of these barred and irrelevant documents. Page 23 of the brief is largely devoted to a discussion of the barred and irrelevant Lake and Kihm judgments. At page 6 of the opening brief most of that page

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What's your organization's experience with GAI in legal?
- None
- Only used general solutions like ChatGPT
- Are in pilot or testing legal specific solution(s)
- Are using legal specific solution(s) in production/at scale
- I'm a provider of GAI solutions

Uses of AI

- **How is/can AI be used in your law office?**

Examples of AI in the legal world:

- Composing client briefs,
- Producing complex analyses from troves of documents, and
- Helping firms with limited resources compete with the largest groups.

- AI can help to conduct due diligence in corporate mergers and significantly aid legal education and knowledge acquisition in complex and fast-moving areas.

- AI can also help with discovery and reviewing documents for relevancy and other e-discovery tasks and projects.

- **What does AI mean for how lawyers are trained, employed, and how they service their clients?**

Lawyers Training
- Efficiency Improvements
- New Skills Required
- Legal Tech Startup Ecosystem

Employment
- Human Intelligence Still Critical

Service for Clients
- Broadening Access to Legal Services

Regulatory Issues in AI

Regulatory Issues of AI

United States
- Specific AI governance law and policy
- Relevant authorities
- Relevant laws and policies
- Wider AI context

Global AI
- Where are other countries on AI?
- China is one of the first countries to implement AI regulations.
- The European Parliament adopted its position on the AI rulebook with an overwhelming majority

Court Standing Orders for AI

- U.S. Court of International Trade – Judge Stephen Alexander Vaden Standing Order https://www.cit.uscourts.gov/sites/cit/files/Order%20on%20Artificial%20Intelligence.pdf
- U.S. District Court E.D. PA – Standing Order Judge Michael Baylson Standing Order Re Artificial Intelligence 6.6.pdf (uscourts.gov)
- Judge Brantley Starr (N.D. Tex.) Judge Brantley Starr | Northern District of Texas | United States District Court (uscourts.gov)
- Magistrate Judge Gabriel A. Fuentes (N.D. Ill.) Microsoft Word - Standing Order For Civil Cases Before Judge Fuentes rev'd 5-31-23 (002).doc (uscourts.gov)

Resources

Overview of AI	Usage of AI	Regulatory Issues in AI	Legal Issue in AI

Overview of AI

- "Attention is all you need" original research paper that's the foundation for this technology (bit technical but totally readable, especially if you use GPT to assist in explaining concepts to you), required reading for anyone really serious about this topic and wants to do stuff on the tech side https://arxiv.org/abs/1706.03762

Usage of AI

- How AI will revolutionize the practice of law | Brookings

Regulatory Issues in AI

- Global dimensions of AI Regulation (full disclosure worked on this one) https://www.nature.com/articles/d41586-023-02491-y
- How do we best govern AI? How do we best govern AI? - Microsoft On the Issues
- A Matrix for Selecting Responsible AI Frameworks - Center for Security and Emerging Technology (georgetown.edu)
- AI Act enters final phase of EU legislative process – EURACTIV.com
- Hearings to examine artificial intelligence and intellectual property, focusing on patents, innovation, and competition. | Congress.gov | Library of Congress

Legal Issue in AI

- On lawyers and AI https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4477704
- Generative AI and the Law (lexisnexis.com)
- U.S. Court of International Trade – Judge Stephen Alexander Vaden Standing Order https://www.cit.uscourts.gov/sites/cit/files/Order%20on%20Artificial%20Intelligence.pdf
- U.S. District Court E.D. PA – Standing Order Judge Michael Baylson Standing Order Re Artificial Intelligence 6.6.pdf (uscourts.gov)
- Judge Brantley Starr (N.D. Tex.) Judge Brantley Starr | Northern District of Texas | United States District Court (uscourts.gov)
- Magistrate Judge Gabriel A. Fuentes (N.D. Ill.) Microsoft Word - Standing Order For Civil Cases Before Judge Fuentes rev'd 5-31-23 (002).doc (uscourts.gov)

Resources

Regulatory Issues in AI

- AI Governance Principles By Country: attachment_dw.action (hoganlovells.com)
- Global Legislation Tracker: global_ai_legislation_tracker.pdf (iapp.org)
- Policies to Promote Responsible Employee Use of GenAI Tools: FPF Releases Generative AI Internal Policy Checklist To Guide Development of Policies to Promote Responsible Employee Use of Generative AI Tools - Future of Privacy Forum