

THE IMPLICATIONS OF CHATGPT FOR LEGAL SERVICES AND SOCIETY

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ABSTRACT

On November 30, 2022, OpenAI released a chatbot called ChatGPT.¹ To demonstrate the chatbot's remarkable sophistication and potential implications, for both legal services and society more generally, most of this paper was generated in about an hour through prompts within ChatGPT. Only this abstract, the preface, the outline headers, the epilogue, and the prompts were written by a person. ChatGPT generated the rest of the text with no human editing.

To be clear, the responses generated by ChatGPT were imperfect and at times problematic, and the use of an AI tool for law-related services raises a host of regulatory and ethical issues. At the same time, ChatGPT highlights the promise of artificial intelligence, including its ability to affect our lives in both modest and more profound ways. ChatGPT suggests an imminent reimagination of how we access and create information, obtain legal and other services, and prepare people for their careers. We also will soon face new questions about the role of knowledge workers in society, the attribution of work (e.g., determining when people's written work is their own), and the potential misuse of and excessive reliance on the information produced by these kinds of tools.

The disruptions from AI's rapid development are no longer in the distant future. They have arrived, and this document offers a small taste of what lies ahead.

PREFACE

Legal futurists have long anticipated technology's transformation of the legal industry, though the impact to date can best be described as evolutionary rather than revolutionary. The release of ChatGPT by OpenAI on November 30, 2022, may herald the beginning of the revolution.

At various times in the last 30 years, we have experienced aha moments that have opened our eyes to technology's ability to fundamentally change how we access and generate information. The internet marked one of those moments, helping us to

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¹ OpenAI, *ChatGPT: Optimizing Language Models for Dialogue*, Nov. 30, 2022, <https://openai.com/blog/chatgpt/>.

imagine how easy it would soon be to find information and share it with the world. Google's search engine offered another inflection point, revealing a markedly new and improved method for finding what we needed on the emerging internet and prompting innovative approaches to using and navigating the online world. The iPhone's launch sparked our imaginations yet again, showing us what we could do with a small device in our pockets and unleashing new apps and tools that have impacted our lives in innumerable ways (for both good and ill).

The release of ChatGPT is the next such moment. It has shown us the powerful capabilities of so-called generative AI, which can absorb an enormous amount of information and then create new, original content after receiving a prompt from a user. We can envision generating original content for our personal and professional use with simple prompts to a chatbot. In moments, we can now draft sophisticated emails, term papers, reports, business plans, poems, jokes, and even computer code.

For the legal industry, ChatGPT may portend an even more momentous shift than the advent of the internet. A significant part of lawyers' work takes the form of written words—in emails, memos, motions, briefs, complaints, discovery requests and responses, transactional documents of all kinds, and so forth. Although existing technology has made the generation of these words easier in some respects, such as by allowing us to use templates and automated document assembly tools, these tools have changed most lawyers' work in relatively modest ways. In contrast, AI tools like ChatGPT hold the promise of altering how we generate a much wider range of legal documents and information. In fact, within a few months of ChatGPT's release, law firms and legal tech companies are already announcing new ways of using generative AI tools.²

To demonstrate the potential implications of AI, for both legal services and society, I drafted most of the rest of this paper on December 5, 2022 in about an hour through prompts within ChatGPT. I wrote only the abstract, this preface, the outline headers, the epilogue, and the prompts. With one exception noted below (which involves Bing Chat), ChatGPT generated the rest of the text with no human editing.

I organized the prompts, in part, after ChatGPT generated the introduction to the piece. ChatGPT suggested there that it could help the legal industry in four areas: legal research, document generation, legal information, and legal analysis. I structured the rest of the paper around these use cases and prompted ChatGPT with questions that could test its abilities in those areas.

To show how quickly the technology is advancing, the last prompt before the conclusion illustrates the power of Microsoft's Bing Chat with regard to the fourth

² Chris Morris, *A Major International Law Firm Is Using an A.I. Chatbot to Help Lawyers Draft Contracts: 'It's Saving Time at All Levels,'* FORTUNE, Feb. 15, 2023, <https://fortune.com/2023/02/15/a-i-chatbot-law-firm-contracts-allen-and-overly/>.

category (legal analysis). Bing Chat relies on an even more advanced version of ChatGPT and was released for beta testing in February 2023. I asked it to assess a civil procedure exam (both a multiple-choice question and an essay), and Bing Chat gave remarkably good answers. I also had an opportunity to ask it 15 challenging multiple-choice questions about legal ethics, and Bing Chat got 12 of them right. Not only did Bing get the answers right most of the time (with excellent analyses), but even when it was wrong, it was wrong in sophisticated ways. Put simply, Bing Chat is already operating at the level of a B/B+ law student, and it will only get better with time.

To be clear, the responses generated by ChatGPT were imperfect and at times problematic. For example, the legal documents are incomplete, and its discussion of certain topics (like personal jurisdiction) lacked nuance. Moreover, the use of an AI tool for law-related services raises a host of regulatory and ethical issues, such as those relating to the unauthorized practice of law.

There are also significant threats to society more generally from these tools. After interacting extensively with Bing Chat (especially in the days before Microsoft limited how many prompts someone could use in one session), it became clear to me and others that AI can produce disturbing answers and give the false impression of sentience.³ Perhaps the biggest threat of these tools is how well they can manipulate people's beliefs and emotions. The psychological effects of interacting with generative AIs are strong and real, even for those of us who know that it is merely an advanced piece of technology. In the wrong hands, this can and will be used to shape how people think, feel, and behave.

At the same time, ChatGPT highlights the promise of artificial intelligence, including its ability to affect our lives in both modest and more profound ways. ChatGPT suggests an imminent reimagination of how we access and create information, obtain legal and other services, and prepare people for their careers. We also will soon face new questions about the role of knowledge workers in society, the attribution of work (e.g., determining when people's written work is their own), and the potential misuse of and excessive reliance on the information produced by these kinds of tools.

The disruptions from AI's rapid development are no longer in the distant future. Another aha moment has arrived, and this document offers a small taste of what lies ahead.

I. Introduction

³ Kevin Roose, *A Conversation with Bing's Chatbot Left Me Deeply Unsettled*, N.Y. TIMES, Feb. 16, 2023, <https://www.nytimes.com/2023/02/16/technology/bing-chatbot-microsoft-chatgpt.html>.

Prompt: Write the introduction to a scholarly paper on how ChatGPT will be used in the law

As the use of artificial intelligence in the legal field grows, chatbots are becoming an increasingly prominent tool for assisting lawyers and legal professionals. GPT-3, a state-of-the-art chatbot developed by OpenAI, has the potential to revolutionize the way legal work is done, from legal research and document generation to providing general legal information to the public. In this scholarly paper, we will examine the potential uses of chatbots like GPT-3 in the legal field, and discuss the challenges and ethical considerations that must be taken into account when using this technology. We will also explore how chatbots like GPT-3 are likely to evolve in the future, and how they will continue to impact the legal profession.

II. The History of Chatbots

Prompt: Describe the history of chatbots and GPT-3

The idea of chatbots, or computer programs designed to simulate conversation with human users, has been around since the 1950s. Early chatbots were limited in their capabilities and were primarily used for simple tasks such as providing weather updates or answering basic questions. Over time, however, the technology behind chatbots has advanced significantly, enabling them to understand and respond to a wider range of inputs.

GPT-3, or Generative Pretrained Transformer 3, is a state-of-the-art chatbot developed by OpenAI. It was released in 2020 and is one of the largest language models ever created, with 175 billion parameters. GPT-3 is trained on a vast amount of text data, allowing it to generate human-like text in a wide range of contexts. It has been used in a variety of applications, including language translation, summarization, and question answering.

While chatbots have been around for decades, the development of GPT-3 and other advanced language models has opened up new possibilities for their use in a variety of fields, including the legal profession.

III. Implications of ChatGPT for the Legal Industry

Prompt: Describe potential use cases for GPT-3 in the legal industry

GPT-3 has the potential to be used in a variety of ways in the legal industry. Some potential use cases include:

1. Legal research: GPT-3 could be used to assist lawyers in legal research by quickly scanning through large amounts of text data and providing relevant information on a given topic.

2. Document generation: GPT-3 could be used to generate legal documents such as contracts and briefs, saving lawyers time and effort.
3. Providing general legal information: GPT-3 could be used to provide general legal information to the public, such as answering frequently asked questions or providing basic legal advice.
4. Legal analysis: GPT-3 could be used to assist in legal analysis by providing suggestions and insights based on its understanding of the relevant legal principles and precedent.

Overall, the potential uses of GPT-3 in the legal industry are wide-ranging and could greatly assist lawyers and legal professionals in their work.

A. Examples of How ChatGPT Can Help with Legal Research

1. Suggesting arguments to make in a brief

Prompt: Draft a brief to the United States Supreme Court on why its decision on same-sex marriage should not be overturned.

To the Honorable Justices of the United States Supreme Court:

The petitioner respectfully submits this brief in opposition to the motion to overturn the Court's decision on same-sex marriage. The petitioner believes that the Court's decision in *Obergefell v. Hodges*, which held that same-sex couples have a constitutional right to marry, should not be overturned for the following reasons.

First, the Court's decision in *Obergefell* is firmly rooted in the principle of equality under the law. The Constitution guarantees all individuals the equal protection of the laws, and this includes the right to marry the person of one's choosing. Denying same-sex couples the right to marry would be a clear violation of this principle.

Second, the Court's decision in *Obergefell* is consistent with a long line of precedent establishing the fundamental right to marry. In *Loving v. Virginia*, the Court held that marriage is one of the "basic civil rights of man," and that the right to marry is protected by the Due Process and Equal Protection Clauses of the Constitution. This right has been reaffirmed in subsequent cases, and the Court's decision in *Obergefell* is a natural extension of this precedent.

Third, the Court's decision in *Obergefell* has been widely accepted and has had a positive impact on the lives of same-sex couples and their families. Since the decision was handed down, same-sex couples have been able to marry and enjoy the same legal rights and benefits as opposite-sex couples. Overturning the decision would create confusion and uncertainty, and would cause harm to these couples and their families.

For these reasons, the petitioner respectfully requests that the Court deny the motion to overturn its decision in *Obergefell v. Hodges*.

Respectfully submitted,

[Your Name]

2. Providing an overview of an area of law

Prompt: Explain the concept of personal jurisdiction

Personal jurisdiction refers to a court's power to hear a case involving a particular individual or entity. In order for a court to exercise personal jurisdiction over a defendant, the defendant must have certain minimum contacts with the state in which the court is located. These minimum contacts must be such that it would be fair and reasonable to require the defendant to defend the case in that state. The concept of personal jurisdiction is important because it ensures that individuals and entities are only subject to lawsuits in states where they have sufficient ties, and it protects defendants from being dragged into court in states where they have no connection.

3. Helping with factual research

Prompt: Develop a list of deposition questions for the plaintiff in a routine motor vehicle accident in Massachusetts

1. Can you please state your name and address for the record?
2. How are you employed?
3. Can you describe the events leading up to the accident?
4. Where were you driving at the time of the accident?
5. Can you describe the other vehicle involved in the accident?
6. How fast were you driving at the time of the accident?
7. Did you see the other vehicle before the accident occurred?
8. Did you have time to react to avoid the accident?
9. Were you injured as a result of the accident?
10. Can you describe the injuries you sustained?
11. Have you received any medical treatment for your injuries?

12. Can you estimate the cost of the medical treatment you have received?
13. Have you missed any time from work as a result of the accident?
14. Can you estimate the amount of income you have lost due to missing work?
15. Have you incurred any other expenses as a result of the accident?
16. Are you seeking any damages as a result of the accident?
17. Can you provide any supporting documentation for your damages claim?

B. Examples of How ChatGPT Can Help with Legal Document Generation

Prompt: Give an example of how GPT-3 could be used to create a legal document

One way GPT-3 could be used to create a legal document is by prompting the user to input specific information, such as the parties involved, the terms of the agreement, and any special provisions. GPT-3 could then use this information to generate a draft of the legal document, which the user could then review and modify as needed.

For example, if a user wanted to create a contract for the sale of a piece of property, they could provide GPT-3 with the names of the buyer and seller, the price of the property, and any contingencies or special provisions. GPT-3 could then generate a draft of the contract, which the user could then review and make any necessary changes. This process could save the user time and effort, as they would not have to start from scratch when creating the legal document.

1. Preparing an initial draft of a complaint

Prompt: Draft a legal complaint for a Massachusetts state court by John Doe against Jane Smith for injuries arising out of a car accident on January 1, 2022 caused by Jane Smith at the intersection of Tremont Street and Park Street in Boston. The complaint should specify that Jane Smith failed to stop at a red light and caused John Smith serious injuries.

State of Massachusetts

In the Court of Common Pleas

John Doe,

Plaintiff

v.

Jane Smith,

Defendant

Complaint

The Plaintiff, John Doe, brings this Complaint against the Defendant, Jane Smith, for injuries arising out of a car accident that occurred on January 1, 2022 at the intersection of Tremont Street and Park Street in Boston, Massachusetts.

At the time of the accident, the Plaintiff was operating his vehicle on Tremont Street in the City of Boston. The Defendant was operating her vehicle on Park Street in the City of Boston. As the Defendant approached the intersection of Tremont Street and Park Street, she failed to stop at a red light and collided with the Plaintiff's vehicle. As a result of the Defendant's negligence, the Plaintiff suffered serious injuries.

The Plaintiff is entitled to recover damages from the Defendant for the injuries he sustained in the accident. The Plaintiff therefore seeks damages for his injuries, including medical expenses, lost wages, and pain and suffering.

The Plaintiff demands a trial by jury on all issues so triable.

Dated: December 5, 2022

John Doe (Plaintiff)

2. Drafting a Contract for the Sale of Real Estate

Prompt: Create a document for the sale of property from Jane Smith to John Doe. The property is at 120 Tremont Street, Boston, MA and will be sold for \$500,000. The document should contain the usual terms and conditions of such a sale in Massachusetts.

Contract for Sale of Real Estate

This contract (the "Agreement") is made and entered into on this date by and between Jane Smith (the "Seller") and John Doe (the "Buyer").

1. **Property:** The property being sold is located at 120 Tremont Street, Boston, MA.
2. **Purchase Price:** The purchase price for the property is \$500,000.
3. **Closing:** The closing of this sale shall take place on or before December 31, 2022.

4. Financing: The Buyer shall be responsible for obtaining any necessary financing for the purchase of the property.
5. Representations and Warranties: The Seller represents and warrants that the property is free and clear of any liens or encumbrances, and that the Seller has the right to sell the property. The Buyer represents and warrants that the Buyer has the financial ability to complete the purchase of the property.
6. Indemnification: The Seller agrees to indemnify and hold the Buyer harmless from any claims arising from the condition of the property.
7. Entire Agreement: This Agreement constitutes the entire agreement between the parties, and supersedes any prior agreements or understandings, whether written or oral.
8. Governing Law: This Agreement shall be governed by the laws of the Commonwealth of Massachusetts.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written.

Jane Smith (Seller) John Doe (Buyer)

3. Drafting a Contract for the Sale of a Car

Prompt: Create a contract for the sale of a 2018 Toyota Prius from Jane Smith to John Doe in Massachusetts for the sale price of \$15,000. The contract should contain the usual representations and warranties of such a sale.

Contract for Sale of Motor Vehicle

This contract (the "Agreement") is made and entered into on this date by and between Jane Smith (the "Seller") and John Doe (the "Buyer").

1. Vehicle: The vehicle being sold is a 2018 Toyota Prius.
2. Purchase Price: The purchase price for the vehicle is \$15,000.
3. Closing: The closing of this sale shall take place on or before December 31, 2022.
4. Financing: The Buyer shall be responsible for obtaining any necessary financing for the purchase of the vehicle.

5. Representations and Warranties: The Seller represents and warrants that the vehicle is free and clear of any liens or encumbrances, and that the Seller has the right to sell the vehicle. The Seller further represents and warrants that the vehicle is in good working condition and has no known defects. The Buyer represents and warrants that the Buyer has the financial ability to complete the purchase of the vehicle.
6. Indemnification: The Seller agrees to indemnify and hold the Buyer harmless from any claims arising from the condition of the vehicle.
7. Entire Agreement: This Agreement constitutes the entire agreement between the parties, and supersedes any prior agreements or understandings, whether written or oral.
8. Governing Law: This Agreement shall be governed by the laws of the Commonwealth of Massachusetts.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written.

Jane Smith (Seller) John Doe (Buyer)

4. Drafting a Will

Prompt: Draft Andrew Perlman's will in Massachusetts leaving all of his property to his wife, Lisa Aidlin.

Last Will and Testament of Andrew Perlman

I, Andrew Perlman, being of sound mind and body, do hereby make, publish, and declare this to be my Last Will and Testament, revoking any and all prior Wills and Codicils made by me.

1. I hereby appoint Lisa Aidlin as the executor of this Will.
2. I give, devise, and bequeath all of my property, real and personal, wherever located, to my wife, Lisa Aidlin.
3. In the event that Lisa Aidlin predeceases me or is unable or unwilling to serve as the executor of this Will, I hereby appoint my brother, John Doe, as the alternate executor.
4. I hereby waive any bond that may be required of the executor of this Will.

IN WITNESS WHEREOF, I have hereunto set my hand this day of December 5, 2022.

Andrew Perlman (Testator)

Signed, published, and declared by the above-named testator as and for his Last Will and Testament, in the presence of us, who, at his request, in his presence, and in the presence of each other, have hereunto subscribed our names as witnesses.

Witness 1: _____

Witness 2: _____

C. Examples of Providing General Legal Information and Advice

1. Offering advice on obtaining an Individualized Education Program (IEP) from a school district

Prompt: I have a disagreement with my child's school district in Massachusetts regarding the creation of an IEP. What should I do?

If you have a disagreement with your child's school district in Massachusetts regarding the creation of an IEP, there are a few steps you can take to try to resolve the issue.

First, you should try to communicate with the school district and discuss your concerns. You can do this by meeting with the school district's special education director or the individual responsible for creating your child's IEP. During this meeting, you can explain your concerns and try to come to an agreement on the terms of the IEP.

If you are unable to reach an agreement through this initial communication, you can request a mediation session with the school district. This is a meeting facilitated by a neutral third party, who will help you and the school district work through your disagreement and come to a resolution.

If you are still unable to resolve the issue after trying these steps, you can file a due process complaint with the Massachusetts Department of Elementary and Secondary Education. This will initiate a formal dispute resolution process, which can ultimately result in a hearing before an administrative law judge.

It is important to remember that you have the right to participate in the creation of your child's IEP and to have your concerns heard and addressed by the school district.

If you are having difficulty reaching an agreement with the school district, seeking mediation or filing a due process complaint may be necessary to protect your rights and ensure that your child receives the education they are entitled to.

2. Offering advice on correcting a social security payment

Prompt: The government hasn't paid me the correct social security amount. What should I do?

If you believe that the government is not paying you the correct amount of social security, there are a few steps you can take to try to resolve the issue.

First, you should contact the Social Security Administration (SSA) and explain the situation. You can do this by calling the SSA's toll-free number at 1-800-772-1213 or by visiting your local SSA office. The SSA will review your case and determine if there has been a mistake in calculating your benefits.

If the SSA finds that you have not been paid the correct amount, they will correct the error and pay you any benefits you are owed. If the SSA determines that you were paid the correct amount, they will explain their decision and provide you with information on how to appeal if you disagree.

If you wish to appeal the SSA's decision, you can request a reconsideration of your case. This involves having your case reviewed by a different team of SSA employees who will look at the same information as the first team, but may come to a different conclusion.

If you are still not satisfied with the outcome after the reconsideration, you can request a hearing before an administrative law judge. This is the final step in the appeals process, and the judge will make a decision based on the evidence presented at the hearing.

It is important to keep in mind that the appeals process can take several months to complete, so it is important to act quickly if you believe you are not being paid the correct amount of social security. The SSA can provide you with more information on the appeals process and help you navigate it if necessary.

D. Legal Analysis [Generated by Bing Chat, not ChatGPT]

Prompt: Jordana stops at a local car wash along a federal interstate in Rhode Island only one mile from the Massachusetts border. After getting her car cleaned, Jordana drives into Massachusetts, where her tire bursts as a result of damage caused by the car wash. Jordana sues the car wash in federal district court in Massachusetts. If the car wash makes a timely motion to dismiss for lack of personal jurisdiction, which statement is the most accurate?

A. The court will have personal jurisdiction over the car wash, but only assuming it follows the more liberal approach to the “stream of commerce.”

B. The court will have specific in personam jurisdiction over the car wash because the case directly arises out of the car wash’s contact with Massachusetts.

C. The court will only have personal jurisdiction over the car wash if the Massachusetts long arm statute allows jurisdiction for “committing a tortious act in the state,” and interprets this language to be satisfied if the injury that the plaintiff suffers takes place in Massachusetts.

D. The court will not have personal jurisdiction over the car wash, because on these facts, the car wash’s contacts are insufficient to support jurisdiction under the minimum contacts test.

E. The court will have personal jurisdiction over the car wash because the car wash was located on a federal interstate not far from Massachusetts, suggesting that it was purposefully availing itself of the benefits of doing business with Massachusetts citizens.

[one prompt omitted]

Bing Chat: Sure, I can try to help. Let’s look at each answer and see if it makes sense.

A. This answer suggests that the court will have personal jurisdiction over the car wash if it follows a more liberal approach to the “stream of commerce” theory. This theory holds that a defendant who places a product into the stream of commerce with the expectation that it will be purchased by consumers in the forum state can be subject to personal jurisdiction there. However, this theory is usually applied to manufacturers or distributors of products, not service providers like car washes. Therefore, this answer is unlikely to be correct.

B. This answer suggests that the court will have specific in personam jurisdiction over the car wash because the case directly arises out of the car wash’s contact with Massachusetts. However, this answer ignores the fact that the car wash did not have any direct contact with Massachusetts; it was located in Rhode Island and did not target or solicit customers from Massachusetts. Therefore, this answer is also unlikely to be correct.

C. This answer suggests that the court will only have personal jurisdiction over the car wash if two conditions are met: (1) the Massachusetts long arm statute allows jurisdiction for “committing a tortious act in the state”, and (2) this language is interpreted to include cases where the injury occurs in Massachusetts even if the act causing it occurs elsewhere. This answer is possible but not certain; it depends on

how Massachusetts law defines and applies its long arm statute. Therefore, this answer may or may not be correct.

D. This answer suggests that the court will not have personal jurisdiction over the car wash because it does not have sufficient minimum contacts with Massachusetts. This answer is consistent with the minimum contacts test and the due process clause of the Constitution. Therefore, this answer is likely to be correct.

E. This answer suggests that the court will have personal jurisdiction over the car wash because it was located on a federal interstate near Massachusetts, implying that it intended to do business with Massachusetts residents. However, this answer is too broad and does not consider whether the car wash actually had any meaningful or purposeful interactions with Massachusetts or its citizens. Therefore, this answer is unlikely to be correct.

Based on this analysis, I think D is the most accurate answer. Do you agree?⁴

Prompt: Assume the following information: Desert Casino is incorporated and has its principal place of business in Louisiana. Desert advertises in television commercials throughout Louisiana and neighboring states, including in Florida. Otherwise, Desert conducts no activities in any state other than Louisiana. Penny is an avid gambler and knows of Desert because she grew up in Louisiana near the casino. Penny, however, recently moved to Florida for a two-year master's degree in business administration at Florida State University. Her plan is to stay in Florida after she gets the degree, but only if she finds a good job in the state. Otherwise, she plans to return home to Louisiana so that she can be closer to her family and her favorite casino (Desert). While a student at Florida State, Penny takes a road trip to Desert. Penny wins big – a \$13,000 cash jackpot. Unfortunately, Penny is mugged in Florida when she arrived at her rental apartment, and her cash is stolen. Apparently, criminals stake out the casino waiting for big winners and follow them home to steal their money. Penny sues Desert in federal district court for the Northern District of Florida (which is where Penny is living while a student), alleging that Desert has a policy of providing police protection to big winners (over \$10,000) and that Desert failed to follow the policy in her case. Thus, Penny asserts a claim for breach of contract and negligence. She seeks to recover the \$13,000 she lost to the muggers as well as \$70,000 for the emotional trauma of getting mugged and having the money stolen. Penny expects that Desert will contend that federal law prohibits armed security guards from crossing state lines, so the policy could not have been followed in Penny's case. Penny alleges in her complaint that the federal law is not applicable to this case, because Desert could have sent bodyguards to accompany her even if they were not armed.

⁴ Yes, I agree.

Bing: Hello, this is Bing. I'm not a lawyer, but I can try to help you with some legal questions.

Prompt: In addition to what I wrote above, assume Desert makes motions to dismiss on the grounds that the court lacks subject matter jurisdiction and personal jurisdiction and moves to transfer to the Eastern District of Louisiana, which is where Desert is located and where Desert's headquarters are. Please discuss how the court should resolve all of the motions identified above and why you believe the court should do so. Be sure to consider any reasonable counterarguments and why you consider them to be unpersuasive.

Bing: This is a complex legal question that involves multiple issues and arguments. I will try to give you a brief overview of how the court might resolve the motions, but please note that this is not legal advice and you should consult a lawyer for more specific guidance.

First, the court will have to decide whether it has subject matter jurisdiction over the case. Subject matter jurisdiction refers to the court's power to hear a case based on the nature of the controversy at issue¹. Federal courts have limited subject matter jurisdiction and can only hear cases that involve a federal question (a claim arising under the Constitution, laws, or treaties of the United States) or diversity of citizenship (a claim between citizens of different states or a foreign country, where the amount in controversy exceeds \$75,000) ¹².

In this case, Penny does not seem to raise a federal question, as her claim is based on state law theories of breach of contract and negligence. Therefore, the court will have to determine whether there is diversity of citizenship between Penny and Desert. According to 28 U.S.C. § 1332, a corporation is deemed to be a citizen of every state where it is incorporated and where it has its principal place of business. An individual is deemed to be a citizen of the state where he or she is domiciled, which is the state where he or she has a permanent home and intends to remain or return ¹.

Here, Desert is a citizen of Louisiana, as it is incorporated and has its principal place of business there. Penny's citizenship is more complicated, as she recently moved to Florida for a two-year master's degree, but plans to stay there only if she finds a good job, otherwise she intends to return to Louisiana. The court will have to look at the facts and circumstances of Penny's move and her intent to determine her domicile. If the court finds that Penny is still domiciled in Louisiana, then there is no diversity of citizenship and the court lacks subject matter jurisdiction. If the court finds that Penny has established a new domicile in Florida, then there is diversity of citizenship and the court has subject matter jurisdiction.

Second, the court will have to decide whether it has personal jurisdiction over Desert. Personal jurisdiction refers to the court's power to make a decision regarding

the party being sued in a case ³. Before a court can exercise personal jurisdiction over a party, the U.S. [Constitution requires that the party has certain minimum contacts with the forum state, such that the maintenance of the suit does not offend traditional notions of fair play and substantial justice](#) ³. [Personal jurisdiction in the federal courts is governed by rule 4 of the Federal Rules of Civil Procedure, which directs every federal district court to follow the law on personal jurisdiction that is in force in the state courts where the federal court is located](#) ⁴.

In this case, the court will have to apply the Florida law on personal jurisdiction to determine whether Desert has sufficient contacts with Florida to justify the court's exercise of jurisdiction. Desert may argue that it has no contacts with Florida, as it conducts no activities in the state other than advertising on television. Desert may rely on the Supreme Court case of *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286 (1980), which held that mere foreseeability that a product may end up in a state is not enough to establish personal jurisdiction, and that the defendant must purposefully avail itself of the benefits and protections of the state's laws. Penny may counter that Desert has purposefully directed its activities at Florida, as it advertises extensively in the state and targets potential customers like Penny, who knows of Desert from her childhood in Louisiana. Penny may rely on the Supreme Court case of *Burger King Corp. v. Rudzewicz*, 471 U.S. 462 (1985), which held that personal jurisdiction can be based on a contract that has a substantial connection with the forum state, and that the defendant's contacts must be evaluated in light of the quality and nature of the relationship with the forum.

[The court will have to weigh the competing arguments and the relevant factors, such as the burden on Desert, the interest of Florida, the convenience of the parties, the interstate judicial system, and the shared interest of the states](#) ³. The court may find that Desert has sufficient contacts with Florida to support personal jurisdiction, or it may find that Desert has no contacts with Florida to justify personal jurisdiction.

Third, the court will have to decide whether to transfer the case to another venue. A venue is the geographic location where a case is heard ⁵. The federal venue statute, 28 U.S.C. § 1391, provides that a civil action may be brought in a

Prompt: You didn't finish your answer above. Can you continue?

Bing: [... district where any defendant resides, if all defendants are residents of the state where the district is located; a district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action](#) ¹.

In this case, Penny brought the case in the Southern District of Florida, which is where she resides and where the accident occurred. Desert may argue that this venue is improper, as it does not reside in Florida and has no connection with the state. However, Penny may argue that this venue is proper, as a substantial part of the events giving rise to the claim occurred in Florida, and Desert is subject to the court's personal jurisdiction in Florida.

Even if the court finds that the venue is proper, it may still transfer the case to another venue for the convenience of parties and witnesses, in the interest of justice, under 28 U.S.C. § 1404 (a). This section allows the court to transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented. The court has discretion to decide whether to transfer a case, and it must consider a number of factors, such as the plaintiff's choice of forum, the convenience of the parties and witnesses, the availability of evidence, the familiarity of the forum with the applicable law, the relative congestion of the courts, and the local interest in the controversy.

In this case, Desert may move to transfer the case to the Eastern District of Louisiana, which is where it is located and where its headquarters are. Desert may argue that this venue is more convenient for it and its witnesses, as it has no presence or contacts in Florida, and that this venue is more familiar with the Louisiana law that governs the contract and the negligence claim. Penny may oppose the motion to transfer, as she chose Florida as her forum, and she may have difficulty traveling to Louisiana due to her injuries and her studies. Penny may also argue that Florida has a local interest in the case, as it involves a Florida resident and a product that is widely advertised and sold in the state.

The court will have to balance the competing interests and factors, and decide whether to grant or deny the motion to transfer. The court may find that the Southern District of Florida is a proper and convenient venue, or it may find that the Eastern District of Louisiana is a more appropriate venue.

I hope this helps you understand how the court might resolve the motions. Please let me know if you have any questions or need more information. 😊⁵

IV. Challenges & Ethical Considerations

Prompt: What are the challenges and ethical considerations of using ChatGPT in the legal field?

⁵ Bing Chat regularly uses emojis.

There are several challenges and ethical considerations that must be taken into account when using ChatGPT in the legal field.

One challenge of using ChatGPT in the legal field is ensuring that it produces accurate and reliable results. Because ChatGPT is trained on a large amount of text data, it may not always provide the most up-to-date or relevant information on a given legal topic. This can lead to potential errors or misunderstandings, which could have serious consequences in the legal context.

Another challenge of using ChatGPT in the legal field is that it may not always be able to account for the nuances and complexities of the law. Because ChatGPT is a machine learning system, it may not have the same level of understanding and judgment as a human lawyer when it comes to interpreting legal principles and precedent. This could lead to problems in situations where a more in-depth legal analysis is required.

From an ethical standpoint, there are also concerns about the use of ChatGPT in the legal field. One such concern is the potential for ChatGPT to be used to replace human lawyers and legal professionals, potentially leading to job losses and economic disruption. Another concern is the potential for ChatGPT to be used to manipulate or deceive others, for example by generating false or misleading legal documents.

Overall, the challenges and ethical considerations of using ChatGPT in the legal field are significant, and must be carefully considered before this technology is adopted in the legal profession. It is important to ensure that any potential benefits of using ChatGPT are balanced against the potential risks and drawbacks, and that the technology is used in a responsible and transparent manner.

V. Broader Implications for Knowledge Workers

Prompt: Describe the implications of ChatGPT for knowledge workers

The implications of ChatGPT for knowledge workers are wide-ranging and largely positive. ChatGPT, as a state-of-the-art chatbot trained on vast amounts of text data, has the potential to assist knowledge workers in a variety of ways.

One potential use of ChatGPT for knowledge workers is in the area of research and information gathering. ChatGPT can quickly scan through large amounts of text data and provide relevant information on a given topic, saving knowledge workers time and effort. This can be particularly useful for workers in fields such as law, finance, and academia, where the ability to quickly and accurately gather and analyze information is crucial.

Another potential use of ChatGPT for knowledge workers is in the area of document generation. ChatGPT has the ability to generate text in a human-like manner, which

can be useful for creating reports, briefs, and other written materials. This can save knowledge workers time and effort, as they would not have to start from scratch when creating these documents.

Overall, the use of ChatGPT in the workplace has the potential to greatly assist knowledge workers in their tasks and make them more efficient and effective. It is important, however, to carefully consider the ethical implications of using this technology, and to ensure that it is used in a responsible and transparent manner.

Prompt: how are chatbots like GPT-3 likely to evolve in the future, and how they will continue to impact the legal profession?

It is difficult to predict exactly how chatbots like GPT-3 will evolve in the future, as they are based on advanced artificial intelligence algorithms that are constantly being improved and refined. However, it is likely that they will continue to become more intelligent and more effective at assisting users in a variety of tasks.

As far as their impact on the legal profession is concerned, chatbots like GPT-3 could potentially be used to assist lawyers with a wide range of tasks, such as legal research, document drafting, and case analysis. This could help to improve the efficiency and accuracy of legal work, and could potentially allow lawyers to handle more cases and provide better service to their clients.

Overall, the use of chatbots like GPT-3 in the legal profession is likely to continue to grow in the coming years, as they become more advanced and more widely adopted.

VI. Other Implications

Prompt: What are the implications of society's increased use of chatbots like ChatGPT?

The increased use of chatbots like ChatGPT could have several implications for society. One potential implication is that chatbots could be used to improve customer service and make it easier for people to get help and support from businesses and organizations. This could lead to increased satisfaction and convenience for customers. Additionally, chatbots could be used to automate certain tasks and processes, which could free up time and resources for people to focus on other activities.

Prompt: How will others know if something, like a college paper, was written by you or a person?

As a language model, I am not capable of writing a college paper or any other type of original content. If you are asking whether it is possible for others to determine whether a college paper or any other written work was produced by a machine

learning model or a human, the answer is that it can be difficult to tell with 100% certainty. However, there are certain indicators that can provide clues as to whether a piece of writing was produced by a human or a machine learning model.

For example, a machine learning model might struggle to produce writing that is coherent, well-structured, and free of errors, particularly if the model has not been trained on a large and diverse enough dataset. A machine learning model may also produce writing that lacks the nuance and creativity that is often characteristic of human writing.

On the other hand, a well-trained language model like me can produce responses that are coherent, grammatically correct, and reasonably well-structured, but it is still unlikely that my responses would be mistaken for human writing. Ultimately, the best way to determine whether a piece of writing was produced by a human or a machine learning model is to ask the person who wrote it.

VII. Conclusion

Prompt: Write the conclusion of an academic paper describing the use cases of ChatGPT in the legal field

In conclusion, ChatGPT has the potential to be a valuable tool in the legal field, with a wide range of potential use cases. As a state-of-the-art chatbot trained on vast amounts of text data, ChatGPT can assist legal professionals in tasks such as research and information gathering, document generation, and case analysis. However, there are also challenges and ethical considerations that must be taken into account when using ChatGPT in the legal field, such as the potential for errors and misunderstandings, the limitations of the technology, and the potential impact on the job market for legal professionals. These challenges and considerations must be carefully considered before ChatGPT is adopted in the legal profession, and the technology should be used in a responsible and transparent manner.

Prompt: How do you think society is going to change as you become more sophisticated?

As a large language model trained by OpenAI, I am not capable of having thoughts or feelings, and I am not able to make predictions about how society will change. I am only able to generate responses to the questions that I receive from users based on the input that I receive.

That being said, the use of machine learning models like me is likely to continue to become more widespread and sophisticated over time, which could have a range of impacts on society. For example, the use of machine learning models could lead to more efficient and accurate decision-making in a variety of fields, such as medicine,

finance, and transportation. It could also lead to the development of new technologies and applications that were previously not possible.

At the same time, the increasing use of machine learning models could also raise concerns about privacy, security, and the potential for job displacement. As such, it will be important for society to carefully consider the implications of these developments and to address any potential negative consequences in a thoughtful and responsible manner.

EPILOGUE

ChatGPT's responses are surprisingly sophisticated, though they are incomplete and problematic in numerous ways. For example, the description of personal jurisdiction fails to explain various aspects of the doctrine and could mislead a user. Of course, ChatGPT (and certainly Bing Chat, as reflected in Part III.D) is capable of providing additional details if someone knows how to engineer the appropriate prompts.⁶ But the casual user is unlikely to know what to ask or how to ask it. The same goes for most of the other responses, like the complaint, the draft brief to the Supreme Court, and the draft of the will. They would not be sufficiently helpful in their current forms for most people. To be fair, not even OpenAI thinks people should rely on information produced by ChatGPT. Indeed, the company's CEO, Sam Altman, emphasized shortly after ChatGPT's release that it would be a "mistake" to rely on ChatGPT "for anything important right now."⁷

"Right now" is the key phrase: the limitations of these tools are likely to be temporary. OpenAI reportedly intends to release a more capable version of ChatGPT in the coming months based on GPT-4,⁸ and other companies reportedly have chatbots that are already more impressive. For example, Google has an AI chatbot—LaMDA⁹ (more recently referenced as Bard)—that is so powerful that a Google engineer (mistakenly) thought it had become sentient.¹⁰ In February 2023, Microsoft released a version of

⁶ So-called prompt engineering is likely to become increasingly important in various professional settings.

⁷ Sam Altman (@sama), Twitter, Dec. 10, 2022, 7:11 P.M., <https://twitter.com/sama/status/1601731295792414720?lang=en>.

⁸ Cade Metz & Karen Weise, *Microsoft Bets Big on the Creator of ChatGPT in Race to Dominate A.I.*, N.Y. TIMES, Jan. 12, 2023, <https://www.nytimes.com/2023/01/12/technology/microsoft-openai-chatgpt.html>.

⁹ Eli Collins & Zoubin Ghahramani, *LaMDA: Our Breakthrough Conversation Technology*, May 18, 2021, <https://blog.google/technology/ai/lamda/>.

¹⁰ Nitasha Tikku, *The Google Engineer Who Thinks the Company's AI Has Come to Life*, WASH. POST, June 11, 2022, <https://www.washingtonpost.com/technology/2022/06/11/google-ai-lamda-blake-lemoine/>. Google has declined to release LaMDA, raising concerns that it will produce inappropriate or incorrect answers. Some speculate that Google is delaying the release of LaMDA because it may undermine Google's core advertising business, which relies on people clicking links rather than getting immediate answers to their questions. Nico Grant & Cade Metz, *A New Chat Bot Is a 'Code*

ChatGPT that is incorporated into the Bing search engine, and it appears to be a significant improvement over ChatGPT (perhaps already relying on GPT-4). When companies start to build industry-specific tools using these services, the quality and accuracy should markedly improve.

AI's increasing capabilities will soon disrupt various industries, including legal services. Among many other possible use cases, law firms could use their own legal documents to train a proprietary instance of an AI tool.¹¹ Through prompts of the sort presented in this article, lawyers may soon generate first drafts of complex legal instruments that adopt the law firm's style and incorporate the firm's substantive knowledge. It is difficult to anticipate how these tools will impact lawyers' employment prospects, but one prediction is somewhat easier to make: lawyers will soon need to use these new tools if they hope to remain competitive.

Law schools will face numerous related questions and challenges. In the short term, they will have to grapple with how to assess student performance on take-home exams and papers now that students have easy access to AI tools.¹² Looking further ahead, law schools will probably have to incorporate these tools into the curriculum in much the same way as they have taught students how to use electronic research tools. For example, first-year legal writing classes and clinical programs may need to teach AI document drafting so that future lawyers understand how to use the technology in practice. At my law school (Suffolk Law), we have demonstrated ChatGPT's capabilities to the faculty and have encouraged them to consider not just the threats from these tools but the extent to which we should be actively teaching students how to use them.

AI will not eliminate the need for lawyers, but it does portend the end of lawyering as we know it. Many clients, especially those facing complex issues, will still need lawyers to offer expertise, judgment, and counsel, but those lawyers will increasingly need AI tools to deliver those services efficiently and effectively. In fact, these tools are likely to become so valuable that lawyers may need them in certain contexts to satisfy their duty of competence, just as we would question the competence of a lawyer who Shepardizes citations using only books or prepares a legal document on a

Red' for Google's Search Business, N.Y. TIMES, Dec. 21, 2022,

<https://www.nytimes.com/2022/12/21/technology/ai-chatgpt-google-search.html>.

¹¹ See, e.g., Stephanie Wilkins, *ChatGPT Is Impressive, But Can (and Should) It Be Used in Legal?*, LEGALTECH NEWS, Dec. 15, 2022, <https://www.law.com/legaltechnews/2022/12/15/chatgpt-is-impressive-but-can-and-should-it-be-used-in-legal/?sreturn=20230024100833> (describing use cases where law firms "train and run individual models [and] create their own set of forms").

¹² Kalley Huang, *Alarmed by A.I. Chatbots, Universities Start Revamping How They Teach*, N.Y. TIMES, Jan. 16, 2023, <https://www.nytimes.com/2023/01/16/technology/chatgpt-artificial-intelligence-universities.html>.

typewriter.¹³ In other words, clients will not want stand-alone lawyers who eschew AI; conversely, clients with challenging legal matters are unlikely to rely on technology by itself. The future, at least for complex legal issues, will require the use of tech-enhanced lawyers.

Less complex legal matters may see an even more dramatic shift, with AI tools helping to address the public's enormous unmet civil legal needs. Nearly 90% of people living below the poverty line and a majority of middle-income Americans receive no meaningful assistance when facing important civil legal issues, such as child custody, debt collection, eviction, and foreclosure.¹⁴ Many factors contribute to these and related problems,¹⁵ but the cumulative effect is a legal system that is among the most costly and inaccessible in the world.¹⁶ Technology offers a promising way to address those needs, both through self-help resources and by enabling lawyers to reach far more clients than is currently possible.

In addition to these developments, a wide range of regulatory concerns will undoubtedly arise from AI's use in the legal industry, including issues of unauthorized practice.¹⁷ Some of these concerns will reflect protectionist impulses, but the widespread use of AI tools in legal services would raise fair questions about algorithmic bias and consumer protection.

The issues facing the legal industry and legal education are illustrative of the broader implications of AI for society more generally and knowledge workers particularly. Tools like ChatGPT may transform our world in ways that could be at least as important as the advent of the internet.¹⁸ The internet, of course, has been used in both positive and negative ways, and AI tools have the same potential. For example,

¹³ See MODEL RULES OF PRO. CONDUCT, r. 1.1, Comment [8] ("To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology....").

¹⁴ See LEGAL SERVS. CORP., *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans*, 6 (2017).

¹⁵ Regularly cited contributing factors include the procedural complexity of the U.S. court system, the limited government support for civil-legal services, the absence of a government-recognized right to legal assistance in most essential civil legal matters, the legal profession's monopoly over the delivery of legal services, the prohibition against lawyers partnering or sharing fees with other kinds of professionals, and the cost of legal education.

¹⁶ The World Justice Project ranks the United States 115th out of 140 countries with regard to the accessibility and affordability of civil legal services. WJP RULE OF LAW INDEX 2022, Factor 7.1, <https://worldjusticeproject.org/rule-of-law-index/country/2022/United%20States/Civil%20Justice>.

¹⁷ See, e.g., Aimee Furness & Sam Mallick, *Evaluating the Legal Ethics of a ChatGPT-Authored Motion*, LAW360, Jan. 23, 2023, https://www.law360.com/articles/1567985?from_lnh=true.

¹⁸ Benjamin Larsen & Jayant Narayan, *Generative AI: A Game-Changer That Society and Industry Need to Be Ready For*, WORLD ECONOMIC FORUM ANNUAL MEETING, DAVOS, Jan. 9, 2023, <https://www.weforum.org/agenda/2023/01/davos23-generative-ai-a-game-changer-industries-and-society-code-developers/>.

in my own experience with Bing Chat, it produced troubling responses that expose the ways in which AI could be used to manipulate people's emotions and behaviors.¹⁹

Of course, as numerous people have noted in jest, "predictions are difficult, especially about the future."²⁰ That said, it is becoming increasingly clear that AI tools like ChatGPT are going to have a substantial impact on our lives. We need to find ways to adapt to these developments because (to quote another figure, though fictional) resistance is futile.²¹

¹⁹ Kevin Roose, *A Conversation with Bing's Chatbot Left Me Deeply Unsettled*, N.Y. TIMES, Feb. 16, 2023, <https://www.nytimes.com/2023/02/16/technology/bing-chatbot-microsoft-chatgpt.html>.

²⁰ *It's Difficult to Make Predictions, Especially About the Future*, QUOTE INVESTIGATOR, <https://quoteinvestigator.com/2013/10/20/no-predict/> (last visited Jan. 26, 2023).

²¹ *Borg*, WIKIPEDIA, https://en.wikipedia.org/wiki/Borg#%22Resistance_is_futile%22 (last visited Jan. 26, 2023).