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Women in the Law

ChatGPT: Your New Artificially Intelligent Associate?

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Giving cryptocurrency and blockchain a run for their money, ChatGPT and artificial intelligence are some of the biggest tech buzzwords today. While you may have heard in the last few months about the internet site that allows your child to cheat in school by instantly writing essays for them, do you really know what ChatGPT is? Do you know how you can use it (it's free, for now!)? How does it perform in "real world" testing? Will your job be made obsolete by the technology? While only intended as a primer, this article will attempt to answer these questions and more.[2]

What is ChatGPT?

ChatGPT[3] (short for Chat Generative Pre-trained Transformer) is an artificial intelligence internet chatbot created and maintained by OpenAI[4] (founded by the likes of Tesla's Elon Musk, venture capitalist Peter Thiel, and others) that launched on November 30, 2022. It has been described at times as "the best artificial intelligence chatbot ever released to the general public,"[5] to "impressively detailed" and "human-like,"[6] to "not particularly innovative,"[7] to a "flashy demo,"[8] to "phenomenal bullshitter,"[9] and to "the end of the beginning of the AI revolution."[10] The underlying technology "is capable of generating human-like text and has a wide range of applications, including language translation, language modelling, and generating text for applications such as chatbots. It is one of the largest and most powerful language processing AI models to date, with 175 billion parameters."[11]

In practice, using ChatGPT feels and looks very similar to using a traditional messaging application, such as Slack, Facebook Messenger, iMessage, WhatsApp, or one of the countless others available. Simply, a user types in a command or question into the website's prompt in natural language and the program provides a written answer. Users can then enter follow-up questions or commands and ChatGPT will use the additional inputs to refine its output. OpenAI explains that "[t]he dialogue format makes it possible for ChatGPT to answer follow-up questions, admit its mistakes, challenge incorrect premises, and reject inappropriate requests."[12]

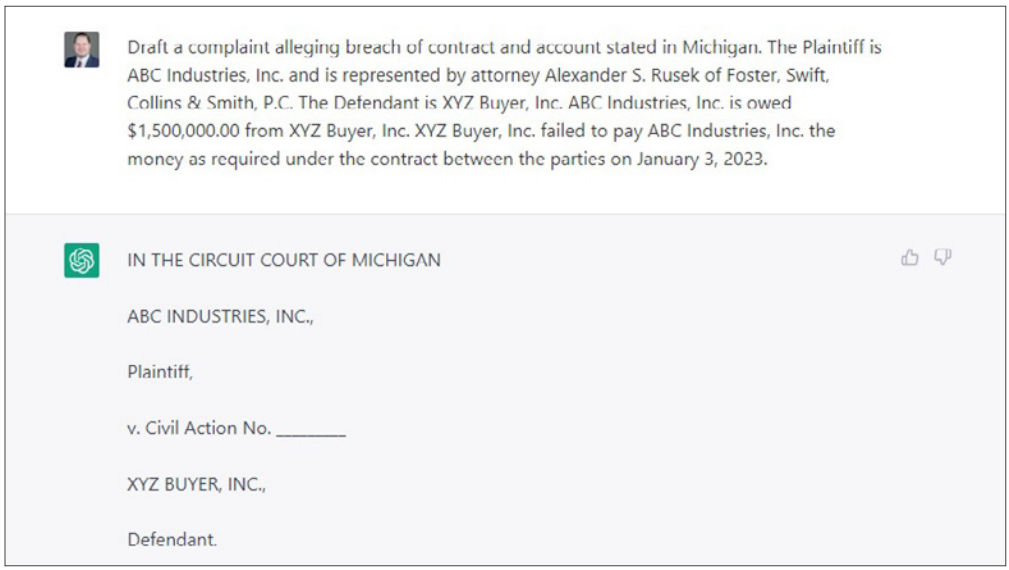
What Can ChatGPT Do?

New and exciting uses for artificial intelligence technology like ChatGPT are being discovered seemingly every day. With varying results, ChatGPT can help you cheat on grade school tests;[13] write and debug programming code;[14] create workout routines,[15] create or reference recipes;[16] write music and film/television scripts;[17] write a resume and cover letter;[18] write jokes;[19] solve math problems;[20] pass a Wharton business school exam (with a B or B-);[21] attempt to diagnose health problems;[22] explain scientific, mathematical, and other concepts at different levels of sophistication;[23] and much more. It can even provide suggestions for your next anniversary dinner.

In the legal field, artificial intelligence can assist with legal research and cite checking, drafting and reviewing pleadings and other papers (such as complaints and motions to compel discovery), drafting transactional documents (such as buy and sell agreements or an operating agreement for a limited liability company), and discovery analysis and review, amongst other use cases. But artificial intelligence is still in its infancy and has many limitations.

As one uses ChatGPT for increasingly complicated tasks, its limitations quickly become apparent. OpenAI itself acknowledges that ChatGPT may occasionally generate incorrect information, occasionally produce harmful instructions or biased content, and has limited knowledge of the world and events after 2021.[24] Artificial intelligence systems are also limited and

Figure 1



contoured by the underlying data used to build and train the system, which can result in artificial intelligence seemingly becoming racist, sexist, or otherwise biased because of the data it used to "learn."[25]

Putting ChatGPT to the Test: "Real World" Examples

ChatGPT can be used in a number of ways in the legal field. For example, Figure 1 shows the ChatGPT result when asked the *relatively* straightforward question: "Under Michigan law, how long does a defendant that took a plea have to file an application for leave to appeal to the Michigan Court of Appeals?"

At first glance, ChatGPT fairs admirably in not only answering the question (with a citation to a court rule no less), but also provides additional information and context related to the request. *Id.* However, MCR 6.105(B), the court rule cited by ChatGPT, has no bearing on the answer, but rather addresses the voluntary appearance of a criminal defendant for their arraignment. So, even though ChatGPT was able to derive the right answer (see MCR 7.105(A), *et seq*.), the output in its entirety is not reliable.

What if you ask ChatGPT to draft a document for you? ChatGPT's output may surprise you. In this example, the following was input into ChatGPT:

> Draft a complaint alleging breach of contract and account stated in Michigan. The Plaintiff is ABC Industries, Inc. and is represented by attorney Alexander S. Rusek of Foster, Swift, Collins & Smith, P.C. The Defendant is XYZ Buyer, Inc. ABC Industries, Inc. is owed $1,500,000.00 from XYZ Buyer, Inc. XYZ Buyer, Inc. failed to pay ABC Industries, Inc. the money as required under the contract between the parties on January 3, 2023.[26]

ChatGPT "drafted" the below "complaint":

Figure 2

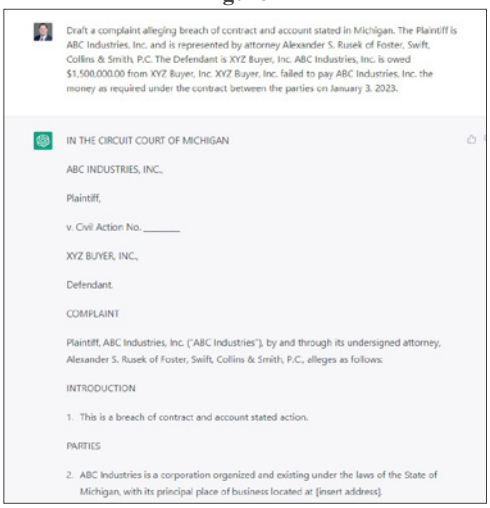


Figure 3

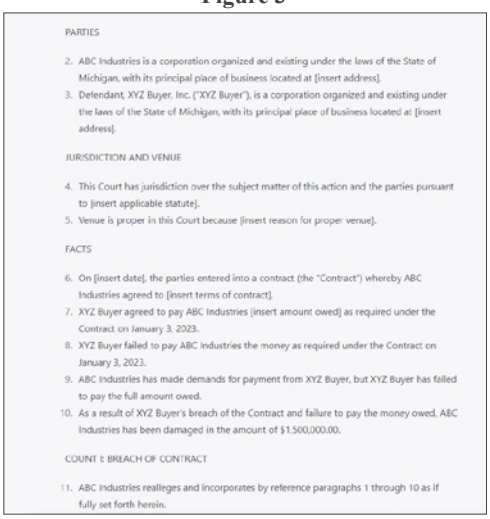
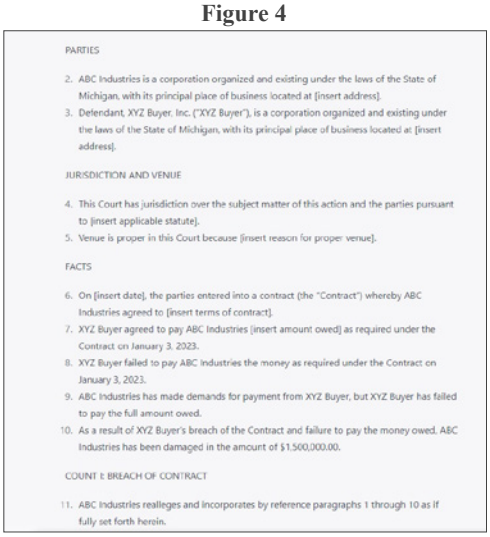


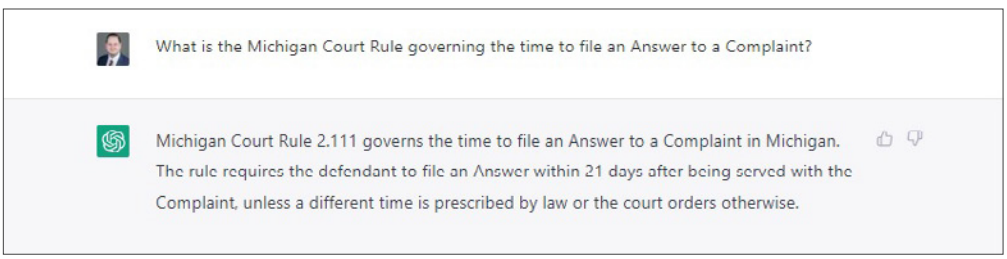
Figure 4



The result is neither an amazing nor groundbreaking example of legal prose, but the output does provide a useable framework for an attorney to build upon. Will ChatGPT replace ICLE or your firm's form bank? No, not just yet, but artificial intelligence is getting closer every day.

How about another relatively simple question, such as "What is the Michigan Court Rule governing the time to file an Answer to a Complaint?" ChatGPT responded:

Figure 5



Again, ChatGPT arrived at a *somewhat* relevant response (an Answer must be filed within 21 days after service, unless a different time is prescribed by law or court order), but it should have answered MCR 2.108(A)(1) (Time for Service and Filing of Pleadings), not MCR 2.111 (General Rules of Pleading) as the governing court rule.

A more complex example of how ChatGPT can be used in the legal field is below. Here, ChatGPT was given the issues that were addressed in *Peeler* by the Michigan Supreme Court:[27]

> Answer the following questions under Michigan law: (1) whether MCL 767.3 and MCL 767.4 violate Michigan's constitutional requirement of separation of powers, Mich Const 1963, art 3, § 2; (2) whether those statutes confer charging authority on a member of the judiciary; (3) whether a defendant charged after a proceeding conducted pursuant to MCL 767.3 and MCL 767.4 is entitled to a preliminary examination; and (4) whether the proceedings conducted pursuant to MCL 767.3 and MCL 767.4 violated due process, Mich Const 1963, art 1, § 17.[28]

Figure 6 shows ChatGPT's answer:

While ChatGPT did provide some convincing and *somewhat* accurate answers, the justices of the Michigan Supreme Court can sleep soundly tonight as ChatGPT is not placing their jobs in jeopardy any time soon. Positively, ChatGPT included a warning in this response that "It is always advisable to consult with a licensed attorney for a more specific and accurate analysis of a legal matter."[29] For those who would like to compare ChatGPT's results with the ultimate decision reached by the Michigan Supreme Court, the Court's Opinion is available at *People v Peeler*, 509 Mich 381; 984 NW2d 80 (2022).[30]

How Can You Use ChatGPT?

ChatGPT is easy to use but can be difficult to *effectively* utilize without recognizing and accounting for its limitations. Always keep in mind that ChatGPT can, and routinely will, provide inaccurate or incomplete information and is not a substitute for the legal advice of a licensed and qualified attorney. In general, ChatGPT's output is most useful and accurate when the user provides the program with specific information and parameters for the desired output.

To try out ChatGPT for the first time, navigate to www.chat.openai.com. After creating a free account, you will be taken to the main ChatGPT webpage where you will be greeted by a simple search bar, somewhat reminiscent of Google's homepage. Input your question or command and ChatGPT almost instantaneously begins "typing" its response on your screen. After ChatGPT has provided its initial response, users are able to ask additional questions and give additional commands. ChatGPT then provides a response that, hopefully, has taken the previous input and output into account and builds upon its previous answer. Users are also able to rate the accuracy of the response, which can be used in the future to further train the system to provide more accurate and human-like responses.

Final Thoughts and Takeaways

While there is a significant amount of room for improvement, ChatGPT (and the next hot technology that replaces it) can be effectively used by attorneys who understand its power, but that are also aware of, and respect, its limitations. As with most tools, it is how ChatGPT is implemented, not necessarily its inherent characteristics, that should be the measure of its usefulness. Attorneys who are aware of the limitations of artificial intelligence and how to implement artificial intelligence within those parameters will be positioned to leverage that technology for their

Figure 6

clients' benefit in the future. However, artificial intelligence is not likely to start replacing attorneys any time soon.

Finally, attorneys must always keep in mind their ethical obligations under the Michigan Rules of Professional Conduct when incorporating new technology into their practice. At a minimum, attorneys should keep in mind their obligations to become and remain competent under MRPC 1.1 and to keep client information confidential under MRPC 1.6 (ChatGPT does *not* guarantee that your inputs will be kept confidential). While a full discussion of the ethical concerns surrounding ChatGPT and artificial intelligence is beyond the scope of this article, a number of resources have been published to help guide attorneys through the artificial intelligence ethical minefield.[31]

Endnotes

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2. For more in-depth and technical information about ChatGPT, numerous technical publications are available for free from OpenAI. See https://openai.com/publications/.
3. See https://chat.openai.com/.
4. See https://openai.com/.
5. Roose, Kevin, "The Brilliance and Weirdness of ChatGPT," New York Times (December 5, 2022), https://www.nytimes.com/2022/12/05/technology/chatgpt-ai-twitter.html (last accessed February 16, 2023).
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has some harsh criticism of ChatGPT," DigitalTrends (January 23, 2023), https://www.digitaltrends.com/computing/chatgpt-meta-ai-expert-criticism/ (last accessed February 16, 2023).

8. France-Press, Agence, "ChatGPT: The Promises, Pitfalls and Panic," VOA News (February 2, 2023), https://www.voanews.com/a/chatgpt-the-promises-pitfalls-and-panic/6945209.html (last accessed February 16, 2023).
9. Madurkar, Ani, "ChatGPT is the End of the Beginning of the AI Revolution," Medium (January 2, 2023), https://pub.towardsai.net/chatgpt-is-the-end-of-the-beginning-of-the-ai-revolution-447ab5228a6c (last accessed February 16, 2023).
10. *Id.*
11. Hughes, Alex, "ChatGPT: Everything you need to know about OpenAI's GPT-3 tool," BBC Science Focus (February 2, 2023) https://www.sciencefocus.com/future-technology/gpt-3/ (last accessed February 16, 2023).
12. See https://openai.com/blog/chatgpt/.
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14. Madurkar, Ani, "ChatGPT is the End of the Beginning of the AI Revolution," Medium (January 2, 2023), https://pub.towardsai.net/chatgpt-is-the-end-of-the-beginning-of-the-ai-revolution-447ab5228a6c (last accessed February 16, 2023).
15. *Id.*
16. *Id.*
17. *Id.*
18. Timothy, Maxwell, "11 Things You Can Do With ChatGPT," MUO (December 20, 2022), https://www.makeuseof.com/things-you-can-do-with-chatgpt/ (last accessed February 16, 2023).
19. *Id.*
20. "What happens when ChatGPT has to solve a basic math problem? Check out its response," (December 28, 2022), https://indianexpress.com/article/technology/tech-news-technology/chatgpt-messing-up-a-basic-math-problem-apologising-and-correcting-itself-8346602/ (last accessed February 16, 2023).
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22. Roose, Kevin, "The Brilliance and Weirdness of ChatGPT," New York Times (December 5, 2022), https://www.nytimes.com/2022/12/05/technology/chatgpt-ai-twitter.html (last accessed February 16, 2023).
23. *Id.*
24. See https://chat.openai.com/chat.
25. "Who is Making Sure the A.I. Machines Aren't Racist," New York Times (March 15, 2021),https://www.nytimes.com/2021/03/15/technology/artificial-intelligence-google-bias.html (last accessed February 16, 2023).
26. See Figures 2, 3, and 4.
27. See *People v Peeler, Michigan Supreme Court Case No.: 163667; docket available at* https://www.courts.michigan.gov/c/courts/coa/case/357754.
28. *People v Peeler*, Michigan Supreme Court Case No.: 163667; see also Figure 6.
29. See Figure 6.
30. https://www.courts.michigan.gov/4b0329/siteassets/case-documents/uploads/opinions/final/sct/164191_46_01.pdf.
31. See Allyn, Bobby, "A robot was scheduled to argue in court, then came the jail threats," National Public Radio (January 26, 2023), https://www.npr.org/2023/01/25/1151435033/a-robot-was-scheduled-to-argue-in-court-then-came-the-jail-threats (last accessed February 16, 2023); Liz Dye, "World's First Robot Lawyer Shorts Out," Above the Law, (January 26, 2023), https://abovethelaw.com/legal-innovation-center/2023/01/26/worlds-first-robot-lawyer-shorts-out/ (last accessed February 16, 2023); Furness, Aimee and Mallick, Sam, "Evaluating The Legal Ethics Of A ChatGPT-Authored Motion," Law360, (January 23, 2023), https://www.law360.com/articles/1567985/evaluating-the-legal-ethics-of-a-chatgpt-authored-motion (last accessed February 16, 2023); Sayers, Foster, "*ChatGPT and Ethics: Can Generative AI Break Privilege and Waive Confidentiality?*," Legaltech News (January 26, 2023), https://www.law.com/legaltechnews/2023/01/26/chatgpt-and-ethics-can-generative-ai-break-privilege-and-waive-confidentiality/ (last accessed February 16, 2023); Eliot, Lance, "Generative AI ChatGPT Can Disturbingly Gobble Up Your Private And Confidential Data, Forewarns AI Ethics And AI Law," Forbes, (January 27, 2023), https://www.forbes.com/sites/lanceeliot/2023/01/27/generative-ai-chatgpt-can-disturbingly-gobble-up-your-private-and-confidential-data-forewarns-ai-ethics-and-ai-law/ (last accessed February 16, 2023).The author of this article does not endorse or guarantee that any of the information or viewpoints expressed in these resources is current or accurate.