

40th Annual InterCourt Conference



Session 1A:
All rise. This Court is
now in session, an AI
Chatbot presiding

Presenters: *Gary Doernhoefer*

March 14, 2024
10:45 a.m. - 12:15 p.m.



THE SUPREME COURT *of* OHIO
JUDICIAL COLLEGE

All Rise – this court is now in session, an AI chatbot presiding

Presentation to the 40th Annual InterCourt Conference

March 14-15

Columbus, Ohio

Gary Doernhoefer

Founder of ADR Notable: Case management for ADR



*A dramatic description of
the Ohio Juvenile Courts in
the style of Shakespeare, by
ChatGPT 4 with a little help
from Gary Doernhoefer*

In the fair land of Ohio, where our tale unfolds,
Amidst its verdant plains and cities bold,
There lies a court, a haven for the young,
Where justice and mercy speak with gentle tongue.

This Juvenile Court, with purpose true,
Seeks not to punish, but to renew.
Guiding wayward youth back to the light,
With wisdom and compassion, not with might.

Here, magistrates with hearts so wise,
Look upon the young with understanding eyes.
Offering guidance, education, and care,
To mend the broken, with efforts fair.

A chorus of support, steadfast and kind,
Helps navigate the troubled mind.
Counselors, guardians, and legal aid,
Work together, so futures aren't mislaid.

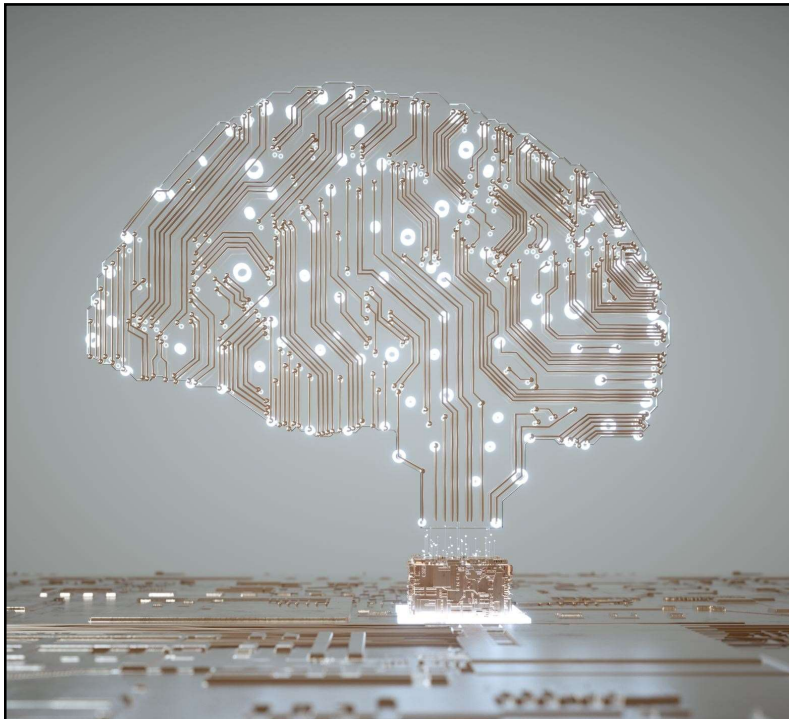
In Ohio's realm, this court does stand,
A testament to justice, noble and grand.
A place where second chances are sown,
And the seeds of a brighter future are grown.

Thus, we honor the Juvenile Court's noble quest,
To heal, to teach, and to invest.
In every child who has lost their way,
Ohio stands ready, to light the day.

So let it be known, from shore to shore,
Ohio's youth are cherished, forevermore.
With each act of kindness, each judgment fair,
The court upholds hope, in the air we share.

Our roadmap for today

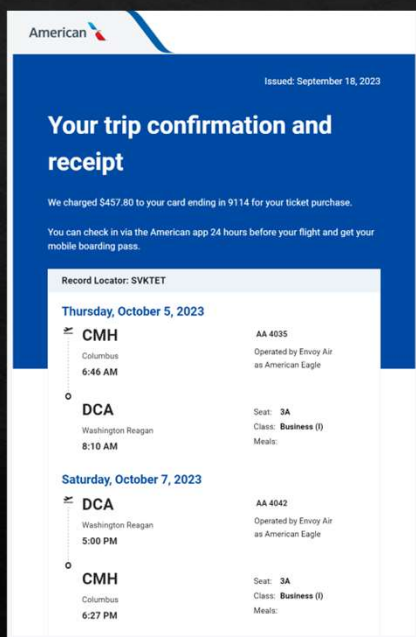
1. Basics – What is artificial intelligence?
Machine learning, large language models, generative AI and chatbots
2. Look at some of its most amazing capabilities.
3. See some of the early uses in the legal field.
4. Also learn of some of the miscues and risks.
5. Recommendation – get started learning about it now, and one example of how it could be applied.



AI involves creating algorithms and systems that mimic the cognitive functions of the human brain, such as reasoning, problem-solving, and learning.

Laying the groundwork – the basics

- **Machine learning**, which uses algorithms to automatically and constantly improve performance based on new data.
- **Large language models**, developed using machine learning and vast quantities of data, permit **natural language processing**, allowing computers to receive, process and respond to human language.
- **Chatbots** – The form today's LLMs take are a huge leap from the early days.
- Some epic failures of the technology applied to the legal space, indicative of the **risks**.



1. Passenger name
2. Credit card holder name
3. Credit card number
4. Email address
5. Physical address
6. Itinerary – origin and destination
7. Log in to AA.com or buy as guest?
8. Frequent flyer?
9. Last minute?
10. First class or coach?
11. Likely destination for fraud?

If different, assess
+50 pts

On blacklist
+200 pts

Itinerary does not
correspond +75 pts

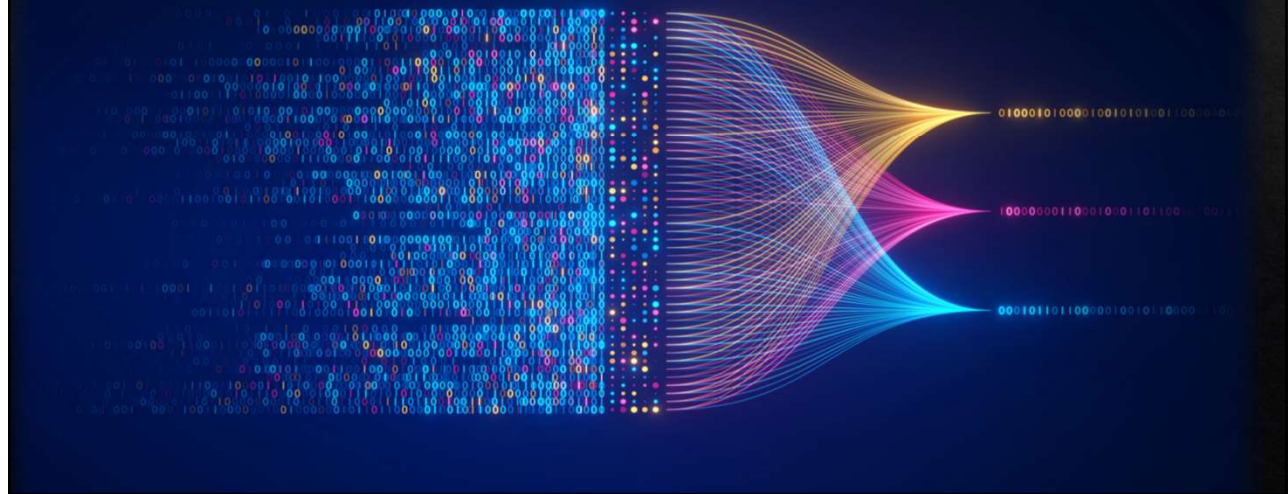
Deduct -50 pts

Assess +50 pts

First class +50 pts

LAS, MIA, LAX,
LGA +50 pts

By feeding the algorithm data on outcomes in addition to new transaction data the computer finds patterns and adjusts the algorithm to improve accuracy. This is machine learning.



With Machine Learning, the Algorithm Adjusts

1. Passenger name
2. Credit card holder name

= 300 pts

3. Credit card number
4. Email address

Physical address

7. Log in to AA.com or buy as guest?
8. Frequent flyer?
9. Last minute?
10. First class or coach?
11. Likely destination for fraud?

The computer could begin to associate something like a ZIP code with a higher likelihood of fraud. The humans would never know.

Supervised and Unsupervised Machine Learning

- ◆ **Supervised:** Essentially, giving the computer data with labels provided by humans.
 - ◆ In prior example, we could give the system transaction records that had been fraud, labeled as such.
 - ◆ Great example is AI-assisted mammography. Computer given 1000's of images labeled with known pathologies – eventual cancer detected, or no cancer detected.
 - ◆ Then, machine learning takes over and the computer begins to identify patterns combining patient history with mammograms over time.
 - ◆ Result of partnership between AI and radiologists increases accuracy, both potential very early stage omissions and false positives.
 - ◆ Supervised learning is slow and requires a lot of human management of the data.
- ◆ **Unsupervised:** Uses machine learning to analyze and spot patterns in large data sets without human guidance.

Large Language Models One Type of AI Using Unsupervised Machine Learning

- ◆ Large Language Models are created by providing huge amounts of examples of human communications from the internet.
- ◆ The systems find patterns in the way we communicate. When prompted, they “hear” the input and calculate the probabilities of what the response should be, word by word.





Large language models have been improving for years

Spell check is an early version.

Then we had type-ahead.

Then came Siri, Alexa and Google.

The **elephant** enjoyed the peanuts.

- elephant
- elephants
- telephone
- elephantine
- More...
- Ignore
- Ignore All
- Change All
- Add
- Auto Correct

Google

typeahead s

- typeahead search
- typeahead solr
- typeahead suggestion limit
- typeahead selected event

Tryk på Enter for at søge.

LLMs have taken a huge leap forward with generative AI

- ◆ Some clever new processes were developed to turbo-charge inputting data.
- ◆ These chatbot engines could be trained rapidly on vastly greater amounts of materials from the internet. Fiction, non-fiction, true, false, accurate or not. Reddit, Quora, Wikipedia, blog posts, books, articles, etc.
- ◆ Everything.
- ◆ **Unsupervised.**
 - ◆ This created problems. Offensive, incorrect, nonsense – all from the training data.
 - ◆ Addressed by coding 'guardrails' that help constrain the responses within socially acceptable bounds and avoiding things like practicing medicine.
 - ◆ In the jargon, called 'alignment' meaning aligning with social norms and legal restrictions.

I was out on the boat yesterday
and saw a huge school.

"SCHOOL" could be

But, "BOAT" is often
used near "OCEAN" or
"LAKE".

And "SCHOOL" used
near "OCEAN" or
"LAKE" is more likely

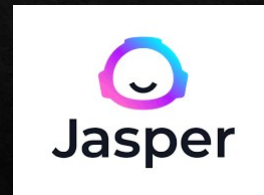
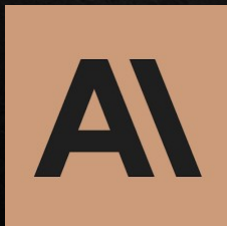
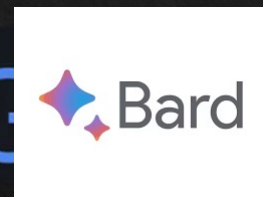
The key is to recognize that these engines are converting the words of your prompt into mathematical form then computing the probabilities of mathematical responses based on the input data which is then converted into words.

In this way, the chatbots mimic human conversation, with access to all of the knowledge of the Internet.

And they are doing it very well.

Grammar, spelling, punctuation, organization and even style are flawless. They can increasingly mimic human emotions like empathy.

But the actual content may still have problems.





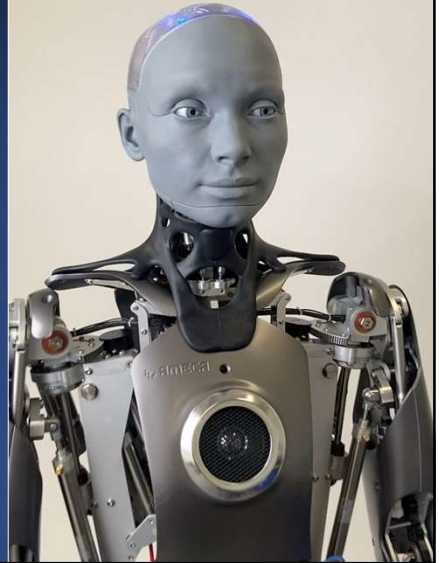
“Chatbot” large
language models
+ AI-driven graphics
that include facial
feature
coordination

=

“digital human.”

For the full 3-D robot,
we have Ameca

ENGINEERED
ARTS



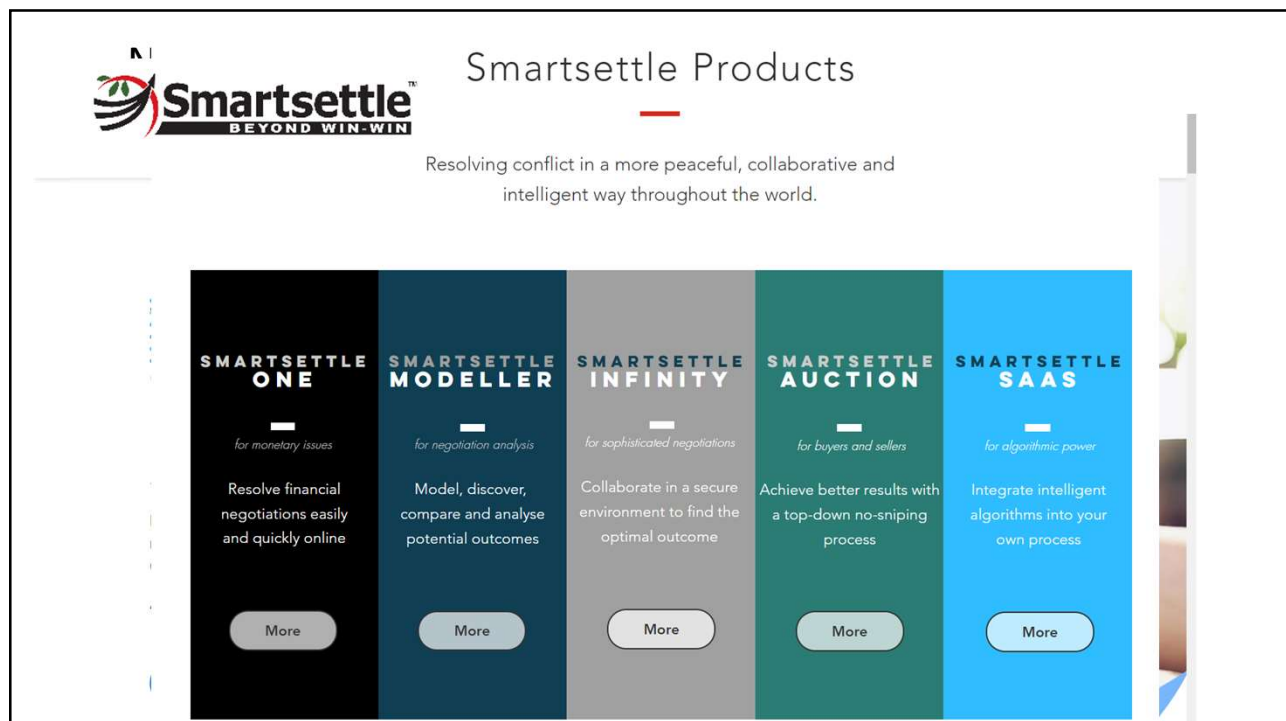
A digital human or a robot, with the ability to recognize human emotions and to mimic empathy, could be a very useful assistant.

Available 24x7, and able to speak many languages.



Example uses of AI in the legal processes today

- ◆ Negotiation and settlement
- ◆ Analysis of data, documents or large volumes of materials
- ◆ Legal research, drafting
- ◆ Outcome prediction
- ◆ Sentencing recommendations
- ◆ Replacing lawyers and judges – maybe not just yet.



The image is a screenshot of the Smartsettle website. At the top left is the Smartsettle logo, which includes a stylized 'AI' icon and the tagline 'BEYOND WIN-WIN'. To the right of the logo, the text 'Smartsettle Products' is displayed. Below this, a subtitle reads: 'Resolving conflict in a more peaceful, collaborative and intelligent way throughout the world.' The main content area features five vertical panels, each representing a different product:

- SMARTSETTLE ONE** (dark blue panel): 'for monetary issues'. Description: 'Resolve financial negotiations easily and quickly online'. Button: 'More'.
- SMARTSETTLE MODELLER** (medium blue panel): 'for negotiation analysis'. Description: 'Model, discover, compare and analyse potential outcomes'. Button: 'More'.
- SMARTSETTLE INFINITY** (light blue panel): 'for sophisticated negotiations'. Description: 'Collaborate in a secure environment to find the optimal outcome'. Button: 'More'.
- SMARTSETTLE AUCTION** (teal panel): 'for buyers and sellers'. Description: 'Achieve better results with a top-down no-sniping process'. Button: 'More'.
- SMARTSETTLE SAAS** (bright blue panel): 'for algorithmic power'. Description: 'Integrate intelligent algorithms into your own process'. Button: 'More'.

Analysis of data, documents or large volumes of materials

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Source: www.courtlistener.com

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376 U.S. 254 (1964)

NEW YORK TIMES CO.
v.
SULLIVAN.
No. 39.
Supreme Court of United States.
Argued January 6, 1964.
Decided March 9, 1964.^[*]
CERTIORARI TO THE SUPREME COURT OF ALABAMA.

*255 Herbert Wechsler argued the cause for petitioner in No. 39. With him on the brief were Herbert Brownell, Thomas F. Doly, Louis M. Loeb, T. Eric Embry, Marvin E. Frankel, Ronald S. Diana and Doris Wechsler.

William P. Rogers and Samuel R. Pierce, Jr. argued the cause for petitioners in No. 40. With Mr. Pierce on the brief were J. H. Wachtel, Charles S. Conley, Benjamin Spiegel, Raymond S. Harris, Harry H. Wachtel, Joseph B. Russell, David N. Brainin, Stephen J. Jelin and Charles B. Markham.

M. Roland Nachman, Jr. argued the cause for respondent in both cases. With him on the brief were Sam Rice Baker and Calvin Whitesell.

6 Aug. 11, 2021.) The Court should quash the Reddit Subpoena because Respondents cannot show
7 Doe acted with actual malice; fail to plead publication; the statements are protected opinion or
8 rhetorical hyperbole; and the statements are substantially true.
9
10 a) Respondents cannot show actual malice.
11 The Complaint alleges that Respondents are public figures and that the actual malice
12 standard applies, but Respondents cannot show actual malice. (See, e.g., [Compl. ¶¶ 11-17](#)
13 (describing the large number of *Sword and Scale's* listeners and people who discuss it online),
14 [37-44, 49-50](#) (alleging that Doe acted with actual malice); see also [New York Times Co. v. Sullivan](#), 376 U.S. 254 (1964).) Where, as here, the plaintiff is a public figure, it must show that
15 the defendant published the allegedly defamatory statements with actual malice, i.e., with
16 knowledge of their falsity or with reckless disregard for their truth. (See [Gertz v. Robert Welch, Inc.](#),
17 [418 U.S. 323, 334](#) (1974).)
18
19 There are two classes of "public figures": "general public figures" and "limited public
20 figures." General public figures have enough "fame or notoriety in a community" so they "are
21 always considered public figures," while limited public figures "have thrust themselves to the
22 forefront of particular public controversies in order to influence the resolution of the issues
23
24 ² In fact, the law of Texas should apply to Respondents' claims because Boudett, the subject of the
25 allegedly defamatory statements, is a Texas resident. ([Compl. ¶ 3](#).) And under Texas law, the
26 statements identified in Complaint ¶s 14, 15, and 16 are time-barred under the one-year statute of
27 limitations for defamation. (See [Boutwell v. Austin Ind. Sch. Dist.](#), No. 03-02-00786-CV, at *1 (Tex.
28 App. May 27, 2004) (statute of limitations for defamation claims is one year from the day after the
29 cause of action accrues); [Tex. Civ. Prac. & Rem. Code § 16.002\(a\)](#); see also [Pappert v.](#)
30 [NBC Universal Media, LLC](#), 734 F.3d 615, 615-16 (7th Cir. 2013) (noting that every state court
31 that has considered the single publication rule in the internet context has applied it); it's no
32 coincidence that California's key cases on First Amendment anonymous speech such as *Krisley*
33 are interpreting Florida law. Plaintiffs regularly try to take advantage of Florida's longer statute of
34 limitations even when the dispute does not concern conduct in Florida or Florida residents.)
35
36 PETITIONER'S MEMORANDUM OF POINTS AND
37 AUTHORITIES IN SUPPORT OF PETITION TO QUASH SUBPOENA
38
39

Legal research, drafting

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Steven Schwartz



Peter LoDuca

has complied. (ECF 25, 27, 29.) Six of the submitted cases appear to be bogus judicial decisions with bogus quotes and bogus internal citations. Set forth below is an Order to show cause why plaintiff's counsel ought not be sanctioned.

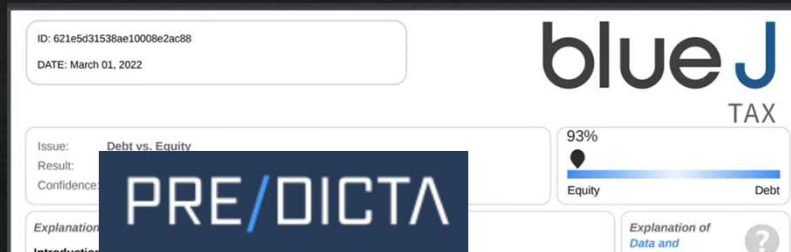
Legal research, drafting



Thomson Reuters
Westlaw Edge™



Outcome prediction



AI Case Road-Mapping

Your Case, Data Profiled: Case metrics based on the unique fingerprint or 'DNA' for each case.

MOTION PREDICTION

Predicting motion to dismiss decisions with **85% accuracy**, using patent pending AI.

LITIGATION TIMELINES

Forecasting time to potential outcomes for the entire litigation lifecycle.

PRE/DICTA MOTION MODELS™

Proprietary statistical modeling for motions to compel, summary judgement, transfer, & class certification.

JUDICIAL BENCHMARKING

Leveraging AI case profiling comparing your judge, biographical twins, and other courts within the circuit.

identity of interest in different circumstances. However, it is clear you are trying to indicate an identity of interest in your scenario.)

Finances

The financial circumstances in your scenario point in different directions. On one hand, there was a degree of financial risk in that the issuer was thinly capitalized, and funds were used primarily to acquire capital assets. On the other hand, the issuer could have obtained similar funding from an arm's-length source, weighing in

Court would reach. The higher the probability, the more confident we are that our algorithm has provided the correct likely classification. Low confidence indicates that the set of facts will be a close call.

Sentencing recommendations

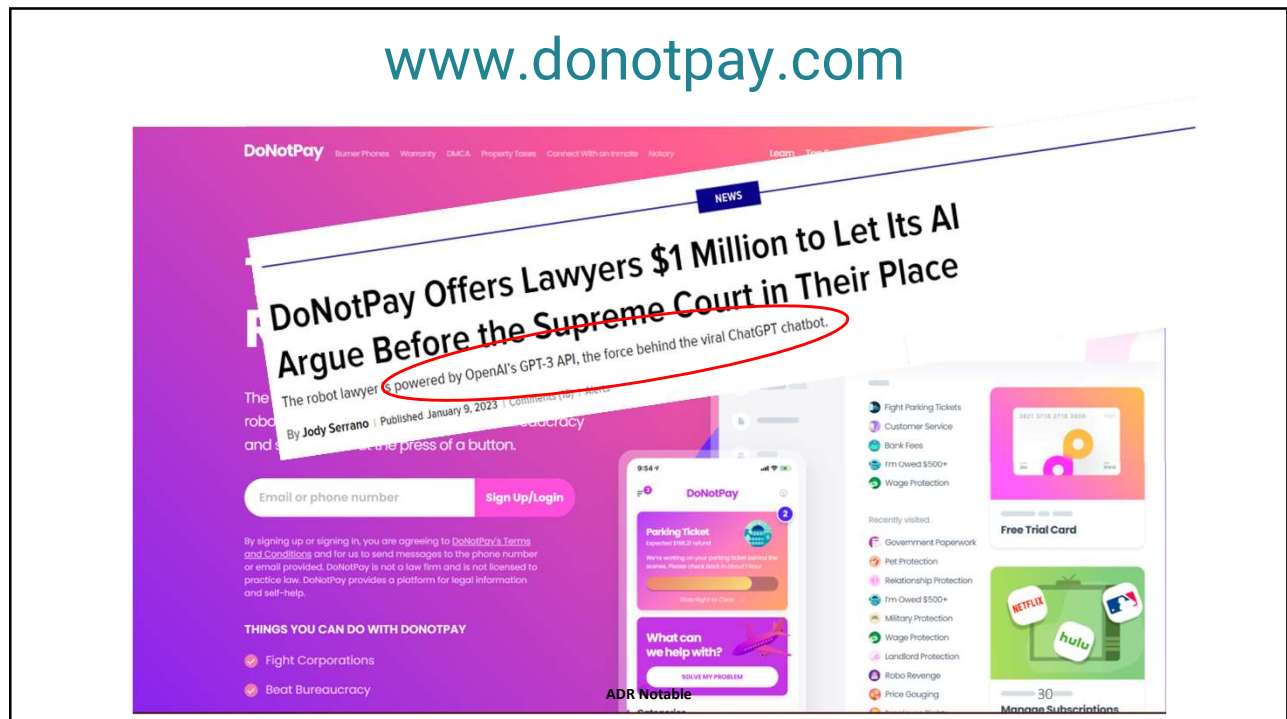


The image is a screenshot of the Equivant website. The top navigation bar includes the Equivant logo and links for 'Our Solutions', 'Who We Support', 'About Us', 'Resources', 'Blog', and 'Contact Us'. The main content area is titled 'OUR PRODUCTS' and features a section for 'NORTHPOINTE SUITE RISK NEEDS ASSESSMENTS'. This section includes a descriptive paragraph about the assessment's purpose in managing justice-involved individuals, a list of 'KEY FEATURES' such as risk assessment tools and integrated case plans, and a list of 'WHO IT SERVES' including probation and parole officers. At the bottom of the section are three buttons: 'REQUEST MORE INFO', 'VIEW PRODUCT DETAILS', and 'WATCH VIDEO'. The background of the content area shows a blurred image of hands interacting with a laptop.

Replacing lawyers and judges – maybe not just yet.



www.donotpay.com



Can AI Be a Fair Judge in Court? Estonia Thinks So

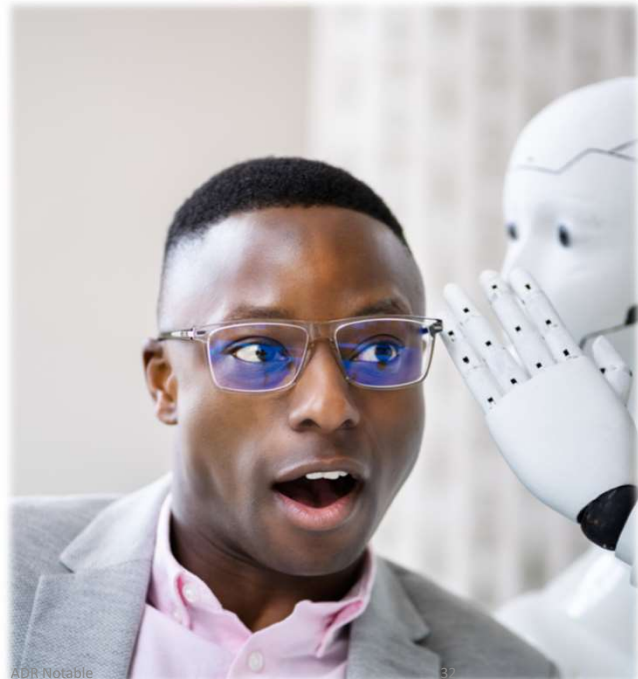
Estonia plans to use an artificial intelligence program to decide some small-claims cases, part of a push to make government services smarter.



WIRED STAFF; GETTY IMAGES

AI challenges

- Controversial - Accuracy
 - Reliability
 - Intentional misuse
 - Embedded bias
 - “Black box” issue
 - What happens to the data collected?
- General acceptance – is society ready?





ADR Notable


30

<https://www.ohiolegalhelp.org/>

Where might we start? Imagine combining today's information websites with an interactive chatbot like our 'cardiac coach'.

<https://www.lawhelpnewmexico.org/>




I invite you to try out artificial intelligence with the chattiest of chatbots, Pi.ai

How could artificial intelligence help with the administration of courts?

34



ADR Notable

Mediation Management Made Easy.



Gary Doernhoefer, Founder
gdoernhoefer@adrnotable.com



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Mediation Management Made Easy.

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Gary Doernhoefer, Founder of ADR Notable: Case management for ADR

LINKS TO PRODUCTS AND SERVICES REFERENCED IN THE PRESENTATION:

1. CICERO – Game-playing AI [Cicero on YouTube](#)
2. SOPHIE – Digital human as ‘cardiac coach’ [Sophie on YouTube](#)
3. SMARTSETTLE <https://www.smartsettle.com/>
4. ODR.COM <https://odr.com/>
5. CLEARBRIEF <https://clearbrief.com/>
6. CASETEXT <https://casetext.com/>
7. COMPAS <https://www.equivant.com/northpointe-risk-need-assessments/>
8. BLUE J <https://www.bluej.com/>
9. LEXIS <https://www.lexisnexis.com/en-us/products/lexis-plus-ai.page>
10. WESTLAW <https://legal.thomsonreuters.com/en/products/westlaw-edge>
11. PRE/DICTA <https://www.pre-dicta.com/>

<https://pi.ai/talk>