



Practical Guidance

Generative Artificial Intelligence (AI) Resource Kit

This resource kit provides an overview of current practical guidance on generative AI, ChatGPT, and similar tools. It is organized by practice area and will be updated with new developments regularly. For a general primer on ChatGPT and generative AI, please see the article, [ChatGPT Impacts and Warnings](#), discussing what it is, the impacts, benefits, and warnings regarding its use. In addition, consider reviewing the [Lexis+ Legal AI Update](#) offering results of a survey of legal professionals and their planned use of Generative AI going forward. Also, please see this [Practical Guidance Journal Edition](#) featuring generative AI insights.

To follow legislative developments related to ChatGPT and Generative AI, see [ChatGPT Draws State Lawmakers' Attention to AI/Congress Largely Inactive on AI](#), and follow Legislative Updates and Actions Related to AI Regulation.

Intellectual Property & Technology

This section offers guidance spanning basic issues to help practitioners develop a better understanding of generative AI, as well as issues surrounding its use. Also included are developing legal news items and related decisions.

Practical Guidance Documents	Notes	Practical Guidance Content Type
NIST Issues Artificial Intelligence Risk Management Framework (AI RMF 1.0) Not a subscriber? Access the PDF.	The Risk Management Framework provides guidance to users of AI. Although compliance is voluntary, it is expected to help existing or future users manage the risks associated with the use of AI. The Risk Management Framework sets forth principles for managing risks related to validity and reliability, safety, security and resiliency, explainability, and interpretability, privacy, and fairness and bias.	Article
Biometric Privacy and Artificial Intelligence Legal Developments Not a subscriber? Access the PDF.	This practice note discusses emerging legal issues concerning the collection, use, and disclosure of biometric data and artificial intelligence (AI).	Practice Note
On the Fringe of Infringement with AI and ChatGPT Podcast Not a subscriber? Access the PDF.	This podcast practice note discusses artificial intelligence, ChatGPT, practical issues to consider when creating and using AI in creative work, and some cases arising out of AI infringement claims.	Practice Note

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<p><u>Patent Protection for Artificial Intelligence and Machine Learning</u></p> <p>Not a subscriber? <u>Access the PDF.</u></p>	<p>This practice note discusses patenting artificial intelligence (AI), machine learning (ML), and related inventions. The note provides a high-level overview of AI and ML, provides tips for drafting a patent application directed to inventions relating to AI and ML, and discusses trends and strategies for handling prosecution of such inventions.</p>	<p>Practice Note</p>
<p><u>Generative AIs Challenged By Copyright and Related Rights: A Comparative Approach in European and U.S. Law</u></p> <p>Not a subscriber? <u>Access the PDF.</u></p>	<p>Since its launch on November 30th, ChatGPT has been heralded as a major technological breakthrough, with the potential to create and speak like a human. Microsoft has said it is ready to invest \$10 billion in the company behind ChatGPT, OpenAI, in order to integrate it into its search engine Bing and compete successfully with Google. After the huge success of OpenAI's ChatGPT, Google has announced its version: Google Bard.</p>	<p>Article</p>
<p><u>ChatGPT Impacts and Warnings</u></p> <p>Not a subscriber? <u>Access the PDF.</u></p>	<p>Released in November 2022, ChatGPT is one of the newest large language models to be publicly accessible in the form of a chatbot. This type of AI has been trained, taking huge volumes of text, removing key words from their context, and rewarding the model for correctly predicting the missing word.</p>	<p>Article</p>
<p><u>Trade Secrets May Offer The Best Protection For AI Innovation</u></p> <p>Not a subscriber? <u>Access the PDF.</u></p>	<p>Protecting artificial intelligence as intellectual property raises interesting legal questions. The inability to patent abstract ideas may present a challenge to patenting aspects of AI-related innovations.</p>	<p>Article</p>
<p><u>Artificial Intelligence and Automation in E-Commerce</u></p> <p>Not a subscriber? <u>Access the PDF.</u></p>	<p>This practice note discusses legal issues arising from the increasing use of artificial intelligence and automation in conducting e-commerce.</p>	<p>Practice Note</p>
<p><u>AI-Generated Comic Art Not Protected, Copyright Office Says</u></p> <p>Not a subscriber? <u>Access the PDF.</u></p>	<p>Discusses a Copyright Office decision to cancel part of an artist's copyright registration of material that used images generated by an AI tool.</p>	<p>Article</p>

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A Look At Future AI Questions For The US Copyright Office Not a subscriber? Access the PDF.	<p>Artificial intelligence creativity is already affecting copyright law, and challenging the historical frameworks in which authors have secured exclusivity for their work. A baseline question is whether or not AI or AI-assisted works, such as music, visual arts and literature, are currently protectable by copyright in the U.S.</p>	Article
Copyright Office Offers New View On AI-Assisted Art Not a subscriber? Access the PDF.	<p>In a policy statement set to be released in the Federal Register, the U.S. Copyright Office offered guidance on AI-generated art, a concept that is growing more prolific and has raised legal concerns about ownership of the works, as well as potential infringement.</p>	Article
Artists Slam AI Apps As '21st-Century Collage Tool' In IP Suit Not a subscriber? Access the PDF.	<p>Discusses proposed class-action lawsuit filed by three artists against the creators of popular artificial intelligence art platforms, including Stable Diffusion and Midjourney, and art-sharing website DeviantArt, over claims that they are violating the rights of millions of artists.</p>	Article
The Perils And Promise Of ChatGPT As A Patent Drafting Aid Not a subscriber? Access the PDF.	<p>Since its release late last year, OpenAI's chatbot has sparked fascination and concern thanks to its ability to generate clear and human-sounding text about virtually any topic, in any style. But while the tool has potential to assist in some aspects of the laborious process of patent drafting, it carries a risk of creating more work — or torpedoing the patent before it's even written.</p>	Article

Civil Litigation

This section includes articles about recent legal developments and guidance for litigators related to the use of generative AI.

Practical Guidance Documents	Notes	Practical Guidance Content Type
AI and Legal Ethics: What Lawyers Need to Know Not a subscriber? Access the PDF.	<p>This practice note discusses ethical issues litigators must be aware of when considering using generative artificial intelligence (AI) technology in their practice and covers topics such as the many ways litigators may use AI and the specific professional ethics rules that apply.</p>	Practice Note

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<p><u>Artificial Intelligence: A Judge's View of Generative AI</u></p> <p>Not a subscriber? <u>Access the PDF.</u></p>	<p>This practice note provides a judge's insights into the use of generative artificial intelligence (GAI) in civil litigation and covers topics such as potential uses of GAI, ethical concerns, how specific rules apply to GAI, discovery issues, and key takeaways.</p>	<p>Practice Note</p>
<p><u>Lawyers and ChatGPT: Best Practices</u></p> <p>Not a subscriber? <u>Access the PDF.</u></p>	<p>This practice note provides an overview of the primary issues relating to the use of ChatGPT, a new artificial intelligence (AI) chatbot, in the practice of law. It discusses key issues that lawyers should consider when using ChatGPT or other artificial intelligence programs as tools in their practice and advises of possible uses of ChatGPT in daily practice.</p>	<p>Practice Note</p>
<p><u>Generative AI in Litigation: 5 Key Considerations Before Using Generative AI Infographic Checklist</u></p> <p>Not a subscriber? <u>Access the PDF.</u></p>	<p>This infographic checklist provides an overview of five key considerations attorneys should keep in mind before using generative artificial intelligence (AI) apps, like ChatGPT, in their next litigation and, more broadly, in their legal practice.</p>	<p>Checklist</p>
<p><u>Litigation Technology Competence State Law Survey</u></p> <p>Not a subscriber? <u>Access the PDF.</u></p>	<p>This state law survey summarizes whether or not each of the 50 states and the District of Columbia have formally adopted Comment 8 to Model Rule 1.1 of the Model Rules of Professional Conduct concerning litigation technology competence and identifies the applicable rules, where appropriate.</p>	<p>State Law Survey</p>
<p><u>Evaluating The Legal Ethics Of A ChatGPT-Authored Motion</u></p> <p>Not a subscriber? <u>Access the PDF.</u></p>	<p>This article presents the results of a simple test of ChatGPT's ability to play lawyer and discusses the legal and ethical issues implicated under both the Texas Disciplinary Rules of Professional Conduct and court rules of civil procedure.</p>	<p>Article</p>
<p><u>Litigators Should Approach AI Tools With Caution</u></p> <p>Not a subscriber? <u>Access the PDF.</u></p>	<p>While ChatGPT certainly presents unique opportunities to litigators for streamlining certain areas of practice, they should be cautious of potential pitfalls with handing over the reins.</p>	<p>Article</p>

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<u>The Other Side Says Your Evidence Is A Deepfake. Now What?</u> Not a subscriber? Access the PDF.	<p>There are two central concerns about deepfakes in the courtroom. First, as manipulated media becomes more realistic and harder to detect, the risk increases of falsified evidence finding its way into the record and causing an unjust result.</p>	Article
<u>Why Legal Depts. Should Embrace AI's Work Potential</u> Not a subscriber? Access the PDF.	<p>ChatGPT and generative artificial intelligence technology have grabbed the attention of in-house legal departments, raising questions about what these new tools can do as well as possible concerns about what it all means for the future of legal work.</p>	Article

Commercial Transactions

This section provides guidance related to the use of generative AI in business and commerce.

Practical Guidance Documents	Notes	Practical Guidance Content Type
<u>The Use of Artificial Intelligence in the Legal Profession</u> Not a subscriber? Access the PDF.	<p>This article discusses the use of Artificial Intelligence (AI) in the legal profession, including how AI can assist attorneys in accomplishing various legal tasks, as well as concerns that such usage may involve.</p>	Article
<u>Artificial Intelligence Key Legal Issues</u> Not a subscriber? Access the PDF.	<p>Businesses using AI have the option of either developing their own AI or licensing it from a third party, or a combination of the two. Most companies, even when developing their own AI, will license some AI from other sources. As with most IP license agreements, pay attention to the key transaction terms below when licensing AI and its component parts (including software, for example.)</p>	Practice Note

Labor & Employment

Employers are facing new challenges and benefits with the emergence of Chat GPT and other generative AI tools. This section offers guidance on the risks and benefits of using generative AI in the workplace, and warnings related to its use in employee hiring and assessments.

Practical Guidance Documents	Notes	Practical Guidance Content Type
<u>Artificial Intelligence (AI) Driven Tools in the Workplace Policy (with Acknowledgment)</u> Not a subscriber? Access the PDF.	<p>This template is intended to provide a framework for a policy concerning use of artificial intelligence (AI) driven tools in the workplace. Employers are advised to adopt a policy to indicate the limits on AI's use in the workplace. This template contains practical guidance, drafting notes, and an alternate clause.</p>	Template

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<p><u>ChatGPT Risks and the Need for Corporate Policies</u></p> <p>Not a subscriber? <u>Access the PDF.</u></p>	<p>ChatGPT is being used by employees and consultants in business today. Thus, businesses are well advised to evaluate the issues and risks to determine what policies or technical guardrails, if any, should be imposed on Generative AI's use in the workplace.</p>	<p>Article</p>
<p><u>The Implications of Using ChatGPT in the Workplace</u></p> <p>Not a subscriber? <u>Access the PDF.</u></p>	<p>Many of the uses for Chat GPT are in the workplace, with roughly 27% of professionals saying they've used ChatGPT for work-related tasks. Many workplace ChatGPT users don't disclose that they use it and only 32% use ChatGPT with their boss' knowledge.</p>	<p>Article</p>
<p><u>Legal Developments Around the Use of Artificial Intelligence in Hiring and Assessing</u></p> <p>Not a subscriber? <u>Access the PDF.</u></p>	<p>Today, a variety of artificial intelligence (AI) employment assessment tools are available to assist employers with nearly every stage of the hiring cycle, from recruiting and assessing job candidates to measuring the performance of current employees. There have been recent legal developments relating to the regulation of AI employment assessment tools.</p>	<p>Article</p>
<p><u>Artificial Intelligence and Robots in the Workplace: Best Practices</u></p> <p>Not a subscriber? <u>Access the PDF.</u></p>	<p>This practice note provides guidance and best practices for counseling employers on the legal implications of integrating artificial intelligence (AI) and robots into their workplaces and discusses ways to integrate AI into the practice of law and the risks of using AI in screening and hiring.</p>	<p>Practice Note</p>