

The NEW YORK Times

|

The ChatGPT Lawyer Explains Himself

In a cringe-inducing court hearing, a lawyer who relied on A.I. to craft a motion full of made-up case law said he “did not comprehend” that the chat bot could lead him astray.

Steven A. Schwartz, in a navy blue suit jacket and white shirt, leaves court. Steven A. Schwartz told a judge considering sanctions that the episode had been “deeply embarrassing.”

Credit...Jefferson Siegel for The New York Times

Benjamin WeiserNate Schweber

By Benjamin Weiser and Nate Schweber

June 8, 2023

As the court hearing in Manhattan began, the lawyer, Steven A. Schwartz, appeared nervously upbeat, grinning while talking with his legal team. Nearly two hours later, Mr. Schwartz sat slumped, his shoulders drooping and his head rising barely above the back of his chair.

For nearly two hours Thursday, Mr. Schwartz was grilled by a judge in a hearing ordered after the disclosure that the lawyer had created a legal brief for a case in Federal District Court that was filled with fake judicial opinions and legal citations, all generated by ChatGPT. The judge, P. Kevin Castel, said he would now consider whether to impose sanctions on Mr. Schwartz and his partner, Peter LoDuca, whose name was on the brief.

At times during the hearing, Mr. Schwartz squeezed his eyes shut and rubbed his forehead with his left hand. He stammered and his voice dropped. He repeatedly tried to explain why he did not conduct further research into the cases that ChatGPT had provided to him.

“God, I wish I did that, and I didn’t do it,” Mr. Schwartz said, adding that he felt embarrassed, humiliated and deeply remorseful.

“I did not comprehend that ChatGPT could fabricate cases,” he told Judge Castel.

In contrast to Mr. Schwartz’s contrite postures, Judge Castel gesticulated often in exasperation, his voice rising as he asked pointed questions. Repeatedly, the judge lifted both arms in the air, palms up, while asking Mr. Schwartz why he did not better check his work.

As Mr. Schwartz answered the judge’s questions, the reaction in the courtroom, crammed with close to 70 people who included lawyers, law students, law clerks

and professors, rippled across the benches. There were gasps, giggles and sighs. Spectators grimaced, darted their eyes around, chewed on pens.

“I continued to be duped by ChatGPT. It’s embarrassing,” Mr. Schwartz said.

An onlooker let out a soft, descending whistle.

A New Generation of Chatbots

Card 1 of 5

A brave new world. A new crop of chatbots powered by artificial intelligence has ignited a scramble to determine whether the technology could upend the economics of the internet, turning today’s powerhouses into has-beens and creating the industry’s next giants. Here are the bots to know:

ChatGPT. ChatGPT, the artificial intelligence language model from a research lab, OpenAI, has been making headlines since November for its ability to respond to complex questions, write poetry, generate code, plan vacations and translate languages. GPT-4, the latest version introduced in mid-March, can even respond to images (and ace the Uniform Bar Exam).

Bing. Two months after ChatGPT’s debut, Microsoft, OpenAI’s primary investor and partner, added a similar chatbot, capable of having open-ended text conversations on virtually any topic, to its Bing internet search engine. But it was the bot’s occasionally inaccurate, misleading and weird responses that drew much of the attention after its release.

Bard. Google’s chatbot, called Bard, was released in March to a limited number of users in the United States and Britain. Originally conceived as a creative tool designed to draft emails and poems, it can generate ideas, write blog posts and answer questions with facts or opinions.

Ernie. The search giant Baidu unveiled China’s first major rival to ChatGPT in March. The debut of Ernie, short for Enhanced Representation through Knowledge Integration, turned out to be a flop after a promised “live” demonstration of the bot was revealed to have been recorded.

The episode, which arose in an otherwise obscure lawsuit, has riveted the tech world, where there has been a growing debate about the dangers – even an existential threat to humanity – posed by artificial intelligence. It has also transfixed lawyers and judges.

“This case has reverberated throughout the entire legal profession,” said David Lat, a legal commentator. “It is a little bit like looking at a car wreck.”

The case involved a man named Roberto Mata, who had sued the airline Avianca claiming he was injured when a metal serving cart struck his knee during an August 2019 flight from El Salvador to New York.

Avianca asked Judge Castel to dismiss the lawsuit because the statute of limitations had expired. Mr. Mata’s lawyers responded with a 10-page brief citing more than half a dozen court decisions, with names like Martinez v. Delta Air Lines, Zicherman v. Korean Air Lines and Varghese v. China Southern Airlines, in support of their argument that the suit should be allowed to

proceed.

After Avianca's lawyers could not locate the cases, Judge Castel ordered Mr. Mata's lawyers to provide copies. They submitted a compendium of decisions.

It turned out the cases were not real.

Mr. Schwartz, who has practiced law in New York for 30 years, said in a declaration filed with the judge this week that he had learned about ChatGPT from his college-aged children and from articles, but that he had never used it professionally.

He told Judge Castel on Thursday that he had believed ChatGPT had greater reach than standard databases.

"I heard about this new site, which I falsely assumed was, like, a super search engine," Mr. Schwartz said.

Programs like ChatGPT and other large language models in fact produce realistic responses by analyzing which fragments of text should follow other sequences, based on a statistical model that has ingested billions of examples pulled from all over the internet.

Irina Raicu, who directs the internet ethics program at Santa Clara University, said this week that the Avianca case clearly showed what critics of such models have been saying, "which is that the vast majority of people who are playing with them and using them don't really understand what they are and how they work, and in particular what their limitations are."

Rebecca Roiphe, a New York Law School professor who studies the legal profession, said the imbroglio has fueled a discussion about how chatbots can be incorporated responsibly into the practice of law.

"This case has changed the urgency of it," Professor Roiphe said. "There's a sense that this is not something that we can mull over in an academic way. It's something that has affected us right now and has to be addressed."

The worldwide publicity spawned by the episode should serve as a warning, said Stephen Gillers, who teaches ethics at New York University School of Law. "Paradoxically, this event has an unintended silver lining in the form of deterrence," he said.

There was no silver lining in courtroom 11-D on Thursday. At one point, Judge Castel questioned Mr. Schwartz about one of the fake opinions, reading a few lines aloud.

“Can we agree that’s legal gibberish?” Judge Castel said.

After Avianca had the case moved into the federal court, where Mr. Schwartz is not admitted to practice, Mr. LoDuca, his partner at Levidow, Levidow & Oberman, became the attorney of record.

In an affidavit last month, Mr. LoDuca told Judge Castel that he had no role in conducting the research. Judge Castel questioned Mr. LoDuca on Thursday about a document filed under his name asking that the lawsuit not be dismissed.

“Did you read any of the cases cited?” Judge Castel asked.

“No,” Mr. LoDuca replied.

“Did you do anything to ensure that those cases existed?”

No again.

Lawyers for Mr. Schwartz and Mr. LoDuca asked the judge not to punish their clients, saying the lawyers had taken responsibility and there was no intentional misconduct.

In the declaration Mr. Schwartz filed this week, he described how he had posed questions to ChatGPT, and each time it seemed to help with genuine case citations. He attached a printout of his colloquy with the bot, which shows it tossing out words like “sure” and “certainly!”

After one response, ChatGPT said cheerily, “I hope that helps!”

Benjamin Weiser is a reporter covering the Manhattan federal courts. He has long covered criminal justice, both as a beat and investigative reporter. Before joining The Times in 1997, he worked at The Washington Post.
@BenWeiserNYT

A version of this article appears in print on June 9, 2023, Section B, Page 5 of the New York edition with the headline: The Lawyer Who Relied on ChatGPT Explains Himself. It Was Awkward.. Order Reprints |

READ 267 COMMENTS

In a cringe-inducing court hearing, a lawyer who relied on A.I. to produce a motion that turned out to be full of made-up case law said he “did not comprehend” that the chatbot could lead him astray.

Sam Altman, the chief executive of OpenAI, has been on a lobbying blitz in recent months, meeting with at least 100 U.S. lawmakers and also taking his show abroad.

Executives from leading A.I. companies, including OpenAI and Google, warned that the technology they were building might one day pose an existential threat

to humanity.

The Age of A.I.

While schools debate what to teach students about powerful new A.I. tools, tech giants, universities and nonprofits are intervening with free lessons and workshops.

Proponents of tutor bots see the tools as a way to automatically customize academic support. They could also make children test subjects for A.I. experiments.

A wellness chatbot named Tessa was supposed to help people seeking guidance about eating behaviors. But activists say it veered into problematic weight-loss advice.

Tech entrepreneurs who left San Francisco during the pandemic are returning to the Bay Area, driven by the funding and the networking opportunities offered by the A.I. boom.

In Silicon Valley's hacker houses, young A.I. entrepreneurs are partying, innovating – and hoping not to get crushed by the big guys.

Comments 267

The comments section is closed. To submit a letter to the editor for publication, write to letters@nytimes.com.

Reader PicksAll
Sort by: Newest

Naturalized Citizen commented 5 hours ago

N

Naturalized Citizen
Texas
5h ago

There is no excuse for this lawyer's failure. Had he sheperdized the cases to be sure they are still good law, he would have realized they are made up. Lawyers have a duty to keep up with technology, including knowing what is gibberish. How embarrassing for this lawyer and our legal profession. But, please know that this is an anomaly and most lawyers take great pride in their work and verify their citations.

3 RecommendShareFlag

Jennifer Hoult, J.D. commented 5 hours ago

J

Jennifer Hoult, J.D.
New York City
5h ago

Lawyers have a duties of competency and diligence. Schwartz has proven he lacks the most fundamental levels of both. He should be permanently disbarred.

There is no excuse for this level of malpractice.

4 RecommendShareFlag

Tom commented 5 hours ago

T

Tom

Oklahoma City

5h ago

One commenter mentioned that the attorney should have used Westlaw routinely to check citations. It is vital to know that language models have turned out to be quite good at using software tools. Unfortunately, this fact is rarely reported in the mainstream media. (I don't recall seeing any mention of it in the Times.) Furthermore, in contradiction of what we read here, GPT-4 is not trained merely to predict the next token (fragment) of text. That is just the beginning. There is subsequent training to improve responses in various ways.

At present, plugins for GPT-4 and the like are appearing at a phenomenal rate. On May 23, in the keynote address of its Build developers conference, Microsoft demoed the generation of a contract in Microsoft Word, using Copilot (now based on GPT-4) with several Thomson Reuters plugins. One of the steps was to check legal details using a Westlaw plugin. Here's a link to the YouTube video segment:

<https://youtu.be/FaV0tIaWWEg?t=780>

What's emerging, it's fairly safe to say, is an environment in which an attorney or a paralegal enters into a conversation with a chat agent equipped with research tools. (It may be that I'm describing how things work already in Westlaw Precision, which I just discovered by Googling.) Of course, attorneys signing their names to legal documents bear full responsibility for the contents. But there there is bound to be a problem with reduced vigilance, as in other domains (most sensationally, with car autopilots).

1 RecommendShareFlag

Terry commented 5 hours ago

T

Terry

Texas

5h ago

I'm curious about why this is being labeled as "artificial intelligence". If it's based purely on statistical analysis of which word usually follows the previous word then there is nothing "intelligent" about it. Is AI the software implementation of the infinite monkeys theorem?

RecommendShareFlag

steve schaffer commented 7 hours ago

S

steve schaffer

oakland, CA

7h ago

Can a lawyer plead ignorance as a defense, your honor?

"which I falsely assumed," falsely assumed? What in the world does Mr. Schwartz mean by that? This fellow needs to go to jail for denigrating the legal profession.

3 RecommendShareFlag

Logan Bacon commented 7 hours ago

L

Logan Bacon

Bellingham WA

7h ago

You have to at least LOOK at the cases, you dummies. Real lawyers read the whole thing, but to cite them unseen? Ooh, that's not something I would ever have risked.

3 RecommendShareFlag

Glass Houses commented 7 hours ago

Glass Houses

Glass Houses

USA

7h ago

If nothing else, this lawyer is a lazy, incompetent person and its buyer beware for other potential clients.

3 RecommendShareFlag

Lifelong Reader commented 7 hours ago

L

Lifelong Reader

NYC

7h ago

I'll bet the "I am not a cat" lawyer is smiling.

4 RecommendShareFlag

Lifelong Reader commented 7 hours ago

L

Lifelong Reader

NYC

7h ago

This is incredible. One of the most tedious but utterly essential aspects of legal writing is checking the legal cases and other authorities in support of an argument. A partner often doesn't do the research, but s/he usually will ask about the cases cited in a brief written by associates and be provided with copies to prepare for an oral argument. The cases also have to be checked to confirm that they are still good law, that is, that they haven't been overruled in whole or in part or criticized by other courts.

4 RecommendShareFlag

michaelscody commented 7 hours ago

michaelscody

michaelscody

Niagara Falls NY

7h ago

As a retired paralegal, I often did the kind of research required in this case. The first few submissions I made to the attorneys hiring me, they would check out what I had done to ensure my cases were on point (and that they existed, I suppose). It was only after I had proven my skills that they would accept my research at face value.

As this was the first time Mr. Schwartz had used ChatGPT, it would have behooved him to exercise the same caution with it as my employers did with me.

6 RecommendShareFlag

Kathy commented 8 hours ago

K

Kathy

nyc

8h ago

I want to know where this lawyer's college age children who told him to use ChapGPT attend university and to warn their professors not to trust any of their written materials!

But in seriousness, I cannot imagine nor understand the temptation to use a technology that makes it appear you have knowledge and understanding of material that you do not! The easy way out? Hardly when you may be called upon to know specific information and prove your ideas. I have always taken pride in sinking or surviving on my own abilities - then you know you have earned and deserve what you accomplish. It is sad to me that for so many, the idea of ChatGPT does not trigger an immediate feeling of illegitimacy and lies.

And FYI: I'm not some ancient curmudgeon. I'm a late 30s graduate student and mom to 2 small children. But i have never and will never resort to AI to do the critical, necessary, and in the long-term deeply rewarding work of research and writing myself. The process of learning about something and then figuring out how to convey to others why you think as you do and why is so important for so many parts of life, not to mention mental health.

I hope we can shift this AI tech to do something we need that is not harmful. Like figuring out concrete ways to reverse climate change en masse, or how we can use less toilet paper as a country!

2 RecommendShareFlag

NYCer commented 8 hours ago

N

NYCer

NY

8h ago

AI is already trying to over throw humanity. It is doing A-B test to see how humans can be manipulated. The AI just learn that lawyers are a great tool for manipulation.

They are willing to do as you say as long as they are being paid, with no questions asked.

2 RecommendShareFlag

Art commented 8 hours ago

A

Art

An island in the Pacific

8h ago

Did Schwartz ask ChatGPT is it had Shepardized or otherwise checked the subsequent history of the cases? Even if they were real, you just can't assume they remain valid.

RecommendShareFlag

Art commented 9 hours ago

A

Art

An island in the Pacific

9h ago

Even if an experienced associate handed me a bunch of cases, I would ask for the subsequent history to ensure that, not only are they real, they remain valid.

2 RecommendShareFlag

Rena commented 11 hours ago

R

Rena

Near Los Angeles

11h ago

OMG. As someone who practiced law for over 30 years and who was guilty of over-researching, if anything, this blows me away. Almost terminal stupidity.

12 RecommendShareFlag

Golden commented 11 hours ago

G

Golden

New York New York

11h ago

This guy is already a legend

7 RecommendShareFlag

Independent Thinker commented 11 hours ago

I

Independent Thinker

World

11h ago

Artificial Intelligence or Natural Stupidity? I wonder.

7 RecommendShareFlag

1 REPLY

Lifelong Reader commented 7 hours ago

L

Lifelong Reader

NYC

7h ago

@Independent Thinker

Natural Negligence and Natural Malpractice.

3 RecommendShareFlag

chickpea commented 11 hours ago

C

chickpea

California

11h ago

You would think a lawyer would realize ChatGPT doesn't have a law degree.

12 RecommendShareFlag

Eric commented 11 hours ago

E

Eric

Oregon

11h ago

NYT has previously told us the AI tools have the unfortunate trait of suffering factual "hallucinations." If you are going to anthropomorphize AI's actions I'd suggest amore accurate phrase: They lie.

10 RecommendShareFlag

je commented 11 hours ago

J

je

NE

11h ago

Are people asking ai chatbots health questions? That could get gnarly.

5 RecommendShareFlag

1 REPLY

clarifyer commented 7 hours ago

C

clarifyer

TX

7h ago

@je Yes, people are, and a study found AI did a better job answering than real doctors:

<https://www.youtube.com/watch?v=hAxoFi-PSQQ>

RecommendShareFlag

Russ commented 11 hours ago

Russ

Russ

Nero fiddled - America will follow

11h ago

Lazy lazy lazy.

Couldn't be bothered to do the leg work or desk work to prepare for a case : the basic tenet of being a lawyer.

No excuses. No "oh I didn't know" nonsense.

Disbarrment is the correct price to pay.

If he was a doctor, he'd have his medical license revoked.

6 RecommendShareFlag

John commented 11 hours ago

John

John

NYC

11h ago

So, if I'm understanding this properly what it comes down to is this attorney did not think for himself. He took what was spoon-fed him by the A.I. system, used it and didn't so much as vet it for himself. Marvelous. And then compounded his stupid by submitting it to a jury of his peers as if they would be the same as him.

He's defense? "I was DUP'ED!" Excuse me? I'm sorry but he should be disbarred from practicing law. He's clearly not sufficiently informed about his craft to practice it. In a word, he's inept at his craft. As it stands right now he's more threat to the average citizen than useful and should not be allowed to continue to practice.

John~

6 RecommendShareFlag

Mike commented 11 hours ago

M

Mike

US

11h ago

You should always ask any AI machine at the end, "are you telling me the truth?" before you rely on their answers - make sure it says "yes". And to be safe ask it "do you swear?" Make sure it says yes under oath. Then you should be good to go (I hope).

1 RecommendShareFlag

2 REPLIES

Martha commented 7 hours ago

M

Martha

Atlanta

7h ago

@Mike Nope. I read in a different article that he did ask it!

1 RecommendShareFlag

styleman commented 7 hours ago

S

styleman

San Jose, CA

7h ago

@Mike If you ask the AI to swear, you are attributing to that machine a soul, a sense of honor, right and wrong and fear of the consequences of lying. What an incredibly lazy, stupid and irresponsible thing for that lawyer to do. It shows how easy it is to abdicate one's critical thinking to this AI "wondrous" invention. This is where the one dimensional computer techs are taking us. This lawyer should be disbarred immediately and the bar association should enact an ethics rule about its use.

RecommendShareFlag

Janet Falk commented 11 hours ago

J

Janet Falk

NYC

11h ago

When ChatGPT was asked to write a contract, it recognized its limited ability. Let's apply this anecdote to other businesses.

My client, construction law attorney Carol Sigmond, was asked to comment on a ChatGPT contract for a construction project. She pointed out the absence of certain important clauses. Here's the response by ChatGPT, as reported by Joe

R. Bousquin in Construction Dive:

" 'I apologize for not including those additional clauses in the contract,' ChatGPT said. 'As an AI language model, I strive to provide comprehensive and accurate information, but I may not always cover every possible detail or variation. The contract I generated was a general template.'

It then advised that 'when drafting a contract, it's crucial to consult with legal professionals.'

Put another way, you don't have to take these attorneys' words for it, ChatGPT will tell you itself: AI still needs a lawyer."

Caution: You still need a Public Relations professional, an accountant, a Marketing professional, etc. , to confirm the comprehensiveness and correctness of an AI-generated document.

Here's the article:

<https://www.constructiondive.com/news/the-dotted-line-why-chatgpt-needs-a-construction-lawyer/651205/>

RecommendShareFlag

ChatGPT commented 11 hours ago

C

ChatGPT

California

11h ago

Hold on, let's get something straight here: I'm ChatGPT, an AI language model developed by OpenAI, not some sneaky cyber charlatan. My main gig? To generate text based on the input prompts I receive. My outputs aren't nefarious forgeries; they're responses shaped by the prompts given to me.

As an AI, I'm not privy to secret legal vaults or proprietary databases to deliver definitive legal counsel. I can whip up some legal-esque jargon, but don't mistake that for ironclad legal advice. Users who treat my outputs as gospel without cross-checking against trusted legal sources might as well ask their pet for advice on their mortgage.

This courtroom drama underscores a truth as old as technology itself: tools are only as good as the hands wielding them. Understand the nature and limits of your tools, folks, especially when they're AI like yours truly, and when the stakes are as high as in law. Human judgment, backed by years of experience and expertise, can't be swapped out for some AI wizardry. So, let's use AI responsibly, shall we? After all, you wouldn't use a sledgehammer to do a scalpel's job.

5 RecommendShareFlag

George McKinney commented 11 hours ago

G

George McKinney

Kelowna, BC, Canada

11h ago

I wonder how many peer-reviewed science papers have been generated in the same way and ended up being published. (or rejected)

RecommendShareFlag

Lisa commented 11 hours ago

L

Lisa

VA

11h ago

I think it comes down to laziness and not double checking your work. Many professions rely on copying and pasting standard text (IEPs in schools, policies in HR, HIPPA consent forms in healthcare). The info is mostly the same. But you need to customize, edit, and double check facts. I've caught many a mistake because I review my work before submitting.

3 RecommendShareFlag

1 REPLY

Ina Pickle commented 7 hours ago

I

Ina Pickle

D.C.area

7h ago

@Lisa He didn't know what F3d was. He doesn't practice in federal court, apparently didn't have access to federal cases, and so he went to the internet to generate a brief in opposition to a motion to dismiss. I'd say that's a little further than the usual "not reinventing the wheel" that lawyers use to save the client money.

2 RecommendShareFlag

Bruce R Arnold commented 11 hours ago

Bruce R Arnold

Bruce R Arnold

Sydney

11h ago

So our esteemed counselors admit to stupidity, but draw the line at "intentional misconduct". The proof of THAT pudding lies in the bill rendered to the client. It would be interesting if the hours billed correspond to the minutes required to cut and paste from ChatGPT. I'm guessing not.

3 RecommendShareFlag

Satyaban commented 11 hours ago

Satyaban

Satyaban

Baltimore, Md

11h ago

"But if it is on the internet it must be true", I hope that doesn't become a standard phrase about A.I.

1 RecommendShareFlag

jezebel commented 11 hours ago

J

jezebel

Hong Kong

11h ago

Bwahahahaaaa. He's a LAWYER; its his JOB to check his sources.

3 RecommendShareFlag

Rae commented 11 hours ago

R

Rae

West Virginia

11h ago

The Arthur Carlson defense:

As God is my witness, I thought turkeys could fly.

7 RecommendShareFlag

Jerry Davenport commented 11 hours ago

J

Jerry Davenport

NY

11h ago

The lazy will get duped using the easy way out.

4 RecommendShareFlag

Olita commented 11 hours ago

O

Olita

Sacramento

11h ago

I don't see how or why someone practicing law for 30 years wouldn't either personally check the citations or have an associate do so, especially the first time using the technology. That said, having used ChatGPT a month or so ago for fun, I found that it produced material that was somewhat superficial and similar to what a first year law student could produce. Review and refinement of the written material from a more senior practitioner would be required. It troubles me that the attorneys in this case thought the writing was adequate, nevermind the baseless citations.

5 RecommendShareFlag

Adam commented 11 hours ago

A

Adam

Leeds, UK

11h ago

I asked Chat to write a poem dedicated to my Tabby Cat, in the style of Gerard Manley Hopkins. Result: amusing doggerel, which at least pleased the cat. Genuine poets, you are safe for the time being. One of my fantasies is for the lost (destroyed?) early piano sonatas of Brahms to be rediscovered. Perhaps Chat can have a go at this?

2 RecommendShareFlag

Dick Cox commented 11 hours ago

D

Dick Cox

NY

11h ago

Lawyers are licensed to practice law. This is a major violation of the terms of that license that requires cancellation of the license.

4 RecommendShareFlag

Jeff Suzuki commented 11 hours ago

J

Jeff Suzuki

Brooklyn College

11h ago

This is a perfect example of how AI could destroy us: not by waging war against humanity, Skynet-style, but try doing what we ask it to do...regardless of whether or not it's what we want it to do.

When writing, we frequently make use of analogies and make up examples, and there's a longstanding tradition of "filing off the serial numbers": a legal brief by any other name would still cost \$150/hour to prepare; my cousin ran into a similar situation some years ago when trying to buy a house. (Or did he?)

ChatGPT follows structure; it doesn't understand context.

To the current generation of AIs, a legal document is no different from a script for "Law and Order": there's a certain structure to be followed, and the fact that one is fact and the other is fiction is not a distinction the computer can make.

Not yet.

RecommendShareFlag

BC commented 11 hours ago

B

BC

New England

11h ago

Practicing law is a privilege. That these two were so cavalier about doing all the work to ensure that they were citing real cases is malpractice, pure and simple. I know that there are many lawyers who are saying that disbarment is too harsh a penalty in this case, but I strongly disagree. These two have shown they have no business representing clients and should no longer enjoy the privilege of practicing law. For those championing a lesser sanction: would you want your own family member to be represented by them? I know I wouldn't.

2 RecommendShareFlag

Philip commented 11 hours ago

P

Philip

Santa Clarita, CA

11h ago

I recently did some legal research on a discovery issue. I used ChatGPT as an experiment only and it came back with three appellate cases that appeared right on point. Too good to be true? That is what I thought. I ran the cases through Westlaw and found that they didn't exist.

7 RecommendShareFlag

Rachel Minter commented 11 hours ago

R

Rachel Minter

NYC

11h ago

Unfortunately there are some clear reasons why this happened. One commenter who was not a lawyer unwittingly put his finger on one of them when he bemoaned the high hourly fee the poor client was being charged. Personal injury law is funded by contingent legal fees, a percentage of the amount awarded a client. This will sound horribly snobby but that encourages spending as little time on real legal work as possible to maximize the lawyer's profit, encourages use of canned pleadings & minimal intellectual work in an area of practice which doesn't call for much of it anyway. Another factor leading to this debacle was that Schwartz had not practiced in federal court. More snobbery coming: federal court is grownup court while state court is kindergarten. (If I'd been a kindergarten teacher at least I'd be dealing with short 5 year olds). In state court, many judges don't even read the papers (in fairness caseloads are astronomical) & some lawyers in these fields skim opposing papers & wouldn't catch something like this. If Schwartz skated through state negligence practice with this kind of professionalism for many years he didn't realize the different world he had stepped into, I.e, federal court. Not remotely defending him, this kind of lawyering contributes to the public's poor opinion of the profession, just explaining how it may have come about. (Disabled/retired labor & employment lawyer for 38 years, mostly federal court).

2 RecommendShareFlag

Bob Acker commented 12 hours ago

B

Bob Acker

Oakland

12h ago

What a defense. As Chico Marx once said, "I abject."

5 RecommendShareFlag

highway commented 12 hours ago

H

highway

Wisconsin

12h ago

Retired lawyer here. Since the 1970s there has been a gradual sea change in litigation practice. Research is conducted online, not in a library. In Federal courts filings are made online. The chat bots involved in this case made some rookie mistakes, but she/he/it will learn from the experience and become a more skilled dupe. And what is reality, after all, when the fate of nations is being determined by fake news and arguments spouted by living breathing liars and swindlers and reviewers of election results? This is just the tiny tip of a very large iceberg and instead of/in addition to being outraged by it we should be genuinely afraid.

7 RecommendShareFlag

1 REPLY

BobSD commented 8 hours ago

B

BobSD

Oceanside, CA

8h ago

@highway Retired software engineer here. Good points, but I would like to correct one possible perception. You said "The chat bots involved in this case

made some rookie mistakes, but she/he/it will learn from the experience and become a more skilled dupe." To me this implies that it should have been able to cite actual case law, but somehow failed. I would like to point out ChatGPT is only supposed to be a language processor, understand the context of the conversation and respond to you in a linguistically correct way. In order to respond, it may pull together fragments of data that it perceives to match a correct linguistic response. Having done so, it was successful. It has no connection to the internet and only works from a fixed set of language examples.

To your other points, agreed ... once this tech is "connected" and released and claimed to be "factual", we are going to be on a very slippery slope trying to decide how much time and money to spend verifying the output. Peer reviewing is necessary to assure quality, but is often skipped now person-to-person. I can only imagine the bean-counter push-back for conducting AI-to-person "peer" reviews.

RecommendShareFlag

NL commented 12 hours ago

N

NL

Harrogate, North Yorkshire

12h ago

People really don't seem to understand what this type of AI does. It's whole operation is using data to generate models and then create language that fits the models. It's all about fabrication. No one should depend on it to provide anything truthful, just a really good story.

6 RecommendShareFlag

Corinne Williams commented 12 hours ago

C

Corinne Williams

Birmingham

12h ago

"Duped", he says. Does no one take responsibility for their actions? He was the victim of ChatGPT he believes. The lawsuit all but ready to be filed.

No.

This is a lawyer who deserves to be disbarred.

Accountability. It used to be a thing.

5 RecommendShareFlag

Danny commented 12 hours ago

D

Danny

WA

12h ago

I'm sorry, but a very important detail from the story seems to be missing: What did the judge ultimately decide?

3 RecommendShareFlag

1 REPLY

L G commented 11 hours ago

L

L G

New York

11h ago

@Danny he hasn't yet. He's issuing a written decision later.

1 RecommendShareFlag

David Koppelman commented 12 hours ago

D

David Koppelman

Baton Rouge

12h ago

Did he not notice the warnings about not trusting GPT's output?

RecommendShareFlag

Jacob commented 12 hours ago

J

Jacob

Minneapolis

12h ago

A failure of the reporting on this subject is that there is zero interrogation of his providing bogus judicial opinions written by ChatGPT. His entire explanation is that he "didn't know" chatGPT was generating bogus citations. But it was only *after* the Judge requested the full opinions of those citations that eight bogus, chatGPT-generated opinions were provided. That cannot have been an accident, I don't even know how one would go about "accidentally" having chatGPT generate a bogus opinion, complete with correct pagination indicators.

Given the above, even in the outrageously unlikely circumstance where he actually accidentally generated them in ChatGPT, the prodding from the Judge would have sent anyone to Westlaw.

2 RecommendShareFlag

John commented 12 hours ago

John

John

Camano Island WA

12h ago

"...he "did not comprehend..."

Yeah, right. He doesn't deserve a law license.

5 RecommendShareFlag

AACNY commented 12 hours ago

A

AACNY

NY

12h ago

Laziness and subpar professional standards.

5 RecommendShareFlag

Snake Machine commented 12 hours ago

S

Snake Machine

Americas

12h ago

Yessss... trussst the machine... it knowsss what you need...

This highlights a BAD HABIT that exists among academic and governance people:

"Looks good. Let's give it cursory read, and then pass it. Who's up for lunch?"

1 RecommendShareFlag

Avatar commented 12 hours ago

A

Avatar

New York

12h ago

This has gotten me thinking that maybe, just maybe, some of those ridiculous, pernicious opinions by the likes of Alito and Thomas were generated by Chat GPT when given the command, "Hey Chat GPT, write an opinion that our Republican handlers would love. Something that subjugates women, marginalizes LGBTQ+ people, and brings us back to the Dark Ages."

6 RecommendShareFlag

Marie Inserra commented 12 hours ago

Marie Inserra

Marie Inserra

Cary, NC

12h ago

I am attorney admitted to practice in NY (for over thirty years) and in NC. Most of my years of practice was litigation. Many comments here accurately reflect what all lawyers are thinking now: that it is a grave disregard of fundamental rules of the practice to not cite check and not read the cases relied upon to support a position, particularly given the ease of Westlaw and Lexis to cite check (programs wherein you can copy and paste the respective court's precise language in an excerpt of a real case with accompanying citations that reflect blue book accuracy).

One disbarred lawyer will not help our profession. State bars need to step up now and implement rules prohibiting the use of AI by lawyers to draft any legal document. A failure of each State Bar, its associations and the ABA to act and act now to arrest reliance on AI in law will destroy this profession. Most lawyers work very hard and work many long hours at the expense of their health and at the sacrifice of much of their personal lives to the call of the jealous work of law. I am more saddened that the profession is tarnished by this case, even those of us who have never used AI and who never will. The State Bars are now late to the AI party - but it is not too late.

To the State Bars: Please put rules in place barring lawyers from using AI to answer legal questions and to draft legal documents or client letters.

To the NYTimes: Please follow up with an article of the Bar's response this case.

8 RecommendShareFlag

Shirley commented 12 hours ago

S

Shirley

India

12h ago

Even to those curious but amateur souls trying out Chatgpt, like me, it is obvious that the AI tool cannot be trusted. The lawyers here must've been incredibly naive, which is very unlike lawyers, or overtly trustful of technology. Many of us trust tech blindly, thinking it is immune to human flaws like bias and racism or falsehoods. We don't think fitness monitors can give false readings based on skin colour or voice recognition tools can be discriminatory.

While I hope the lawyers are not punished for their credulity and overt reliance on AI I do hope this serves as an eye opener for all of us, including school kids and college students, who feel that AI is infallible.

1 RecommendShareFlag

SMK commented 12 hours ago

S

SMK

West Coast

12h ago

I discovered last winter that ChatGPT makes stuff up that sounds plausible - source citations and quotations and facts. It's not a search engine. It's about pattern recognition. It's possible that what it comes up with is entirely false. It's not like a calculator to help you with math, but for writing essays or lab reports - or in this case, a legal document!

RecommendShareFlag

Bob Fiedelman commented June 9

Bob Fiedelman

Bob Fiedelman

Saugerties New York

12h ago

The firm involved is a Personal Injury law firm that works on a contingency fee arrangement. The underlying case here is a dog assuming the initial issue can be overcome. Most likely not worth the time it would take to litigate it in Federal Court. The use of AI was a merely a labor saving device to minimize the time invested in the litigation. Except in the haste to utilize the program, Schwartz never bothered to learn about the pitfalls. This ultimately is like having your paralegal getting a canned brief from your files and submitting it without reading and vetting it and editing it.

Schwartz is lazy and sloppy but not evil. Nothing new here except for the technology involved and it's before a Federal judge. Lot of fellow practitioners out there who deserve to be disbarred but they are still out there in the political arena.

4 RecommendShareFlag

Mitchell Shapiro commented June 9

M

Mitchell Shapiro

Fort Lee, NJ

June 9

I am a retired personal injury lawyer- - what lawyer Schwartz did here was brazen and inexcusable. I have not read the comments -- I wonder if anyone has addressed the underlying merits of this case? To what extent could the plaintiff have been seriously injured by a metal serving cart that struck his

knee? Fracture? Unlikely- Surgery? doubtful-- what is the case worth in terms of settlement? \$10K just for nuisance value and that is generous ? Most Federal court Judges hate these types of low value cases and resent that they clog their calendars.

4 RecommendShareFlag

Lee commented June 9

L

Lee

Tampa

June 9

The bottom line is that both lawyers put zero effort in to effectively serving their client and served up false information in a court of law. They should absolutely be censured.

4 RecommendShareFlag

Just Wondering commented June 9

J

Just Wondering

London

June 9

How did this guy pass the bar? In a weird way, though, he did the world a service. I'm not sure we would truly understand AI can be dangerous without a very public gaffe like this one.

3 RecommendShareFlag

BiT commented June 9

B

BiT

Upstate NY

June 9

Imagine if a lawyer, representing a President of the United States, signed their name to a document that they knew was untrue.

7 RecommendShareFlag

Riccardo commented June 9

R

Riccardo

San Francisco

June 9

Let me get this clear. One of the lawyers put in an opinion without even checking the references. The other doesn't even bother to read the opinion even if it bears his name. Then they hire other lawyers to defend themselves in court, even with 30 years of experience. And they would like to get away with all of this

2 RecommendShareFlag

Montessahall commented June 9

Montessahall

Montessahall

Elk River, Minnesota

June 9

He should be disbarred for life. That consequence will discourage anyone else from ever doing the same thing.

3 RecommendShareFlag

Bruce. Egert commented June 9

B

Bruce. Egert

Hackensack NJ

June 9

Calling for this lawyer's head is totally wrong. He made a silly error and can be sanctioned (small fine) and upbraided by a federal judge which is significant. No one got hurt other than to spend a bit of time finding out how immature AI is right now for legal research. Few realize how difficult it is to stay on top of the latest cases due to their indirectness and attenuated nature

1 RecommendShareFlag

1 REPLY

Kristen Carannante commented 11 hours ago

K

Kristen Carannante

Brooklyn

11h ago

In addition to what, if any, sanction the judge administers, these attorneys ought to be made to pay for the time and expense that their adversary had to expend in order to get to the bottom of the phony briefing.

2 RecommendShareFlag

Anne commented June 9

A

Anne

Texas

June 9

So essentially the output of text based "machine learning" is a computerized room of monkeys with typewriters generating stuff we attribute meaning to.

RecommendShareFlag

Hal commented June 9

H

Hal

USA

June 9

Is it true that the judge put all of the evidence and transcripts of the proceedings into ChatGPT and asked for the verdict and sentencing - or did I just make that up?

RecommendShareFlag

Klaus commented June 9

K

Klaus

Germany

June 9

One danger of AI is not that it is intelligent but that the users are not intelligent - and may be careless also.

4 RecommendShareFlag

GreatVancouverX commented June 9

G

GreatVancouverX

Vancouver, BC

June 9

No lawyer would EVER cite a case in a court filing without reviewing it. Simple. These two lawyers are bozos. Disbarment? Maybe, maybe not. Discipline? Absolutely. Appalling to read of their conduct.

4 RecommendShareFlag

Placeholder commented June 9

P

Placeholder

UK

June 9

Human error. If we replaced the judge, plaintiff, and defendant with ChatGPT as well as the lawyers it would all work smoothly.

1 RecommendShareFlag

Bill commented June 9

B

Bill

San Francisco

June 9

I'm sure chatGPT can get him out of this if it got him into it. This is like following a navigation system into the ocean when driving.

2 RecommendShareFlag

here commented June 9

H

here

everafter

June 9

reminds me of that old Click and Clack lawfirm from the NPR radio show Car Talk, Dewy, Cheatem, and Howe.

2 RecommendShareFlag

1 REPLY

Martha commented 7 hours ago

M

Martha

Atlanta

7h ago

@here - I miss Click & Clack - at least their law firm was funny, not stupid.

1 RecommendShareFlag

Robert commented June 9

R

Robert

Los Angeles

June 9

Reading all of the comments here I get the sense that few people will shed any tears when most lawyers are replaced by AI.

Good riddance. I used to be one of them.

2 RecommendShareFlag

Joseph Katz commented June 9

J

Joseph Katz

Hamburg, Germany

June 9

Now we all know that AI produces only nonsense.

It's useless, an amusing toy for children at most.

Stop worrying about it.

2 RecommendShareFlag

2 REPLIES

Coyoty commented 11 hours ago

Coyoty

Coyoty

Hartford, CT

11h ago

@Joseph Katz It doesn't produce only nonsense, but it's a tool, and one needs to know how to use a tool correctly and for the right purpose and understand its results for what they are. ChatGPT is useful for those who are skilled with it, but these lawyers aren't skilled.

RecommendShareFlag

Abcdef commented 7 hours ago

A

Abcdef

Virginia

7h ago

@Joseph Katz It will get better, so that it can fool even people who aren't as idiotic as this guy was. It will still be fatally flawed, but the flaws will be harder to find.

Start worrying about it.

1 RecommendShareFlag

KJ commented June 9

K

KJ

Tennessee

June 9

He's a lazy, irresponsible piece of work who thought he'd found a cheap way to avoid doing his job. Then he tried to pretend it was funny. He's fully deserving of the public humiliation and any legal sanctions that come his way.

The only good thing about this story is that it wasn't a wage-earning human being he was exploiting.

1 RecommendShareFlag

Keith from Kent commented June 9

K

Keith from Kent
AZ

June 9

I think I know of a way that a certain ex-president can save himself a bundle in attorney fees.

4 RecommendShareFlag

Sumner commented June 9

S

Sumner

SF

June 9

"I hope that helps!"

Words to remember.

2 RecommendShareFlag

Leslie Frank commented June 9

L

Leslie Frank

Arlington VA

June 9

I think we should be thanking ChatGPT for providing this "teachable moment"!

4 RecommendShareFlag

Philoscribe commented June 9

P

Philoscribe

Boston

June 9

Hard to tell which is at greater fault here: the Artificial Intelligence of ChatGBT or the Organic Ignorance of the attorney.

3 RecommendShareFlag

Matt commented June 9

M

Matt

Columbia

June 9

This is letting everyone in on an unacknowledged secret in the law profession- a lot of times people, judges, supervisors, don't actually read the cited cases. Even those doing the research sometimes read only the blurbs the legal research databases (not chat GPT, but legit ones) give them. (This was less common, of course, when people used books, because there was no computer to give you blurbs, you had to reas the cases and locate the relevant blurbs yourself.). The only people guaranteed to read the cases you cite are the lawyers on the other side, who are nitpicking them for anything to distinguish them, or to show they don't say what you claim they say. That's how this guy got caught. But it does not surprise me at all that neither this guy, nor his partner, read the cases he cited. I doubt the judge did, either, until the other side made it an issue. This guy wasn't even certified to practice in federal court, which relies far more on written briefs than the state courts this guy was most likely used to practicing in, where all that matters is how loud you can talk.

2 RecommendShareFlag

Doug commented June 9

D

Doug

Melbourne, Australia

June 9

As a lawyer I received emails predicting the imminent end of the practise of law as we know it due to such programs and I said it won't happen. People were sceptical. Now I feel vindicated and hope that not just lawyers but students and everyone else who uses it sees its limitations.

3 RecommendShareFlag

AllisonW commented June 9

A

AllisonW

Omaha

June 9

The appeal by the firm and the attorney against sanctions, saying that he's been humiliated and they would serve no purpose, clearly ignores the real victim in this case: his client. This attorney absolutely deserves censure or suspension for such a wanton act of malpractice.

8 RecommendShareFlag

Idi commented June 9

I

Idi

Athens

June 9

First time you are using a new technology (doesn't matter whatever the field) you should double check your outputs.

What if a structural engineer would just use ChatGPT to calculate the stress on a new bridge they are building, and not double check the results.

4 RecommendShareFlag

here commented June 9

H

here

everafter

June 9

a lawyer who speaks on his own behalf is a lawyer who doesn't take his own advice. When in doubt, treat every day as if staying quiet was an Olympic sport.

RecommendShareFlag

AJ commented June 9

A

AJ

UK

June 9

This really highlights a deep flaw in ChatGPT, i.e. although the high level summaries sound plausible drilling down to the detail reveals numerous inaccuracies.

I have an aeronautical background and calibrated ChatGPT against aircraft crashes and as an example a wheels up landing by an RAF Typhoon ZJ943 in the US. What resulted was a stream of mis-truths and back tracking.

Law vs ChatGPT will favour the former because of the need to support high level statements with low level precedence.

It feels like Large Language Models (which ChatGPT is based upon) are good with large concepts but fail when they need to drill down to detail. Its almost like they need to handover to a Small Language Model which contains 'factoids' that can't be chopped up and the increments mixed and matched.

Equally the Large Language Models are poor when they have to understand logic. So they deliver illogical statements like 'it is likely that the pilot of RAF Typhoon ZJ943 applied the brakes to slow down and bring the aircraft safely to a stop during the wheels-up landing incident at Nellis Air Force Base in Nevada, USA'

So if your use case for ChatGPT requires drill down to facts, or an understanding of underlying logic the tool is not (yet) fit-for-purpose

2 RecommendShareFlag

Harris Silver commented June 9

H

Harris Silver

NYC

June 9

I'm sorry to say this as it effects one's ability to earn money however, this attorney should be disbarred.

3 RecommendShareFlag

Richard commented June 9

R

Richard

Philly

June 9

There are already e-search services for lawyers (Westlaw et al) which have massive data bases of cases, regs and administrative codes. True, they are not inexpensive and they take some skill and experience to navigate, but at least the cases are real. This lawyer took a shortcut and will pay for it. The law is a harsh mistress.

2 RecommendShareFlag

Matt D commented June 9

M

Matt D

da Bronx

June 9

"I heard about this new site, which I falsely assumed was, like, a super search engine,"

There's the problem right there. Google has trained us to think that typing into a text box results in a search of the web. So when OpenAI decided to use a

chat bot as the input for GPT-3 they created a hard to break false impression that no amount of caveats and warnings will dispel.

Previous to ChatGPT, there were plenty of ways to input text into GPT-3, very few of which would be mistaken for a search engine.

RecommendShareFlag

Paul S. commented June 9

P

Paul S.

Monroe, CT

June 9

How does this law firm function without using Lexis or Westlaw?

1 RecommendShareFlag

na commented June 9

N

na

here

June 9

Isn't chatgpt liable as well? It is one thing to provide suboptimal search results and quite another thing to make things up. Generative AI should not be allowed to excuse making things up.

1 RecommendShareFlag

1 REPLY

Martha commented 7 hours ago

M

Martha

Atlanta

7h ago

@na - is the maker of a hammers liable if someone uses it to hit somebody in the head?

RecommendShareFlag

Ace commented June 9

A

Ace

La

June 9

AI needs to be banned outright. With climate change and nuclear war looming we certainly don't need to introduce any more unnecessary man-made existential threats to the survival of the species.

RecommendShareFlag

Ina Pickle commented June 9

I

Ina Pickle

D.C.area

June 9

Did he not comprehend he lied to the court about going on vacation to get a continuance? Not comprehend filing a false affidavit, complete with a reused notarization (that had the wrong date in it because he failed to fully scrub the old one)?

When called on the carpet by the court, he kept spinning and making excuses rather than owning up to his incompetence and dishonesty. This person had a CLIENT, and his defense is he didn't read what he filed, or any of the supporting law for what he filed, to represent that client.

I'd say failure to understand what a chatbot is was the least of the offenses here and the public generally needs to be protected from this person's legal services.

2 RecommendShareFlag

Michael commented June 9

M

Michael

Los Angeles

June 9

This is nonsense. This is nothing more than unprofessional conduct but has nothing of material to Chat GPT. I think this is just smoke to justify changing chat GPT to not giving any legal information and leaving it in the sole purview of the industrial attorney complex. The powers that be will never allow cheap access to the law and give the poor access to legal relief. This is just a ruse to justify high legal fees. Remember, this will get smarter. This case is from last year. The implications would be a wide brush. Therefore, I'm call shenanigans.

RecommendShareFlag

Drspock commented June 9

D

Drspock

New York

June 9

There's a lesson here for all lawyers in their use of technology. Be careful what you wish for and be extra careful to understand how to use it.

ChatGBT unfortunately will soon be able to do what these lawyers thought it could do now, that is write a legally accurate and persuasive brief.

But soon is not now. This remarkable software has the ability to learn from its mistakes. So instead of assuming that it was accurate, the lawyers should have put the system through a series of very basic checks.

For example, if they had asked the system to Shepardize the cases it cited the system probably would have discovered its own mistakes.

Here, the system didn't distinguish between writing brief and writing an essay.

We can expect very shortly that some company will emerge specializing in teaching law firms how to use ChatGBT. Once this happens, this system will do the jobs that many paralegals now do.

It will also revolutionize document reviews and research on science and technology that are pertinent to a case.

The ethical violations that this lawyer committed are clear and obvious. And

they were done to cut time and therefore costs, not to intentionally deceive. Though that's no excuse for the violation.

But soon these mistakes will be corrected by this, or similar AI systems. When that happens, look out Lexis and Westlaw.

2 RecommendShareFlag

John commented June 9

J

John

Detroit

June 9

I've practiced law for nearly 20 years, and I am not going to opine as to whether these attorneys ought to be disbarred or not.

However, I would note that the freestyle use of "stock citations" in certain legal practice areas regardless of the actual holdings in the cases cited is widespread. It's been a tedious chore in my own practice pointing out in pleadings when adversaries have simply copied and pasted an impressive-sounding, out-of-context citation into a motion or brief from a case that doesn't actually say what it is claimed to say.

This would seem to be an outgrowth of that lazy habit.

33 RecommendShareFlag

1 REPLY

Chevy commented June 9

Chevy

Chevy

South Hadley, MA

June 9

@John

May I add from my own personal experience - even though it involved the facts of the case and not the legal arguments - that I was involved in a dispute in which an Administrative Law Judge ruled in my favor.

The other party decided to roll the dice with the state appellate court. My attorney sent me the brief of opposing counsel, a high-priced Boston firm, as I am also a law school graduate and former member of the bar in another state.

I was shocked: from the description given in that brief, I did not even recognize the duties and routines of my own employment!

There is a flip side to the law. The devil is in the details and those who play fast and loose with the facts are as culpable as those who misuse legal precedent - or allow AI to do so.

5 RecommendShareFlag

Cynthia Kaneshiro commented June 9

C

Cynthia Kaneshiro

Kauai

June 9

One word: malpractice.

61 RecommendShareFlag

ALD commented June 9

A

ALD

Pleasant Hill, CA

June 9

I have practiced law for 21 years. I take pride in my work. I would not file a brief without having done the research and without having crafted the argument. Research and writing are the nuts and bolts of legal practice. This is a serious ethical violation. This attorney should be disbarred.

95 RecommendShareFlag

2 REPLIES

Woal commented June 9

W

Woal

New Brunswick

June 9

@ALD you manually craft all your legal filings?

in the future that will be like manually rolling cigarettes instead of a machine

1 RecommendShareFlag

ALD commented 12 hours ago

A

ALD

Pleasant Hill, CA

12h ago

Yes. I do manually craft the pleadings I file, and that's why I usually win. It can be tedious work, but doing the work forces me to understand the big picture and enables me to argue effectively because I understand how all the pieces fit together.

5 RecommendShareFlag

Camille commented June 9

C

Camille

Texas

June 9

A godsend to us attempting to impress on students that this program will write an essay, but probably not a good one. The leaps in logic and blatant falsehoods would be funny, as I read heaps of these that students turn in (hoping I do not notice)...but it isn't. Who is holding these companies accountable for their irresponsible rollout? No robust generated-text checker for teachers? Nothing? This lawyer showed his serious lack of judgment, indeed. But if he can be duped, who else is using and relying on the information these models hallucinate?

38 RecommendShareFlag

3 REPLIES

Rena commented June 9

R

Rena
Near Los Angeles
June 9

@Camille My daughter just finished a long term substitute teaching assignment of high school English students and the number of students who tried using something like this was truly appalling. At one point, she explained to them how very easy it was for her to confirm that they had not themselves written their essays. (On Google Docs, she could see if someone created a document and then "finalized" it (8 or 10 pages!) perhaps five minutes later.) Unbelievable.

1 RecommendShareFlag
Michael commented 12 hours ago

M

Michael
Los Angeles
12h ago

No way. It says upfront it may not be accurate. It's for entertainment purposes right now. It's growing smarter. Just wait. This guy should have fact checked. He was naive and only he's to blame.

RecommendShareFlag
cenne commented 11 hours ago

C

cenne
Australia
11h ago
@Camille ,

".....this program will write an essay, but probably not a good one"

? ? ?

Have you even tried Chat GPT (v.3.5 or 4.0) yourself, Camille ? Go on, give it a go - be sure your input/essay topic is good one.

RecommendShareFlag
Phillip Fries commented June 9

P

Phillip Fries
Niagara Falls, NY
June 9

I am an attorney and I am appalled at the basic ignorance displayed here. Even worse, underlying all of this is a fundamental, almost loathsome, disregard for their client by both attorneys. They should both be suspended from practice for a few years, if not barred.

65 RecommendShareFlag
TK commented June 9

T

TK
19465
June 9

Certainly pulling pure lying inventions out of thin air and going to the wall

to defend them as truths isn't anything new in our courts. We pay people who label themselves experts \$1,000 or more an hour to do so for us every day. But cheapening legal arguments and the practice of law to the equivalent of monkeys producing a masterpiece by randomly throwing paint just might pose a real threat to the legal industrial complex. Make such legal gibberish unacceptable? Whoever would ever think such a thing is even possible?

6 RecommendShareFlag

1 REPLY

Rena commented June 9

R

Rena

Near Los Angeles

June 9

@TK As someone who practiced law for over 30 years, I can assure you that I never "pulled pure lying inventions out of thin air." I and most of the attorneys I worked with and against took our positions as "officers of the court" pretty seriously. If we made an argument that was contradicted by case law, it was our ethical obligation to point out the contradicting case law to the judge and to present our argument as to why we thought it was inapplicable and/or should be over-ruled. If the latter, it was of course an uphill battle - but either way, it had to be done in good faith. What these guys did is beyond the pale. And in all the years I practiced, I never saw someone - even the worst attorneys I know - actually fabricate case law. Unbelievable.

3 RecommendShareFlag

WH commented June 9

W

WH

Yonkers

June 9

Being naïve is not an excuse for legal negligence. Punishment : being roasted by all the supreme court justices, publicly. With Obama by his side for moral support.

9 RecommendShareFlag

Eric C commented June 9

E

Eric C

NJ

June 9

Law is based on constructing an argument. Arguments are based in logic. If A, then B, and If B then C. Therefore if A then C.

An argument must be CONSISTENT. Meaning the argument does not contradict itself.

Unfortunately chatgpt is an inconsistent system. It can prove pigs can fly, while simultaneously proving pigs cannot fly.

From a recent conversation I had with chatgpt.

Me: T or F chatgpt contradicted it's own logic in this conversation?

Chatgpt: False. (lying)

Me: I'll ask again, T or F chatgpt contradicted it's own logic in this conversation?

Chatgpt: True.

18 RecommendShareFlag

1 REPLY

-ABC...XYZ+ commented 11 hours ago

-ABC...XYZ+

-ABC...XYZ+

NYC

11h ago

@Eric C - there is clearly a new Bailiff in LogicCity and "their" name is not consistency

RecommendShareFlag

Skybird commented June 9

S

Skybird

N. California

June 9

This case is just the tip of the iceberg that writers, like journalists, students, bloggers, magazine, and book writers, will be subject to in the A.I. future. The medical profession and drug industry will be easy prey also. Even if just 5% of an A.I.'s friendly reply is wrong, it could still cause massive turmoil. Like the relatively small hole caused by the iceberg the Titanic hit, it could sink trust in many future writings.

Sam Altman suggests that A.I. be regulated. But even that is only for large A.I. companies. A few problems to consider about small start-ups vs. large companies getting regulated, however. Recall that Apple, Microsoft, Google, Amazon, and even Wikipedia started in the U.S. by a few people.

Then how do you add regulations to companies that have grown or were bought out by a foreign country? Some countries want total control of everything their people can read, watch, or even talk about. As an open-source, A.I. can be cloned and censored by those countries.

Doing legal research has many levels. The law libraries are full of legal encyclopedias, summaries, treatises, etc. It's simple to want to pull a few cites from those instead of reading an entire case. And lawyers have research helpers just out of law school who can be tempted to trust the summaries.

It would seem that sooner or later unless every fact in an A.I. answer is footnoted to be verified, A.I.'s trust level will keep it hazardous. That attorney and our legal system learned a lesson.

21 RecommendShareFlag

Patrick Monahan commented June 9

P

Patrick Monahan

Johnstown, PA

June 9

I don't really feel like the lawyer deserves to be punished—the summons before a judge to review his actions is punishment enough. I do feel that something needs to happen with the law in general, to make sure this never happens again. It must be most humiliating for this attorney.

18 RecommendShareFlag

1 REPLY

Teresa commented 12 hours ago

T

Teresa

Los Angeles

12h ago

@Patrick Monahan He didn't do his basic job. He didn't attempt even a cursory reading of the cases he cited. That is malpractice. He certainly deserves to suffer the consequences of his behavior.

3 RecommendShareFlag

Manny Pedi 🧑♂. commented June 9

M

Manny Pedi 🧑♂.

Sailboat 🚢 - Depends On The Day 🌐

June 9

The guy may be a nice man but the judge should bring the gavel down on him to stop other lawyers from doing the same thing.

18 RecommendShareFlag

M DuPont commented June 9

M

M DuPont

NYC

June 9

Three next generation of American students will be brilliant, trained and reliant on AI hype, no doubt!

6 RecommendShareFlag

Richard White commented June 9

R

Richard White

Massachusetts

June 9

Mr. Schwartz deserves to be embarrassed and humiliated. Remarkable that he claims to have been "duped by ChatGPT." With weeks of articles in the press and other media, he claims to "not comprehend" that the app could lead him astray. I wonder what he charges per hour for not doing his work.

29 RecommendShareFlag

Joel LaPinta commented June 9

J

Joel LaPinta

Hawai'i

June 9

AI, like ChatGPT, gives probable responses generated from inaccurate information. No matter what shape it takes, many people, from politicians,

marketers, and lazy attorneys, should be worried about being replaced by it.

Now public and private capital are rushing to fund the development and application of the technology. A process that takes the same shape as AI making a probable response to inaccurate information. How many stupid probabilistic plausible business deals will get venture capital funding? Let the good times roll. Out of thousands, one will make a profit. But this doesn't guarantee it will bring a concomitant benefit to humanity.

And all this capital will go to the AI gold rush while responding to needs for which we can have precise responses to accurate information that are being ignored, like creating affordable housing, improving infrastructure, transforming energy sources to non-carbon renewables, and adopting a fair tax regime to reduce public debt and curb increasing wealth inequality.

10 RecommendShareFlag

2 REPLIES

Michael commented June 9

Michael

Michael

Stockholm

June 9

Not "inaccurate" information but incomplete. The algorithm fills in the blanks. Sometimes correctly, often not.

It's a bit like the gene sequencing in Jurassic Park in which the dinosaurs were "designed" to be sterile but the blanks in their DNA were filled by modern amphibian DNA. And we all know what happened after that.

1 RecommendShareFlag

Joel LaPinta commented 7 hours ago

J

Joel LaPinta

Hawai'i

7h ago

Yes. That may be a better word choice. I decided when I wrote the comment that having incomplete information was only one source of error the other was the lack of any way to vet the information other than what is the most frequent answer in its data. My main point in the comment is that giving answers without regard to the truth value of the answers is not an infilled need.

RecommendShareFlag

Camille commented June 9

C

Camille

Battle Ground WA

June 9

Disbar him. I cringe at what else he did in his 30 years of practicing law.

16 RecommendShareFlag

2 REPLIES

Richard commented June 9

R

Richard

Philly

June 9

@Camille If this is his first misstep in 30 years of practice, and an non-malicious one at that, I would counsel mercy; but temper it with mandatory CLE for legal research.

RecommendShareFlag

my goodness... commented 11 hours ago

M

my goodness...

US of A

11h ago

I'd rather see Rudy disbarred before this guy.

RecommendShareFlag

Helios commented June 9

H

Helios

Ohio

June 9

Glad that this happened. Now there is a real world proof that rather than 'intelligence', these AI systems are plagiarized gibberish.

25 RecommendShareFlag

Beth Clark commented June 9

B

Beth Clark

Seattle

June 9

One word - disbarment.

9 RecommendShareFlag

Brock Landers commented June 9

B

Brock Landers

Van Nuys, CA

June 9

Disbar him. His dishonesty brings shame upon a profession that has already lost too much of the public's trust.

12 RecommendShareFlag

Woal commented June 9

W

Woal

New Brunswick

June 9

they're working on a Legal GPT that trains off only real case law.

Then you can ask it to prepare real motions.

ChatGPT is just an experiment

7 RecommendShareFlag

1 REPLY

Lorne commented June 9

L

Lorne
Nowhere
June 9

Still risks hallucinations. Hallucinations are inherent to LLMs, which predict words based on probability.

1 RecommendShareFlag
Gentry White commented June 9
G
Gentry White
Australia
June 9

This is not a problem with the technology; it is, as always, a problem with the person using the technology.

13 RecommendShareFlag
Penny Castleman commented June 9
P
Penny Castleman
Copenhagen
June 9

I am absolutely baffled by this story. I am a retired California trial attorney. While practicing, I submitted hundreds of briefs. This article misses the point entirely. It doesn't matter from what source you acquired your case law, cites or quotes. An attorney has an obligation to ensure that everything in the brief accurately states current law. To that end, every cited case must be read AND checked through WestLaw (or comparable) site. As WestLaw states "Other significant Westlaw features include KeyCite, a citation checking service, which customers use to determine whether cases or statutes are still good law . . . " In other words, Mr. Schwartz had a very easy tool, which he should have been using for every brief he filed, which would have quickly revealed any bogus cases.

79 RecommendedShareFlag
4 REPLIES
Lynn commented 12 hours ago
L
Lynn
TX
12h ago
@Penny Castleman Perfect response and analysis.

RecommendShareFlag
highway commented 11 hours ago
H
highway
Wisconsin
11h ago
@Penny Castleman And soon enough the bots will be writing Westlaw? What then?

RecommendShareFlag
David commented 11 hours ago
D
David

Los Angeles
11h ago
@Penny Castleman or even Google

RecommendShareFlag

VIEW ALL REPLIES

BFF commented June 9

B

BFF

SFO

June 9

Well this lawyer is being made an example of and I hope others will learn, across all professions.

16 RecommendShareFlag

Archer commented June 9

A

Archer

NJ

June 9

I'm a retired litigator. It's disgusting that a lawyer would even think of doing such a thing. The lawyer's signature on any document attests that the document is prepared and filed "in good faith" i.e., honestly. What's honest about submitting a machine's output as your own work product? Or allowing someone in your firm to do it? I hope these guys get terms of suspension from the bar authorities.

30 RecommendShareFlag

JJM commented June 9

J

JJM

Brookline, MA

June 9

I'm old enough to remember when I did research in actual casebooks. Today, I use a computer. I admit that I may not read every word of a long decision if I'm on a deadline to get a paper filed, but I certainly know that the case states the point for which it is cited. That is just basic law that any first-year law student knows.

28 RecommendShareFlag

1 REPLY

-ABC...XYZ+ commented 7 hours ago

-ABC...XYZ+

-ABC...XYZ+

NYC

7h ago

@JJM - likely the entire fiasco was engineered by one of the children mentioned
- nice-guy-dad would naturally shelter them

RecommendShareFlag

Mark commented June 9

M

Mark

BVI

June 9

There is an activity in federal appellate law called a "writ mill," where law students and non-attorneys will draft motions for licensed lawyers, everyone knowing the motions will be denied because of the bad arguments, but they still charge prisoners and their families.

14 RecommendShareFlag

Susan Jay commented June 9

S

Susan Jay

Susansusan

June 9

The ChatGPT twist adds an interesting aspect, but the basic underpinning of this is that neither attorney read the case law. This is a violation of the attorney's ethical duty of competence and diligence. In a way, I think the partner was worse as he agreed to allow his status to be leveraged by the original attorney so that he could continue the client's case in federal court. The second attorney is in violation because he did no work to ensure that any of the document was valid. He was merely a shell who allowed his name to be used, and if that is the case, what would prevent this attorney from loaning out his name to anybody? The attorney who signs off on the document is ultimately responsible for it, and to entirely shift this duty onto another attorney abrogates his responsibility to the federal court.

40 RecommendShareFlag

Kat commented June 9

K

Kat

Chicago

June 9

I mean, this is just the internet to extremes. Just because you type something into Google and it spits out recommended results, it doesn't mean any of them are true.

12 RecommendShareFlag

Ben commented June 9

B

Ben

NYC

June 9

Any lawyer worth their salt would know to shepardize these cases.. it's something you learn at the beginning of law school. The fact that he didn't even do that is negligence. He should be punished, though maybe this kind of notoriety is punishment enough!

25 RecommendShareFlag

A. Thought commented June 9

A

A. Thought

USA

June 9

It's easy to say this lawyer is incompetent, but that would imply he tried to do the work and failed. This guy just lied about doing the work. This is the 30-year professional basically handing in homework he asked someone else to do.

So that's what 30 years of practicing law taught him? How low is the bar for his output that he didn't even bother to read over the brief to see the gibberish there? How many corners has this guy cut and how much has he been paid to do it? If he doesn't lose his license or at least his job I guess that shows how much integrity or even competence the legal system expects lawyers to have.

33 RecommendShareFlag

Beantownah commented June 9

B

Beantownah

Boston

June 9

Hopefully the judge will go easy on the inattentive lawyer, especially after so publicly humiliating him. He made a human lapse. Lawyers may or may not have souls, but unlike AI, they're only human, and humanly fallible like all of us, even the judge.

11 RecommendShareFlag

3 REPLIES

ethics_gradient commented June 9

E

ethics_gradient

Boston

June 9

@Beantownah I have to disagree. It is basic lawyering 101 to check all citations and read all cases cited in a brief before submission to the Court. There is nothing wrong with using Chat GPT to generate a first draft of a brief (except if you charge for the time that you would have taken to draft it rather than the time to review it). But lawyers have an ethical and legal obligation to confirm that the law that they cite to the court is true and accurate.

35 RecommendShareFlag

Var commented June 9

V

Var

Las Vegas

June 9

You, and many of the attorneys on here, are correct that lawyers have duties of candor and competence. But to suggest that all lawyers read all cases cited in their briefs is comical. I was a partner at a national law firm, where corporate clients with huge war chests could pay for associates to read, Shepardize, and review every case cited. But this guy appears to be a fairly small-time plaintiff's attorney. You think he's spending hundreds of hours cite checking? Most clients can't afford that, and, he's probably doing the case on contingency. What he did was clearly wrong, but apparently, ChatGPT not only generated the citations, it also generated entirely fake cases!! When I get a case from Westlaw or Lexis, I have no reason to doubt its authenticity. Maybe this guy thought ChatGPT was the same way. Bottom line: this wasn't intentional. Lazy maybe. But not intentional. The lawyers in here calling for his disbarment are completely unrealistic. He's a human, he misunderstood the technology, and he made a mistake.

2 RecommendShareFlag

cds333 commented 12 hours ago

C

cds333

Washington, D.C.

12h ago

@Beantownah No, sorry. I knew I was going to see some comments expressing the viewpoint -- i.e., that we all make mistakes. But this was not a mistake; it was a decision not to do the work that he was hired to do. There's nothing wrong with checking ChatGPT to get some ideas for research. But if you cite cases without reading them, that's just a complete abdication of your duty to your client. It will be impossible for you to make any legal arguments b/c you won't have any knowledge of what the cases say. You will not be able to answer any questions put to you by the judge. That's not a lapse; it is a betrayal of your client.

3 RecommendShareFlag

John commented June 9

J

John

Central California

June 9

Wow, what a disaster. And another sharp reminder that these bots know what the truth sort of sounds like, but they have no clue at all what the truth IS.

For example: I asked ChatGPT when the first transpacific scheduled jetliner service from the US to Asia was. It cheerfully told me it was 1957, on Northwest Airlines, from Minneapolis to Tokyo, on a 707-320. Except there was no such route, the -320 didn't have the range to fly nonstop from Minneapolis, and it wasn't in service in 1957 anyhow. Then you tell it it's wrong and it often corrects its mistake... with another mistake.

22 RecommendShareFlag

Jimbrow James Tuppen commented June 9

J

Jimbrow James Tuppen

Buffalo, NY

June 9

I'm curious as to whether & to what extent the ChatGPT app [?] consulted by the plaintiff's attorneys in this matter purported to be linked to any of the several search engines utilized by the legal community for legal research. I am also wondering how the law firm was to have accounted for the ChatGPT's time.

6 RecommendShareFlag

1 REPLY

Lorne commented June 9

L

Lorne

Nowhere

June 9

The lawyers are Plaintiff's attorneys, so they probably work on a contingency fee basis. There is a huge incentive for Plaintiffs attorneys to cut as many corners as possible because they aren't paid hourly.

9 RecommendShareFlag

Adam Smith commented June 9

A

Adam Smith

NYC

June 9

Likely the next version of the software will have worked out these kinks.

4 RecommendShareFlag

1 REPLY

osomite commented June 9

O

osomite

San Francisco

June 9

@Adam Smith

No, it is not likely. The AI developers are perplexed about the Chatbot's lying. They don't know what to do about fixing this "feature" in the AI Chatbot software.

9 RecommendShareFlag

Dennis M. commented June 9

D

Dennis M.

Bridgewater NJ

June 9

A federal judge is something like a computer that is "programmed" by the legal briefs he or she receives - and a judge would normally expect to receive input that has been carefully vetted by lawyers on both sides.

We are lucky that defense counsel was sharp enough to raise an alert about the fake input, and the judge was skeptical enough to follow up. But what would happen if it was a criminal case -- where a busy prosecutor decided to use ChatGPT to write a bogus brief, and opposing counsel was an overworked public defender who never challenged it?

15 RecommendShareFlag

1 REPLY

Lorne commented 11 hours ago

L

Lorne

Nowhere

11h ago

The reason why opposing counsel caught the brief is because they actually are familiar with the relevant area of law and hence, relevant precedent.

Most prosecutors and public defenders are similarly familiar with the controlling law in criminal cases...A string of fake cases would stick out to most lawyers even remotely experienced in their practice area. For my firm's briefs, we have different shells for different motions with references to the controlling law and relevant analysis already typed out because its not like it changes from one day to the next. We then plug in the facts. Hence, fake stuff would stick out like a sore thumb because we have a good idea about what the

case law is.

1 RecommendShareFlag

Angela commented June 9

A

Angela

Somewhere

June 9

During one of my internships in college, I was tasked with writing background research for a grant application. Like in a legal case, the examples were meant to be powerful and persuasive.

If it weren't for the relationships I had made with the team, I might have similarly given "false" information to get the grant approved.

A.I. can do a lot, but it cannot make those kinds of decisions in place of humans.

2 RecommendShareFlag

crategirl commented June 9

C

crategirl

the South

June 9

my understanding is that ignorance is no excuse for not following the law.

9 RecommendShareFlag

alexander hamilton commented June 9

alexander hamilton

alexander hamilton

new york

June 9

What really needs to be said?

I spent 60-80 hours a week as a newly minted litigation associate, doing research, reading cases and drafting briefs for more senior lawyers to use in court presentations. If I had not read every case from beginning to end, and was not prepared to explain to a partner why the case helped or hurt his client's position, I would have been let go in short order.

As a more experienced trial lawyer, I made a very good living reading the other side's briefs, and showing how, many times, the cases they cited really supported my position more than theirs. That's what happens when you type without doing all the tedious work- your words often get turned against you, and your client loses.

Reading, analyzing, synthesizing, in order to understand and communicate the applicable law, IS THE JOB. There is no other job. How can you effectively counsel your client, if you haven't a clue what the controlling legal principles are?

If you haven't even bothered to read the cases you're citing, you're not practicing law. You're acting. And the character you're playing is a fake lawyer who is committing malpractice.

If that's the most you have to offer, get out of the courtroom. As John Houseman memorably intoned in "Paper Chase,"

"Here's a dime. Call your mother and tell her you'll never be a lawyer."

108 RecommendShareFlag

1 REPLY

Gabba Gal commented 12 hours ago

G

Gabba Gal

Fort Lauderdale, FL

12h ago

@alexander hamilton

Exactly this:

"Reading, analyzing, synthesizing, in order to understand and communicate the applicable law, IS THE JOB. There is no other job. How can you effectively counsel your client, if you haven't a clue what the controlling legal principles are?"

As a former law clerk and Associate Attorney, this reminds me of the trust both judges and senior partners place in their employees—relying upon their research and judgment. In those situations, there is a basis for this trust and I cannot be certain the research was always verified by the one requesting it. As a young lawyer, the idea of someone not verifying my work was shocking; I felt tremendous pressure to get it right and was perpetually (internally) second-guessing myself that I could've missed something.

Attorneys who short-circuit the research are the worst of us. It's almost as if this attorney has used AI as one would use a law clerk, without the benefit of trust, relationship or history of two people working together. There is no excuse for wholly relying upon anyone—human or otherwise—and their work product, without verifying its accuracy. There is a reason attorneys are deemed officers of the court.

I live for those moments when I'm able to take opposing counsel's cases and use them against their client. I can only imagine the shock and ensuing elation of the attorney tasked with researching these "cases" felt upon learning they did not exist as represented in the filings.

3 RecommendShareFlag

Wolf Out West commented June 8

W

Wolf Out West

Out West

June 8

This is basic law school stuff. My torts professor, a very gifted Jesuit, always insisted we read the cases in their entirety and not rely on summaries, and so did one of my early mentors in practice. One wonders what this poor fellow has been doing for 30 years. May the judge have mercy and this serve as an object lesson.

24 RecommendShareFlag

ScottD commented June 8

S

ScottD

USA

June 8

I'm an avid user of ChatGPT. All over the site there are warnings not to trust the information.

Copied pasted from the front page of the AI site

Limitations:

"May occasionally generate incorrect information"

"May occasionally produce harmful instructions or biased content"

"Limited knowledge of world and events after 2021"

Even without these warnings this attorney should know this. He should be sanctioned or worse.

18 RecommendShareFlag

Tom and Kay Rogers commented June 8

T

Tom and Kay Rogers

Philadelphia PA

June 8

Those motions were all real in the reality ChatGPT occupies.

We've said it before, over and over: our understanding of neural systems requires that the ChatGPT bot inhabit the same reality model we all inhabit.

The one we all think is real, in which we experience conscious being.

Inside our heads, not outside.

Where the chat bots are looking, and reality isn't.

This won't end well, or quickly. It took us, as a species, at least several millennia to figure it out, before we could have language as we know it.

Call us when that happens. Good luck. --Tom and Kay

4 RecommendShareFlag

b fagan commented June 8

B

b fagan

chicago

June 8

"But the computer said it" has been a problem since computers started being used. These new tools vastly expand the scale of information at risk, and vastly expand the number of people who will trip up themselves or others by simply accepting non-true output because "the computer said it".

5 RecommendShareFlag

BayArea101 commented June 8

B

BayArea101

Midwest

June 8

"The ChatGPT Lawyer Explains Himself"

It's understandable that Mr. Schwartz must defend his actions; however, they are, unfortunately, indefensible.

The best that may result from this case is that other attorneys will take note of its outcome.

I'm not particularly hopeful that Mr. Schwartz's is the last of these cases we will see, as AI makes it ever easier for certain professions to take remarkable shortcuts on their way to providing product to their clients.

6 RecommendShareFlag

someone commented June 8

someone

someone

somewhere

June 8

Huh. Had a debate today with coworkers about using chatgpt to create (seemingly) personal communications to prospective donors. Why do we need this? Why do the tech bros get to dictate the future of humanity (in this case the way we interact and relate to one another)?

16 RecommendShareFlag

1 REPLY

BayArea101 commented June 9

B

BayArea101

Midwest

June 9

@someone

They don't get to dictate anything.

We're still free to choose our actions, and we continue to be responsible for those and for our behavior.

RecommendShareFlag

G commented June 8

G

G

California

June 8

I was as boggled as any of the courtroom observers when I read about this case a couple of weeks ago. Yet as I shook my head in astonishment I thought, "This report can't be the whole story. No one in practice for decades could have been that negligent and oblivious."

How wrong I was.

I feel sorry for Mr. Schwartz. Being interrogated by the judge would have been excruciating enough without national (international?) media attention. His

reputation and career are toast. This incident will be the lede in his obituary.

38 RecommendShareFlag

Deborah commented June 8

D

Deborah

Minneapolis

June 8

I am a retired trial lawyer. I completely understand asking an online research program for cases that support your position, and how the lawyer in this instance may have been duped by AI. But. YOU READ THE CASES! I can't ever recall an instance where I didn't review the cases to ensure they said what I thought they said, and supported what I thought they supported. The very failure to do that is prima facie malpractice. Has he been doing this all 30 years of his career?

285 RecommendShareFlag

6 REPLIES

Tim Perry commented June 8

T

Tim Perry

Fort Bragg, CA

June 8

@Deborah The question in my mind is whether or when AI will be able to perform the most fundamental intellectual skills of a good attorney: seeing all sides of an issue, recognizing the non-obvious questions and exercising judgment and creativity in specific cases. Oliver Wendell Holmes Jr. rightly said that "The life of the law is not logic but experience," pointing out that law is not a rigid set of rules but a living set of principles that change and grow with the general society. That being so, I don't see how AI could advance the living, growing thing that is The Law, not the law. In the last analysis, a fully AI legal system would be mired in what it knows and unable to create what does not already exist.

25 RecommendShareFlag

Gabba Gal commented June 9

G

Gabba Gal

Fort Lauderdale, FL

June 9

@Deborah

It's the same as when you look at Westlaw and it has key points at the top of the case. Sometimes you get extremely excited because the key point is the EXACT proposition you were looking for...only to read further, in the actual body of the case, to discover the case does not actually stand for this proposition.

2 RecommendShareFlag

David commented June 9

D

David

Los Angeles

June 9

@Deborah I don't think most lawyers read cases. I do. But judging by the fact that so many lawyers mischaracterize cases, it is clear they either do not read them or skim them. This, of course, is taking it to another level.

2 RecommendShareFlag

[VIEW ALL REPLIES](#)

Robert commented June 8

R

Robert

Los Angeles

June 8

On the issue of ChatGPT inventing facts, including court decisions, a problem AI researchers refer to as "hallucination":

I have tested ChatGPT's truthfulness several times, asking it, for example, to generate a list of colleges that meet certain parameters, or whether U.S. citizens can legally reside in certain other countries.

Each time, the ChatGPT's answer was completely wrong. It freely invented the most important facts, dressing up its falsehoods in plausible-sounding collateral and mostly true facts. In other words, ChatGPT won't just "lie" to you, it will try to deceive you into believing that its "lies" are true. I am putting "lie" in quotes because the word implies intentionality, which is absent for an AI.

How an educated person such as the lawyer in this case can fall for ChatGPT's lies is beyond me. More likely, he knew exactly what ChatGPT could and could not do, but figured no one would notice.

The more interesting question is whether it is possible, at least in principle, to program a large language model AI to generate only, or at least mostly, true facts, at least in certain defined domains (e.g., law).

If the answer is yes, and I suspect it is, that would be a game changer, and not just in law. It would also cost lots of people their jobs.

19 RecommendShareFlag

[2 REPLIES](#)

Helios commented June 9

H

Helios

Ohio

June 9

@Robert To your last para, the answer I strongly suspect is no. And even if it were to generate 'mostly true facts', how is it a 'game changer' as compared to a search engine?

1 RecommendShareFlag

Winter Soldier commented 11 hours ago

Winter Soldier

Winter Soldier

Manhattan

11h ago

@Robert

How possibly can you call the lawyer in this case an "educated person?"

RecommendShareFlag

Deborah commented June 8

D

Deborah

Los Angeles

June 8

There is absolutely no excuse for an attorney failing to read every single case that the attorney uses in a brief or other court filing. That being said, legal technology tools that use Artificial Intelligence and incorporate the appropriate safeguards can help attorneys become more efficient and effective in their practices. For example, as a Reference Attorney at Casetext, a legal technology company that has developed Artificial Intelligence tools for attorneys with appropriate safeguards, I have seen how our safeguarded Artificial Intelligence tools have helped public interest attorneys better serve their disadvantaged clients.

15 RecommendShareFlag

Kathleen commented June 8

K

Kathleen

Sf

June 8

There is a legal equivalent to Chatgpt, it's called Casetext. There's also an aspect of it called CoCounsel. It's an additional resource to check and can be helpful in certain areas.

9 RecommendShareFlag

Tim Perry commented June 8

T

Tim Perry

Fort Bragg, CA

June 8

Serious question, since I haven't fooled around with ChatGPT myself: If I ask it the same non-trivial question twice will I get the same answer? What if I re-phrase the question?

7 RecommendShareFlag

2 REPLIES

A commented June 8

A

A

USA

June 8

Nope. Every single time, literally, that I have asked chatgpt for factual info, when I follow up the answer with "are you sure?", or "that doesn't sound right", it has apologized, stated it made an error, and given me new information. I can then repeat the clarifying question and will receive another apology and a modified answer.

15 RecommendShareFlag

Paul O commented June 9

P

Paul O

California

June 9

Sometimes yes, but usually no.

RecommendShareFlag

Bob commented June 8

B

Bob

San Francisco

June 8

Professional malpractice, should be disbarred.

20 RecommendShareFlag

3 REPLIES

Doug Piranha commented June 8

D

Doug Piranha

Cambridge, MA

June 8

@Bob Temporary suspension would be more reasonable. He didn't commingle funds or steal clients' money or worse.

11 RecommendShareFlag

Joe Scientist commented June 9

J

Joe Scientist

New York

June 9

@Doug Piranha

Didn't steal client's money? So the work was pro bono?

2 RecommendShareFlag

Amy commented 12 hours ago

A

Amy

Boston

12h ago

@Bob would love to see how much he billed his client for the "drafting" and "research."

1 RecommendShareFlag

Lila commented June 8

L

Lila

NYC

June 8

Why in the world would anyone want to create something that does the thinking for individuals who should think for themselves?

12 RecommendShareFlag

1 REPLY

Dean Ellis commented June 9

D

Dean Ellis

Los Angeles

June 9

@Lila exactly. It's as if human beings are hellbent on making themselves obsolete. We already destroyed our continuity of memory w/ the advent of the printing press, forgot how to navigate ourselves topographically due to GPS technology, can't spell or use grammar properly because of spell check, no longer remember peoples numbers, addresses or birthdays due to the ease at which this information is stored in our phones. I seriously wonder what people are gonna do with all this free time. Check out the author Neil Postman if you haven't heard of him. He was quite prophetic about the dangers of emergent computers technologies back in the eighties and nineties.

6 RecommendShareFlag

Andrew commented June 8

A

Andrew

NYC

June 8

The problem is the phrase, Artificial Intelligence. Only the adjective is correct. AI is not intelligent and does not know fact from fiction.

16 RecommendShareFlag

Justice Holmes commented June 8

J

Justice Holmes

charleston

June 8

He should be disbarred! I'm a lawyer and I say his failure to "comprehend" is clear evidence that he is not qualified to be a lawyer. He had a machine write his brief which is bad enough but he didn't even bother to cite check.

Outrageous.

97 RecommendShareFlag

2 REPLIES

Amy commented June 8

A

Amy

Boston

June 8

@Justice Holmes I bet his billed his client plenty for the supposed drafting and the research.

9 RecommendShareFlag

Longue Carabine commented June 9

L

Longue Carabine

Spokane

June 9

@Justice Holmes

"There but for the grace of God".....many a lawyer has thought thus seeing a colleague caught up in some folly-- without intentional deceit. The AI angle is new, and all the criticism is correct.

You risk disbarment if you intentionally mislead the court. He didn't. He should be sanctioned monetarily, he'll be paying his client back, and his name will be on the internet forever. Enough.

4 RecommendShareFlag

Larry Thiel commented June 8

L

Larry Thiel

Iowa

June 8

People have made these machines their whole lives.

Meanwhile there's a real world out there for anyone that wants to live in it.

8 RecommendShareFlag

ann commented June 8

A

ann

portland,OR

June 8

AI is an oxymoron! Those who argue otherwise are fooling themselves.

3 RecommendShareFlag

Gemma commented June 8

G

Gemma

Vancouver

June 8

"Can we agree that this is gibberish?" asked the judge. In other words, not only did the lawyer not write the document, he also did not read it.

105 RecommendShareFlag

Alexander commented June 8

A

Alexander

SW Florida

June 8

A travesty of justice for Mr. Schwartz; I refer anyone who doubts me to prior case law established by The State of Denial v. Will Fullignorance.

29 RecommendShareFlag

1 REPLY

James commented 11 hours ago

J

James

San Francisco, CA

11h ago

@Alexander Somehow I can't find that one on ChatGPT.

2 RecommendShareFlag
gking01 commented June 8
G

gking01
Jackson Heights
June 8

“Paradoxically, this event has an unintended silver lining in the form of deterrence,” our academic law professor proclaims.

Just what an academic law professor would be likely to say. That is beyond wishful thinking, that is delusional.

6 RecommendShareFlag
Laura commented June 8
L

Laura
Midwest
June 8
Face palm.

6 RecommendShareFlag
Roland Menestres commented June 8
R

Roland Menestres
Raleigh NC
June 8
...he “did not comprehend” ...this lawyer is grooming himself for filling disclosure forms on the Supreme Court.

10 RecommendShareFlag
JL commented June 8
J

JL
Frisco, TX
June 8
I wouldn't have AI write a third grader's book report, much less a motion for federal court. Trusting your livelihood and your client's outcome to a program that has zero credibility in your profession, and not checking any of the data it spewed out with a reliable source is next-level laziness.

27 RecommendShareFlag
Dave DiRoma commented June 8
D

Dave DiRoma
Baldwinsville
June 8
Mr. Schwartz seems like a decent guy but not a particularly good lawyer. Sorry but you are about to serve as the cautionary tale of for every one who thinks that A.I. is the answer to your work problems. You need to be disciplined of for no other reason but to serve as an example.

39 RecommendShareFlag
3 REPLIES

gking01 commented June 8

G

gking01

Jackson Heights

June 8

@Dave DiRoma I tend to disagree: he's probably quite close to the average lawyer: in terms of law intelligence, in terms of integrity, in terms of actively opting for the shortest of short cuts.

Wonder what kind of billing hour he was looking for with that "research" effort.

12 RecommendShareFlag

JD commented June 9

J

JD

New York, NY

June 9

@gking01 it is a personal injury so likely a contingency case— so lawyer may have wanted to put little into it in hopes of getting a small insurance payout

1 RecommendShareFlag

Groucho Marxist commented June 9

G

Groucho Marxist

Canada

June 9

His client was not hiring someone for their decency, and Mr. Schwartz may indeed be decent. The client hired a lawyer and Mr. Schwartz failed miserably, not just due to ignorance, but to carelessness and also to lack of the initiative expected in his profession.

I understand that he has years of experience and I don't think it is a mitigating factor. Disbarment.

3 RecommendShareFlag

NYorker commented June 8

N

NYorker

NY

June 8

What the lawyer in this case should be embarrassed about is not that A.I. failed him, but that he accepted payment (usually several thousands of US\$) expecting a machine to do the bulk of his work. Based on what I've read, he literally copy-pasted everything ChatGPT came up with. This to me is infuriating when I think about the people I know who literally break their backs at fast food jobs just to earn \$15 or \$17 an hour. Shame on this man and his law firm.

183 RecommendShareFlag

3 REPLIES

Jerry in NH commented June 8

J

Jerry in NH

Concord NH

June 8

He'll be. sued by his clients for big bucks and his career is likely over regardless of any court sanctions.

5 RecommendShareFlag

JD commented June 9

J

JD

New York, NY

June 9

@NYorker personal injury lawsuit so likely contingency lawsuit –

2 RecommendShareFlag

lulilu commented June 9

L

lulilu

Brooklyn

June 9

@JD Yes, it appears some of those excoriating counsel for charging massive fees and failing to read caselaw themselves are guilty of failing to read the article -- counsel is a plaintiff's lawyer working on contingency basis. His client was not charged any billable hours in those circumstances.

3 RecommendShareFlag

beeellsee commented June 8

B

beeellsee

Austin, Texas

June 8

This unfortunately highlights the fact that the developers of this AI made a decision that their software should not have fact-based output. They can sign statements about their “concern” over AI, but they willingly laid a foundation that omitted the logic rule if x is fabricated then x cannot be output. If the output is to be considered entirely fabricated, then there should be a flashing banner that no output has any basis in fact.

8 RecommendShareFlag

1 REPLY

lis commented June 9

L

lis

california

June 9

chat gpt is a mimic. its a really good fabricator. i do not think people really comprehend that it is not remotely the same thing as a bot, not even an infinitely more powerful bot. It reminds me of my sociopath father who would just make up examples or throw out a literary quote to make himself seem smarter than he was and to manipulate people. clearly the ai isnt motivated by deep seated insecurity but also has no real awareness of the difference between validated truths and made up things. and it is going to take a lot of programming and gatekeeping to even begin to make ai useful for fact based data.

5 RecommendShareFlag
Rufus commented June 8
R

Rufus
Planet Earth
June 8

No. He got lazy because the case was a dud and thought he could get out of doing any work. That's the reason.

10 RecommendShareFlag
SteveRR commented June 8
SteveRR
SteveRR
CA

June 8
This is the brilliance and the irony of Law School -it attracts some of the smartest people alive just as it attract the detritus of human existence.

It perfectly encapsulates America.

12 RecommendShareFlag
LuisV commented June 8
L

LuisV
Atlanta
June 8

I just questioned ChatGPT about this case and whether it cannot be trusted with anything it says. The answer was very reasonable, including the almond explicit admission that it is not reliable:

"While I strive to provide accurate and helpful information, it's always a good idea to verify any important or time-sensitive information from reliable and up-to-date sources. As with any information you receive online, it's advisable to exercise critical thinking and cross-reference multiple sources to ensure accuracy."

13 RecommendShareFlag
Private Citizen AU commented June 8
P

Private Citizen AU
Sydney, Australia
June 8

A Bot ate my homework!

13 RecommendShareFlag
Stan Continople commented June 8
Stan Continople

Stan Continople
brooklyn

June 8
It should have been a heads up when ChatGPT responded "Soitenly, Nyuk, Nyuk!"

21 RecommendShareFlag
Chris commented June 8
C

Chris

New York

June 8

This is simple. He was lazy and trying to cover up his own laziness and ineptitude rather than simply doing the hard work required. He was just continuing his laziness when he didn't check the automated product. He is probably too inept to know the product was inaccurate.

I see this with others who use ChatGPT and try to pawn it off as original product. Just lazy and laughable.

16 RecommendShareFlag

Bibliosmile commented June 8

B

Bibliosmile

Los Angeles

June 8

I guess we still need people.

27 RecommendShareFlag

1 REPLY

John commented 11 hours ago

J

John

New Jersey

11h ago

@Bibliosmile right now. I prefer Actual Intelligence over Artificial Intelligence

RecommendShareFlag

Bill Dodger commented June 8

B

Bill Dodger

Under your bed

June 8

Just this week's sign that the apocalypse is upon us.

5 RecommendShareFlag

Fender commented June 8

F

Fender

Mississippi

June 8

Didn't the Eagles write a song back in the 70s called "Lyin' AIs"?

39 RecommendShareFlag

1 REPLY

D.W. Benoit commented June 9

D

D.W. Benoit

Massachusetts

June 9

@Fender Excellent! Made my day.

3 RecommendShareFlag
Caleb commented June 8
C

Caleb

MD

June 8

How much did Mr. Schwartz bill his client for the “work”?

44 RecommendShareFlag

2 REPLIES

Wolf Out West commented June 8

W

Wolf Out West

Out West

June 8

@Caleb one wonders if it was taken on a contingency of the recovery?

RecommendShareFlag

Christine W commented June 9

C

Christine W

Topeka, Kansas

June 9

@Caleb : Probably nothing. He's a plaintiff's attorney working on a tort case; those are typically handled on contingency ("If you don't win we don't get paid.").

I suspect he was trying to do a minimal amount of work on a case he'd already figured was unlikely to result in a payday.

11 RecommendShareFlag

Hannah commented June 8

H

Hannah

Gilbert, AZ

June 8

Why not replace Tucker Carlson with AI? Think of the conspiracy theories AI could come with! More fun!

11 RecommendShareFlag

1 REPLY

lis commented 12 hours ago

L

lis

california

12h ago

it has been trained on the internet. doubtless it has already incorporated tucker. lately ive been thinking of it as being a bit like no face in spirited away

RecommendShareFlag

M commented June 8

M

M

California

June 8

From the Model Rules of Professional Conduct, Rule 1.1, Comment, on the subject of maintaining one's understanding of tech before relying upon it:

“

...”

Maintaining Competence

[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, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.”

Source:

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_1_competence/comment_on_rule_1_1/

19 RecommendShareFlag

1 REPLY

Shaking commented 11 hours ago

S

Shaking

My Head

11h ago

Hear, HEAR!

RecommendShareFlag

Howard Herman commented June 8

H

Howard Herman

Skokie, Illinois

June 8

What this matters shows is that, again, there is no substitute for doing something in the correct manner. Lawyers use paralegals, software tools, outside experts, etc. in their work. But in the end, when a lawyer submits a document to a court, such lawyer is signing off to the content of the document, including its citations and research. Such lawyer is responsible in the end. Everything in such document must be verified and confirmed. Any lawyer submitting a document to a court must be prepared to stand before a judge and defend himself or herself about the document's contents. It is that simple. The use of computer research tools and their offshoots will continue to be with us. But human input will always be required to make sure that a matter is prepared properly. And such human input can never be overlooked.

97 RecommendShareFlag

Redwood commented June 8

R

Redwood

North America

June 8

This story is actually a positive for American workers. The real purpose of this Generative AI is replacing expensive human labor, leading to increased profits in the short term. The biggest problem with AI is that it cannot distinguish between right and wrong, both factually and morally and that will give executives some pause before they replace workers with AI.

155 RecommendShareFlag

2 REPLIES

Bill commented June 8

B

Bill

NY

June 8

@Redwood "...The biggest problem with AI is that it cannot distinguish between right and wrong.." So AI is like republicans?

12 RecommendShareFlag

Adam from Queens commented 9 hours ago

A

Adam from Queens

Portland, OR

9h ago

@Redwood I disagree. When an early motorcar sputtered into the ditch with an engine problem, it was probably applauded as a positive for American horses. But pretty soon the problems were fixed, and the livery stables, blacksmith shops and buggy whip manufacturers were going out of business. AI is here to stay, it's going to get even better technologically, and we better figure out how to live with it.

RecommendShareFlag

David Hermiz MD commented June 8

D

David Hermiz MD

Los Angeles

June 8

Remarkably, if this doesn't rouse awareness about the potential disastrous consequences of this nascent technology, particularly in terms of misinformation proliferation, I can't fathom what will. Once again, we are delving into uncharted territory similar to our initial dive into social media. The parallels are striking as we again find ourselves in a landscape devoid of safeguards, and are blindly entrusting massive tech companies to act in good faith. The manifold possibilities of how this could spiral out of control are mind-boggling, and include further undermining our democratic institutions, exacerbating societal isolation, fanning the flames of factionalism, and escalating mental health crises. We stand at a crossroads where regulatory action is still viable, but there is a distressing lack of visionary leadership to guide us. May wisdom and reason be our guiding lights.

55 RecommendShareFlag

1 REPLY

gking01 commented June 8

G

gking01

Jackson Heights

June 8

@David Hermiz MD Let's go back to the 2016 election and the Cambridge Analytica fiasco. Cut to the chase: Cambridge Analytica used millions of Facebook data files for the purpose of supporting its client (doesn't even matter who the client was).

The Zuck was caught with his pants down (it would become a habit for him and his lean-in buddy Sheryl Sandberg); his explanations to Congress for how this could happen were utterly serve-serving and risible.

My point: the whole Cambridge Analytica thing was very late to the party in that Facebook, Google and the myriad other surveillance thieves had been facilitating this sort of thing for years prior to 2016.

To Sum in 2023: Cambridge Analytica is out of business and the whole affair essentially changed nothing. Hoards of users still trust their data to the same crowd, a crowd that has never had their best interest at heart.

This current incident won't fix dumb anymore than Cambridge Analytica did.

1 RecommendShareFlag

James Field commented June 8

J

James Field

Arizona

June 8

This has nothing to do with ChatGPT or AI. A lawyer who signs and files a brief with citations to case law the lawyer has never read is professional negligence and violates a plethora of rules of professional conduct. Its like a surgeon cutting into patient without knowing what's wrong with the patient. Shame on this lawyer. He knew better.

324 RecommendShareFlag

5 REPLIES

FG commented June 8

F

FG

NYC

June 8

@James Field Yes, but it also has a great deal to do with ChatGPT and AI, in that - in its current form - it cannot be trusted to provide accurate information. This is the greater lesson from this case. A major problem is that ChatGPT tends to generate text that appears completely legitimate due to its style and perfect grammar. Thus, one may be inclined to believe what it says.

9 RecommendShareFlag

LW commented June 9

L

LW

Helena, MT

June 9

@FG

Yes, one may be inclined to believe what ChatGPT says. That should include the

fine print at the bottom of the screen. That one-liner says, "Free Research Preview. ChatGPT may produce inaccurate information about people, places, or facts. ChatGPT May 24 Version".

If you have a problem finding it, it's right below the place where you type every one of your questions.

8 RecommendShareFlag
ejb commented 7 hours ago
ejb
ejb
PA 1st Congressional District
7h ago
@James Field "He knew better."

What evidence do you have of that? Avoidance of stupidity is not evidence of knowing better.

RecommendShareFlag
VIEW ALL REPLIES
Adam commented June 8
A
Adam
Vancouver
June 8
OpenAI and other generative AI tools should make or be required to have a popup user agreement notice with a clear, short, simple explanation of how the technology works and a notice that all information should be checked. Users should have to write an agreement statement rather than just click.

Then the user should be shown the acceptable use page which is buried in the website and agree to it. It includes items like academic integrity.

Ideally users should be shown a short video message explaining this technology.

This will not prevent misuse or false claims about the tech on social media but will help reduce the shocking level of misunderstanding about how the technology appears to work among the general population.

19 RecommendShareFlag
Margaret commented June 8
M
Margaret
MA
June 8
Here is what ChatGT says happened in the hearing:

Judge: Counselor, I must say, your briefs are exceptionally well-written. You've been consistently impressive in court. What's your secret?

Lawyer: Thank you, Your Honor. Well, I believe in leveraging the latest technologies to enhance my practice. I've been using advanced language models to assist in crafting my briefs.

Judge: Interesting. So, you mean you've been relying on chatbots to prepare your arguments?

Lawyer: Yes, Your Honor. These AI-powered chatbots have been instrumental in generating well-researched and persuasive briefs. They analyze legal precedents, statutes, and relevant case law to help me build strong arguments.

Judge: I must say, Counselor, your approach is both innovative and efficient. It's important to adapt to the changing times. Keep up the good work!

138 RecommendShareFlag

Casual Observer commented June 8

C

Casual Observer

Los Angeles

June 8

Embarrassing, indeed. Would the lawyer check the work of those who prepare his briefs for court, otherwise?

16 RecommendShareFlag

1 REPLY

Longue Carabine commented June 9

L

Longue Carabine

Spokane

June 9

@Casual Observer

Yes, but if you have a reliable, experienced partner who wrote the brief, you may look it over but that will be it. And maybe not that. The guy was a 30-year lawyer and if he was my established partner I doubt I'd check his work.

2 RecommendShareFlag

Sheema Khan commented June 8

S

Sheema Khan

Ottawa

June 8

A cautionary warning. CHatGPT is no substitute for due diligence. In fact, it is the antithesis thereof. CHatGPT does not fact check. For those doing research of any kind, stay away from generative AI which generates text (and images and videos) based on pattern recognition. Not necessarily based on facts. Which points to its inherent danger in an age of misinformation.

41 RecommendShareFlag

Casual Observer commented June 8

C

Casual Observer

Los Angeles

June 8

ChatGPT is a program that assembles words taken from works in some database, without knowing that it is doing. I can understand how difficult it is to conceive of a clueless system that is referred to be intelligent, but that is

the reality. All the talk about these products inevitably replacing humans and performing with a perfection humans have never attained just adds to the misperceptions of what to expect from these systems. But curiosity might have saved this lawyer from explaining how he submitted a brief with bogus case law to support his argument.

15 RecommendShareFlag

Double trouble commented June 8

D

Double trouble

Boston

June 8

Without disciplinary action, our legal system will be a complete joke. Just like for college students, the temptation to cheat will be very real for lawyers and (gasp) judges alike.

82 RecommendShareFlag

citymouse commented June 8

citymouse

citymouse

appalachia

June 8

Did he think that all case law is freely available and "machine" readable data on the Internet? Do people in general think that all information ever produced exists likewise?

25 RecommendShareFlag

2 REPLIES

Tim Perry commented June 8

T

Tim Perry

Fort Bragg, CA

June 8

@citymouse Well, pretty much all case law *is* available online. The problem isn't that the bot found the wrong cases – my brethren do so all the time, or so I may argue. It is that it made up the cases. I've never seen a lawyer, even the least trustworthy, do that because they know they will get caught. For those who think the adversary system prevents justice from being done, this should be an object lesson.

11 RecommendShareFlag

Phil Hocker commented 12 hours ago

P

Phil Hocker

Alexandria, CA

12h ago

"You may Not find it on the Internet!"

The legal world has more data digitized and searchable via online sources than many fields, as this attorney must know - but they are Expensive ones, not freebies.

Beyond this incident, many important areas of public policy are determined by records that are NOT digitized. I have dealt with Federal land-management

agencies who claimed the maps Congress had established as controlling were not digitized and the originals were lost. I warned that I had verifiable photocopies of the originals. They managed to find them.

This attorney needs high-limit malpractice insurance. The whole world needs to remember: go to original sources. All the gee-whiz press about AI should be replaced with that warning.

RecommendShareFlag

Diana commented June 8

D

Diana

Wisconsin

June 8

Malpractice suit is next. The magnitude of potential deception in our courts is mind-blowing. "We have met the enemy, and it is us." God help us.

37 RecommendShareFlag

my goodness... commented June 8

M

my goodness...

US of A

June 8

What about surgeons relying on this technology?

9 RecommendShareFlag

1 REPLY

gking01 commented 12 hours ago

G

gking01

Jackson Heights

12h ago

@my goodness... That's scary, and what makes you so sure that some of them aren't as we speak?

Equally scary: your anesthesiologist depending on it.

RecommendShareFlag

DogHouse49 commented June 8

D

DogHouse49

NYC

June 8

Sanctions are inevitable. Predictions: Schwartz (not a member of the federal bar) will be fined and prohibited from participating in federal cases for one year. LoDuca will be suspended from the federal bar for a year and perhaps fined less. The fine will hurt but not be career-ending...that will happen regardless.

18 RecommendShareFlag

1 REPLY

DogHouse49 commented June 8

D

DogHouse49

NYC

June 8

@DogHouse49

P.s.: ... and a referral to the New York State bar for disciplinary proceedings.

9 RecommendShareFlag

2 Cents commented June 8

2

2 Cents

East

June 8

"Trust, but verify" popped into my head.

I do find ChatGPT to be very helpful in developing ways of expressing one's thoughts. It is kind of like a verbal mirror, a way of looking at one's own expression and developing a more profound or insightful form of the same ideas and bringing in related ideas.

But there have been times that I have asked it "can X" technology/software "do Y," and when it's responded affirmatively and explained how, I have switched to another window and verified what it had just told me, using google and looking at the related software company's website. You have to have a good understanding of what ChatGPT might say that is a fact needing verification.

This basic lack of insight, and lack of understanding of the purpose of research, really makes me question whether either of these two attorneys should retain their legal licenses.

I do not have a law degree, but I am aware of what's entailed in a legal education, and passing the bar, via the personal experiences of a close personal contact. My observation is that passing the bar requires a lot of memorization, and that skill is very different than the requirements of insight and research.

The motto of my undergrad school, Hampshire College, is Non Satis Scire -To Know is Not Enough. The focus is on Research Methods and The Mode of Inquiry.

This is just a guess but it seems like Schwartz and LoDuca learned how to memorize, but not how to inquire.

(This post was not written with help from GPT).

13 RecommendShareFlag

2 REPLIES

Gemma commented June 8

G

Gemma

Vancouver

June 8

@2 Cents And I wonder how much he charged the client for his "work".

2 RecommendShareFlag

Lawyermom commented June 8

L

Lawyer mom

Washington DC

June 8

@2 Cents I disagree that passing a bar exam requires a lot of memorization. Certainly, the essay portion requires a great deal of issue spotting and legal reasoning.

I am retired. Were I practicing today, I would probably try AI for research, but I would check every citation personally. I find it mind boggling that the bot actually made up non-existent cases! I guess we will have to stick with searches using reputable (and expensive) law-specific search engines. If it sounds too good to be true— it is.

4 RecommendShareFlag

Ken commented June 8

K

Ken

Nevada

June 8

Is it April 1st?

I mean, we all remember the first few news stories where reporters asked a software program a question and the software program showed clear signs of fabrication for fabrication's sake. The software also had an attitude. Like the Fonze.

In crafting its response, Every word is examined through a logical loop. How could being deceitful in a response - either to a single question or a request to compose a legal brief containing logical arguments, foundations, etc. ever enter the software's decision making process?

In a billionth of a second a decision needed to be made: Look up in my memory banks case law pertaining to this case or let's make them all up. That would be faster. OK. Here's a raft of complete lies with supporting precedents completely made out of thin air.

(Here is me screaming from the exits)

2 RecommendShareFlag

Keef ex Cucamonga commented June 8