"Legal AI-d to Your Service: Making Access to Justice a Reality"[1]

OpenAI's latest version of ChatGPT demonstrates that AI developers have made substantial accomplishments in automating text generation and responding to novel and complex prompts. These advances will radically transform the legal landscape.

In a paper co-written by ChatGPT, Dean Andrew Pearlman asked the chatbot "What can ChatGPT do for lawyers?" ChatGPT responded:

> "GPT-3 has the potential to be used in a variety of ways in the legal industry. Some potential use cases include:
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> 1. Legal research: GPT-3 could be used to assist lawyers in legal research by quickly scanning through large amounts of text data and providing relevant information on a given topic.
>
> 2. Document generation: GPT-3 could be used to generate legal documents such as contracts and briefs, saving lawyers time and effort.
>
> 3. Providing general legal information: GPT-3 could be used to provide general legal information to the public, such as answering frequently asked questions
>
> 4. Legal analysis: GPT-3 could be used to assist in legal analysis by providing suggestions and insights based on its understanding of the relevant legal principles and precedent."

Already, ChatGPT has proven to be uncannily adept at summarizing complex topics and generating legal work product. It has also proven promising in pulling together legal arguments, spotting issues, and applying standards to specific fact patterns.[2] In fact, many in the field take it as a given that ChatGPT will soon rival and even surpass our own abilities in performing legal reasoning and legal writing. Ed Walters notes that, "as the quality of work product created by lawyers augmented with AI surpasses the work created without AI, it is clear that lawyers will soon have a professional responsibility" to employ "state-of-the-art legal research and drafting tools."[3]

In addition to making lawyers' lives easier and largely automating all the "scrivener" work that comes with the profession, ChatGPT has the potential address a more pressing and systemic issue in the legal market: the wide gap in access to justice. Millions of Americans are unable to access legal services: a national study in 2015 found that "in 76% of civil cases, at least

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[1] I asked ChatGPT to write the title to this blog post: "You are writing a blog post about the potential of AI to close the gap in access to justice by providing legal advice. Generate some titles. Feel free to use puns." Honorable mentions include: "AI-Mazing Legal Advise: Closing the Gap One Byte at a Time" and "Justice for All: How AI is Leveling the Playing Field."

[2] *See* Agnieszka McPeak, *Disruptive Technology and the Ethical Lawyer*, 50 U. TOL. L. REV. 457, 472 (2019) (writing that AI has already proven capable of "captur[ing] the thought processes and connections lawyers make between legal concepts. They expand the universe of materials that can be located and thus expand lawyers' knowledge. They catalogue and characterize legal concepts in ways that enhance legal analysis").

[3] *See* Ed Walters, *The Model Rules of Autonomous Conduct: Ethical Responsibilities of Lawyers and Artificial Intelligence*, 35 GA. ST. U. L. REV. 1073, 1076 (2019)

one party was self-represented."[4] In the largest counties, over eighty percent of felony defendants charged with violent crimes cannot afford to hire attorneys.[5]

AI stands uniquely posed to address some of the fundamental issues in the legal market that result in this gap, such as the high cost of hiring a lawyer, the complicated nature of the legal system for those without legal training, and the unequal quality of representation among different law firms. AI could thus play a crucial role in closing the justice gap by providing access to legal services for anyone with access to the Internet.

ChatGPT, for one, is already able to answer nuanced legal questions in a concise and commonsense manner. It can describe legal standards and processes and the steps someone needs to take to comply with the law. And it can respond to particular fact patterns, applying the law dynamically. True, there may still be a long way to go before AI can be trusted to give competent legal advice. The service currently lags in its ability to fact-check itself, often giving erroneous or outright nonsensical responses. But its error rate is improving. And some legal scholars suggest that certain areas of the law that have become more stable and conversative over time, like trust law, are already prime candidates for AI.[6]

We may soon find that AI can give pristine legal advice and can elaborate on this advice with succinct, accurate, and insightful legal reasoning. This advice may soon rival that of our greatest legal minds, so that anyone with Internet access could simulate a dialogue with a world-class lawyer who has time to answer endless questions. This tool may be so powerful that it may result in actually widening the justice gap, considering that larger firms will have more resources to leverage AI and "learn its language," engineering higher quality prompts and use of the technology.[7]

However, with all boats rising in the AI tide, it will be hard to ignore the many benefits that AI can provide in giving anyone access to legal advice. Immigrants can have ChatGPT explain the immigration system to them in their own language, help them prepare certain documents, and give advice on legal strategies and the probabilities of outcomes, based on specific facts.[8] Even judges may soon be using this service as a "helpmate" in balancing elements of a statute, thinking through complex decisions, and writing opinions.

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[4] *See* Rebecca Love Kourlis & Neil M. Gorsuch, *Legal advice is often unaffordable. Here's how more people can get help,* USA TODAY (Sept. 17, 2020), https://www.usatoday.com/story/opinion/2020/09/17/lawyers-expensive-competition-innovation-increase-access-gorsuch-column/5817467002/

[5] *See* Rebecca Buckwalter-Poza, *Making Justice Equal*, CENTER FOR AMERICAN PROGRESS (Dec. 8, 2016), https://www.americanprogress.org/article/making-justice-equal/

[6] *See* Michelle Mohney, *How ChatGPT Could Impact Law and Legal Services Delivery*, NORTHWESTERN MCCORMICK SCHOOL OF ENGINEERING NEWS (Jan. 24, 2023), https://www.mccormick.northwestern.edu/news/articles/2023/01/how-chatgpt-could-impact-law-and-legal-services-delivery/

[7] *See id.*; *see also* Drew Simshaw, *Access to A.I. Justice: Avoiding an Inequitable Two-Tiered System of Legal Services*, 24 YALE J.L. & TECH. 150, 170 (2022).

[8] *Cf.* Kourlis & Gorsuch, *supra* note 4 (commending Utah and Arizona's "bold steps to increase access to justice" by recognizing "a new category of trained, non-lawyer legal professionals who will now be permitted to represent clients in various areas of the law, including family law, debt collection, and landlord-tenant disputes").