

# The AI Advocate: How GPT is Changing the Game in Legal Writing

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**Generative AI is a gamechanger for legal writers. This is no longer a story about what to expect in five or 10 years. The technology is here. For example, you can use ChatGPT to refine a sentence in dozens of useful ways. You can use it to summarize a page of dense case law into a quick paragraph that's simple enough for a client to understand. And you can use it to go beyond traditional legal writing to create charts, graphs, image-recreations, and more.**

In other words, AI provides useful tools we legal folks can use to save time and do better work for our clients and colleagues.

But the pitfalls are there, and they are wide and deep. From copyright infringement risks to data security concerns to accuracy problems, generative AI—like any advanced or emerging technology—must be handled with care.

## *ChatGPT's Pitfalls for Legal Writers*

We all hear stories about how ChatGPT got this or that legal question wrong. But many of these errors stem from folks not understanding how the AI works or using these tools for the wrong tasks.

Let's start with what ChatGPT isn't all that good at.

First, asking open-ended questions that require ChatGPT to pull an answer directly from the data it was trained on is risky. Think of ChatGPT in two ways. The first is a powerful brain that can understand text and carry out tasks for you

using your own information or writing. The second is a reference library of information. ChatGPT is a great brain, but a not-so-great library. You might get something useful, or accurate, or you might not. If the language you use is open to many interpretations or uses jargon or terms of art that ChatGPT is not familiar with—you are even more likely to get poor results.

ChatGPT is simply not trustworthy for providing important legal or factual information on its own. It is great for generating ideas; it is great for carrying out tasks on specific text or data that you give it. But do not trust it to go find you the best case law or factual data. For those uses, you should look to tools that unleash the power of generative AI with additional safeguards in place (like tools coming from providers like Westlaw and Microsoft).

Copyright concerns are something else to think about. ChatGPT may provide a response that is pulled directly from the data it was trained on—which,



it turns out, contains a lot of copyrighted material. You must verify that you are not using any copyrighted material in your final work product—either by confining ChatGPT to work from your own text (like editing or formatting) or checking ChatGPT’s responses with a copyright tool or manual review.

Confidentiality is another area to be aware of. OpenAI does offer extensive documentation about its data security practices. And the company now says that it will not use your information in its public models, at least without your permission. But as is true with any cloud-based tool, there are risks, and you should do your due diligence before inputting sensitive information.

### **ChatGPT’s Legal Writing Strengths**

Where does ChatGPT shine? In quite a few places.

First, it’s great at helping to improve your writing style. This is one of the easiest ways to start using ChatGPT. You’re leveraging something

the technology is great at: language and syntax. You can have ChatGPT rewrite legalese or formal text into readable plain language. Or you can use GPT to fine-tune a sentence or paragraph to improve your style—say, by providing examples of a sentence written in different ways or from different perspectives.

Second, it’s good for summarizing text. Use ChatGPT to summarize cases, briefs, motions, or any other snippets of text—especially facts—to help you quickly figure out the major points.

Third, it provides brainstorming themes, pithy headings, and other creative ideas for your legal writing. ChatGPT can be a fantastic brainstorming partner. Creative ideas are a great way to use ChatGPT because you are not asking for hard facts, and often we legal writers just need a little inspiration to come up with effective ways to connect with our readers.

Fourth, it is good at drafting starter text for a procedural section of a brief, an email, or other common legal documents. Legal writers constantly complain about blank-page syndrome. The power of getting some starter text or general ideas on the page can do wonders.

Fifth, it’s great for extracting information from defined text and organizing, classifying, or analyzing it. This now includes creating snazzy graphs or charts from your information, too.

Sixth, it can translate or explain text. ChatGPT is a wonderful translator because the task is so well-defined. The same goes for esoteric or complex text (like a science article). ChatGPT can help you quickly wrap your head around terminology and give you ideas for explaining it well to others.

Seventh, it excels at content generation for legal blogs or websites. ChatGPT can be used to draft content for legal blogs, websites, or newsletters, which can help legal professionals reach a wider audience and share their expertise.

Eighth, it can do other tasks that involve text, facts, or data you can easily identify for ChatGPT. The great thing about generative AI is that if you work with it enough, the possibilities are nearly endless. You just need to get a sense of

its limitations and the writing tasks it can help with, and you will see more and more ways to use it in your practice.

Finally, you can also use ChatGPT to go beyond writing. For one, ChatGPT can help you create new, simple technology tools for your unique practice needs. For another, new generative AI tools are useful for creating accident recreations, images, graphs of data, and more.

### **Some ChatGPT Tips**

Let’s finish up with some quick tips for getting better results when using ChatGPT directly. Most of these tips are aimed at helping you write better instructions, called *prompts*.

First, consider using tools that leverage ChatGPT or other LLMs in combination with other software. These marriages of generative AI with structured software can reduce accuracy and other problems.

Second, use precise prompts when working with ChatGPT. The more specific your instructions, the better the results you’ll receive. ChatGPT struggles if you give it the whole world to parse, like “draft a contract.” So go narrow. Start with a concrete verb letting ChatGPT know what you want it to do, like “summarize,” “brainstorm,” “rewrite,” “extract,” “create,” and so on.

Third, consider giving ChatGPT a role. Roles refer to giving ChatGPT context and direction for how it tackles a task—and how it prepares its answer—by having the AI take on the role of a person or entity. You can have ChatGPT take on certain writing styles or take on the role of the sort of person you would normally be working with on that task: Like a research librarian or a judge.

Fourth, consider whether your task requires reasoning or logical steps. If so, you may want to use what is called chain-of-thought (COT) prompting. COT prompting refers to either telling ChatGPT to use reasoning to reach its answer, or actually giving ChatGPT the specific steps you want it to carry out. Research suggests that simply including language like “Let’s think step by step” will increase the attention ChatGPT puts

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on reasoning. You can break down the steps you'd like ChatGPT to follow. This may take some time (and some trial and error), but you can generally think about the tasks you'd carry out—and then tell ChatGPT to do the same thing.

Fifth, consider setting parameters for your results. The more information you provide about the structure and format of the response you're looking for, the better. For example, you can control how much detail or depth you'd like ChatGPT to provide you. You can ask it for "five examples" or "three paragraphs of response."

Sixth, consider providing examples. Give ChatGPT a few examples of the type of results you want, or the types of results you do not want. These examples are even more powerful than other parameters because you're showing ChatGPT exactly what you want it to do.

Seventh, consider providing context and hints. Context plays a crucial role in guiding ChatGPT towards generating your desired results. By supplying background information about the topic or the type of response you are looking for, you improve the model's understanding of your task. To indicate that the provided text is context, make it explicit by stating, "The following information is context ..."

Finally, iterate with follow-ups. One of the easiest ways to improve your results is to give ChatGPT feedback: Telling it what it did right and what it did wrong. By using a few follow-ups and iterating, you'll often reach much better answers.

These tips just scratch the surface, though. Keep investing in ChatGPT and other generative AI tools to discover more ways to elevate your legal writing and practice.

### PROFESSOR JOE REGALIA'S

research and teaching focus is on legal writing, persuasion science, and technology and innovation. He is developing a project in partnership with leading legal tech and innovation experts across the globe. The project aims to train law students and lawyers how to leverage cutting-edge technology and innovation in their practice. He also founded and runs the Pro Se Bootcamp, a project that trains pro se litigants how to navigate the legal system. He holds positions in each of the legal writing organizations, including the Legal Writing Institute, the Association of Legal Writing Directors, and the Legal Writing Section of A.A.L.S. His work has been featured in publications like the *Kentucky Law Journal*, the *New Mexico Law Review*, the *University of Virginia Environmental Law Journal*, and others.



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