

AI's Impact on Professional Practices

Sarah Sawyer: Welcome to this week's OK at Work with myself, Sarah Sawyer, my colleague Russell Berger, both attorneys at Offit Kurman. And today we are talking about AI. Specifically, and I know we've talked about AI a lot on here because it's obviously a hot topic and is running through everything these days but today we wanted to talk a little bit about using it as a tool.

A lot of folks are starting to use it more and more, I think even since we first mentioned it OK at Work, there's probably more people who are watching this video who are actually using it. It's installed on people's computers. If you have Microsoft products, you make a Co-pilot installed, when you open it up.

So folks are using it a lot more. I know I'm having experiences where I have clients sometimes who are sending me a draft agreement from Chat GPT to get me started which often is minimally helpful. But what are some things that, we should be thinking about, business owners should be thinking [00:01:00] about as it relates to asking Co-pilot, Chat GPT, AI for legal help.

Russell Berger: Yeah, I think as a starting point, it's good to have the tools. It's good to use the tools. It's good as an employer to experiment with efficiencies and progress that can be made by leveraging AI, but also it's a really powerful tool that can go off the road too. And, the metaphor I like to use is, it's like when we went from horse and buggies to automobiles.

Cars are a lot faster, a lot stronger, a lot more powerful. Capable of a lot more damage too. You have to get a driver's license, you gotta go to driver's ed. You gotta know what you're doing. You gotta learn the rules of the road before you get behind the wheel. And I think that's number one, a starting point for AI and how we use generative AI.

I also think that it's important to know, that, maybe it's best used by the technical person in that area. So you might wanna have people on your team that are subject matter experts that know how to engineer the right prompts and how to leverage the technology.[00:02:00]

And, when it comes to, your question, Sarah, about, the practice of law, as a starting point, if you put something on AI, it's not privileged. If you send it to us or a lawyer, it is privileged. So when you start putting things on AI, whatever questions you're asking, whatever you're uploading, like it's all out there.

You've waived, privileged and someone is going to ask for that discovery and you're gonna have to produce it. And it might be unpleasant and hurtful to your case. So as a starting point, not a great idea. Secondly, I think it's important to have those conversations with your professional.

And again, it's the same thing. If I go on WebMD and diagnose myself with something and then going to the doctor and say, Hey Doc I helped you out here. I know what this is. The doctor's gonna say, well, that's great. I'm gonna start over. I'm to go through, all my years of training and experience and I'm gonna start at the beginning and work through my process and I think lawyers are probably no different and any professional is gonna be on along the same lines [00:03:00] there.

Sarah Sawyer: Yeah, and it unfairly narrows things in a not helpful way sometimes in the beginning. So if you come into, and I think it's a good point just to think about generally as well, is that when you go to see a lawyer about an issue, you might think the issue is X, but we might know it to be Y and it's because we have that background knowledge and part of our job is to do that assessment.

So if you come up to us saying, I put it in AI. I know that this is what I need. This is my issue. It's X, you might be leaving out vital details. And hopefully, like you said good attorneys will ask those additional questions, dive deep and see if it's really something else that's going on there.

I think the doctor analogy is a really good one. But, no need to do all of that, before you go and talk to council. Again, there's a lot of great uses for AI. I know we use it. You and I talked about that Russell, like we use it for differing things.

So I think that's a great point. You wanna use it, but sometimes it's a little overkill that we use it and you also don't wanna lose your own thoughtfulness [00:04:00] around something. When you're trying to have it problem solved for you or, give it your thoughts. You don't wanna take that as here's the solution. You wanna still use your brain. It sounds like it should go without saying, but...

Russell Berger: Yeah, especially because we know that AI is inaccurate at times and it has hallucinations and, there is just a story here in Maryland about how, an attorney cited a bunch of hallucinated cases in an appellate brief. And the appellate court had to address that with him during the hearing. And, that's somebody who's a member of the bar and trained to know what they're looking at in the law and, got duped by the AI. It's really important because of the lack of accuracy that you have someone who, one, knows what they're doing, looking at it and knows exactly what they're looking for. As you said, the X versus Y of it all. But also, will be trained on how to do that and, knows what follow up questions to ask and how to engineer the prompts, which I think is really gonna be a important skill in every subject matter of vocation is how do you prompt engineer. [00:05:00] And I think that will be a valuable trait to look for in people you hire for anything.

Sarah Sawyer: Yeah, definitely. Well thanks Russell. We'll see you next time.

Russell Berger: Thanks Sarah.