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Access to Civil Justice in the Age of AI: Mindsets & Pathways to New Practices

NATALIE ANNE KNOWLTON*

I. INTRODUCTION

“Generative AI Is Coming For the Lawyers.”¹ This *Wired* headline from February 2023 was just one of many that were published around this time carrying this ominous message.² OpenAI’s ChatGPT had been released several months prior in November 2022, setting a record for reaching 100 million active users just two months after launch.³ And things just ramped up from there when GPT-4 was released in March 2023.⁴

Later that same month, Goldman Sachs released a report that made headlines in both popular media and trade publications.⁵ By most measures, the report’s title was fairly benign: “The Potentially Large Effects of Artificial Intelligence on Economic Growth.”⁶ But the report suggested an astonishing potential impact of generative artificial intelligence (“AI”) on the United States legal industry: forty-four percent of legal tasks exposed to automation.⁷ The headlines exploded. Mainstream media published more attention-grabbing headlines like, “A.I. Is Coming for Lawyers, Again”⁸, while legal publications were quick to claim that these predictions were mere hype, for example, “Will AI take over lawyer jobs? 3 reasons to object”.⁹ It is easy to get lost in this debate, and of course, some have. This distracts,

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1. Chris Stokel-Walker, *Generative AI Is Coming For The Lawyers*, WIRED (Feb. 21, 2023, 10:00 AM), <https://www.wired.com/story/chatgpt-generative-ai-is-coming-for-the-lawyers/>.

2. *Id.*

3. Krystal Hu, *ChatGPT sets record for fastest-growing user base*, REUTERS (Feb. 2, 2023, 10:33 AM), <https://www.reuters.com/technology/chatgpt-sets-record-fastest-growing-user-base-analyst-note-2023-02-01/>.

4. Ina Fried, *Chatbot letdown: Hype hits rocky reality*, AXIOS (Mar. 27, 2024), <https://www.axios.com/2024/03/27/ai-chatbot-letdown-hype-reality>.

5. See generally Jan Hatzius et al., *The Potentially Large Effects of Artificial Intelligence on Economic Growth*, GOLDMAN SACHS (Mar. 26, 2023, 9:05, PM), https://www.key4biz.it/wp-content/uploads/2023/03/Global-Economics-Analyst_-The-Potentially-Large-Effects-of-Artificial-Intelligence-on-Economic-Growth-Briggs_Kodnani.pdf.

6. *Id.*

7. *Id.* at 6.

8. Steve Lohr, *A.I. Is Coming for Lawyers, Again*, N. Y. TIMES (Apr. 10, 2023), <https://www.nytimes.com/2023/04/10/technology/ai-is-coming-for-lawyers-again.html>.

9. *Will AI take over lawyer jobs? 3 reasons to object*, THOMSON REUTERS (Sept. 29, 2023), <https://legal.thomsonreuters.com/blog/will-ai-take-over-lawyer-jobs-3-reasons-to-object/>.

however, from the many potential ways in which AI can transform the legal system to make it better.

The following article is derived from remarks given during the March 2024 Ohio Northern University Symposium “AI in the Practice of Law,” and is focused on the evolving role of PeopleLaw¹⁰ for lawyers in the age of AI and how rapidly advancing AI applications could reinvigorate lawyers’ role in increasing access to justice.

Section II starts by exploring “access to justice” as a concept.¹¹ While there are numerous ways to conceptualize this term, this article focuses specifically on two sources of “justice,” as recognized by the legal industry and as is evident in the market: lawyer services, like legal advice and legal information.¹² With respect to “access,” this section starts with the most common assumption, even if it isn’t entirely accurate, that the justice crisis is a result of the consumers’ inability to afford legal help.¹³ It then introduces the issues of consumer choice and preference, suggesting that these factors should also be part of the conversation.¹⁴

Section III is dedicated to humans – specifically, the way we as humans and lawyers think about and respond to challenges and opportunities.¹⁵ Confronted with rapidly evolving AI and rapidly worsening access to justice issues, lawyers must embrace a mindset that facilitates learning, adaptation, and innovation. In the PeopleLaw sector at least, the primacy of lawyers is not guaranteed in the future. It is breaking up even now but this trajectory is not inevitable.

Section IV discusses one strategy of leveraging generative AI that can help lawyers as they adapt and innovate in their business models.¹⁶ This is an approach focused on the standalone value of legal information which is both incredibly helpful to consumers in the PeopleLaw sector and inherently scalable. This section will explore how legal information products are a core value to add in new legal business models.¹⁷ Quality legal information can have a much wider reach than bespoke legal advice and is already the central strategy used by courts and others to increase access to justice. This section

10. The Two Hemispheres Theory bifurcates the legal profession into two high-level groups: lawyers who serve large organizations and/or BigLaw and those who serve individuals and small businesses. This latter group has come to be known as the PeopleLaw sector. Deborah J. Merritt, *Two Hemispheres*, LAW SCHOOL CAFE (May 2, 2015), <https://www.lawschoolcafe.org/2015/05/02/two-hemispheres/>.

11. *See infra* Section II.

12. *See infra* Section II. A.

13. *See infra* Section II. B.

14. *Id.*

15. *See infra* Section III.

16. *See infra* Section IV.

17. *See infra* Section IV. A.

includes several use cases along the content production workflow that can streamline the creation of new information products.¹⁸ Section V concludes.¹⁹

II. ABOUT ACCESS TO CIVIL JUSTICE

When words or phrases become so ubiquitous that they begin to lose concrete meaning, they risk reaching buzzword status. Some argue that the phrase “access to justice” has befallen that fate.²⁰ Access to what? What is justice? At a 30,000 – foot view, this term is a convenient way to describe a host of complex, related concepts: fairness, equity, meaningful participation, inclusivity, empowerment, affordability, accessibility, the ability to pursue and achieve resolution, and so on. Yet this is such a subjective analysis; how one conceptualizes access to justice can be influenced by demographic, cultural, and community factors.

This endlessly broad and deep use of the term works in some scenarios. But not when we are identifying potential solutions for expanding access to justice. To do that, more specificity is needed. The sections that follow echo mainstream understandings of access to justice: where justice means having legal advice and access means being able to afford a lawyer.²¹ But this discussion will push at these definitions a bit. Legal information is becoming ever more important alongside legal advice. Affordability is just one facet of access; others include consumer preference and choice. At the conclusion of this section, this access to justice framework will be explored in the context of AI’s potential contribution.²²

A. What Does “Justice” Mean?

Within the mainstream legal profession, “justice” seems most commonly associated with having legal help provided by a lawyer.²³ Obviously, lawyers are useful and sometimes essential. Law is complicated, and the more complex the world gets, the more complex the law gets. Lawyers undertake three years of education and training and then pass a challenging bar exam, to enter the profession. From there, it can take years for a lawyer to specialize and develop deep expertise in an area of the law. When legal consumers need

18. See *infra* Section IV. B.

19. See *infra* Section V.

20. E.g., Bob Glaves, *What Do We Mean When We Say Access to Justice?*, CHI. BAR FOUND., <https://chicagobarfoundation.org/bobservations/what-do-we-mean-when-we-say-access-to-justice/> (last visited June 23, 2024).

21. See *infra* Section II. A & B.

22. See *infra* Section II. C.

23. E.g., Chase Hertel, *Access to Justice: We Can Do Better*, MEDIUM (Mar. 7, 2022), <https://medium.com/justice-rising/access-to-justice-we-can-do-better-ee5afl4921b>.

to navigate their way through legal rights and responsibilities, lawyers are the gold standard.

There are also no comparable alternatives. What comes with a lawyer as a source of legal help is something that consumers cannot get anywhere else: legal advice. This ability to apply a client's facts and circumstances to the law is central to the "practice of law",²⁴ and many lawyers view legal advice as their primary measure of value for clients. Lawyers have a monopoly on providing legal advice and guarding this monopoly means ensuring that no comparable non-lawyer alternatives are allowed on the market. By ensuring that they are the only game in town, lawyers remain the only game in town.

More broadly, systemic forces are at work here. Our legal system historically relied on a social contract between a public institution (the judiciary) and a private industry (the legal profession). Due to the complexity of the former, the latter was needed to help the public gain access. Lawyers were gatekeepers – intermediaries between the law and those who needed it. The system was designed by lawyers and judges for use by lawyers and judges. It still is to a large degree, despite efforts that will be discussed below. The system has been designed to necessitate lawyers, and in the absence of a system redesign, lawyers often remain necessary to access the system.

This lawyer-centric view of "justice" has been criticized,²⁵ and there are obvious limits to relying on only lawyers to bridge the justice gap.²⁶ The experience of legal aid as an oft-proposed solution to low-income access issues is illustrative. For many years now, the Legal Services Corporation ("LSC") has been studying the justice gap, particularly as it relates to low-income populations.²⁷ In a 2004 assessment, LSC found that "for every client served by an LSC-funded program, at least one person seeking help will be turned down."²⁸ The 2007 LSC study found exactly the same thing.²⁹ As did

24. *Model Definition of the Practice of Law*, ABA (Sept. 18, 2002), https://www.americanbar.org/groups/professional_responsibility/task_force_model_definition_practice_law/model_definition_definition/. (There is no concise, single, agreed upon definition of what constitutes the practice of law. The American Bar Association developed a model definition in 2002, but it was not ultimately adopted. Nevertheless, it is instructive. "(1) The 'practice of law' is the application of legal principles and judgment with regard to the circumstances or objectives of a person that require the knowledge and skill of a person trained in the law").

25. See generally Zachariah DeMeola & Michael Houlberg, *To Close the Justice Gap, We Must Look Beyond Lawyers*, IAALS BLOG (Nov. 4, 2021), <https://iaals.du.edu/blog/close-justice-gap-we-must-look-beyond-lawyers>.

26. *Id.*

27. See *Justice Gap Research*, LEGAL SERVICES CORPORATION, <https://www.lsc.gov/initiatives/justice-gap-research> (last visited June 3, 2024).

28. *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*, LEGAL SERVICES CORPORATION (June 2007), <https://lsc-live.app.box.com/s/zb2hn2xm0ewmsubckbtpo9jjegxruwfp>.

29. *Id.* at 4.

the 2009 LSC study.³⁰ The 2017 *Justice Gap* study reports the following: “More than half (53% to 70%) of the problems that low-income Americans bring to LSC grantees will receive limited legal help or no legal help at all because of a lack of resources to serve them.”³¹ Five years later, the 2022 LSC report found that one in two requests for assistance is turned away, and “[e]ven when they can provide some assistance, these organizations have the resources to fully resolve only 1 out of every 2 (56%) problems.”³² This obviously raises resource and funding issues, but there is another, root cause issue that we must accept: the traditional legal service model does not scale.

Consider this, in 2018, Associate Justice of the Supreme Court of California Goodwin Liu remarked, “Even if we asked every lawyer in America to do 100 more hours of pro bono work a year, all of that additional work would be enough to secure only 30 minutes per problem per household in America.”³³ Associate Justice Liu was talking about pro bono here, but this perfectly illustrates the fact that the United States does not have nearly enough lawyers in this country to come close to serving the needs of the public using traditional service models.³⁴ Lawyers are not the solution to increasing access, but they are *a* solution.

This brings up a second perspective on what constitutes “legal help”: quality legal information. Information has always played an important role for legal consumers in the PeopleLaw sector. But since lawyers are no longer the dominant interface between the law and the public,³⁵ the relevance and importance of informational resources have skyrocketed. Armed with an ever-expanding pool of information, people are accessing the law and the courts on their own, or at least they are trying to. In many ways, the judiciary

30. *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*, LEGAL SERVICES CORPORATION (Sept. 2009), https://www.lsc.gov/sites/default/files/LSC/pdfs/documenting_the_justice_gap_in_america_2009.pdf.

31. *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans*, LEGAL SERVICES CORPORATION (June 2017), <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>.

32. *The Justice Gap: Executive Summary*, LEGAL SERVICES CORPORATION (2022), <https://justicegap.lsc.gov/resource/executive-summary/>.

33. *3 ways to meet the “staggering” amount of unmet legal needs*, ABA (July 2018), <https://www.americanbar.org/news/abanews/publications/youraba/2018/july-2018/3-ways-to-meet-the-staggering-amount-of-unmet-legal-needs->.

34. *Id.*

35. Three out of four cases in state family and civil courts involve at least one self-represented litigant. Paula Hannaford-Agor et al., *The Landscape of Civil Litigation in State Courts*, NAT’L CTR. FOR STATE CTS., iv (2015), https://www.ncsc.org/_data/assets/pdf_file/0020/13376/civiljusticereport-2015.pdf [hereinafter *Civil Litigation in State Courts*]; *Family Justice Initiative: The Landscape of Domestic Relations Cases in State Courts*, NAT’L CTR. FOR STATE CTS., ii (2018), https://www.ncsc.org/_data/assets/pdf_file/0018/18522/fji-landscape-report.pdf [hereinafter *Domestic Relations Cases in State Courts*].

is facilitating this, especially at the state court level.³⁶ Courts are developing informational resources, bringing on self-help staff, and training judges on hearings involving self-represented litigants.³⁷ Some courts are complementing this growing movement of self-help with simplified processes³⁸ – making the system even more accessible to the public.

The import of legal information lies in its ability to scale. Legal advice, which involves bespoke one-to-one assistance, cannot go any further than a single client. On the other hand, a single piece of content or curated package of information can serve an unlimited number of people. The broad generalizability of legal information, which is actually what makes it subpar to bespoke legal advice, is an asset in the context of its potential reach.

There are limits to legal information also, the first being that it is not legal advice. The hallmark of legal information is its breadth and generalizability – it does not tell consumers what they *should* do but rather details the range of things consumers *could* do.³⁹ Most consumers, however, are looking for suggestions and direction. They want to know what they should do because they lack the legal background to self-assess and select from the various options available to them. But in the absence of legal advice, quality legal information is better than nothing.

Additionally, as anyone who has searched online for help with a legal issue knows, not all information is good information. Often, trustworthy and authoritative legal information is lost in what some call the “sea of junk.”⁴⁰ Online information can be inaccurate, irrelevant, too broad to be helpful, or just plain wrong. There is an art and science to developing actionable legal information products: plain language, information architecture, images, readability, strategic uses of white space, checklists, process maps, and others.⁴¹ But without careful attention to how legal information is curated,

36. E.g., Aubrie Souza et al., *Court-Based Self-Help Centers: National Survey Findings, Recommendations, and Best Practices*, NAT’L CTR. FOR STATE CTS. & MASS. APPLESEED CTR. FOR LAW & JUSTICE, 7 (2023), https://www.ncsc.org/_data/assets/pdf_file/0016/92023/Court-Based-Self-Help-Centers-National-Survey-Findings-Recommendations-and-Best-Practices23.pdf (identifying self-help trends from survey data from 32 states).

37. See John Greacen & Michael Houlberg, *Ensuring The Right To Be Heard: Guidance For Trial Judges In Cases Involving Self-Represented Litigants*, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., 10 (2019), <https://iaals.du.edu/publications/ensuring-right-be-heard>.

38. E.g., *Informal Domestic Relations Trial*, OR. JUDICIAL BRANCH, <https://www.courts.oregon.gov/courts/clackamas/resources/pages/informaldomesticrelationstrials.aspx> (last visited June 3, 2024).

39. JOHN M. GREACEN, *Legal Information vs. Legal Advice: A 25-Year Retrospective*, 106 JUDICATURE VOL. 2, 52-53 (2022), <https://judicature.duke.edu/wp-content/uploads/2022/09/GREACEN-Summer2022.pdf>.

40. State Courts, *Tiny Chat 138: Sea of Junk*, VIMEO (March 6, 2024), <https://vimeo.com/920110405>.

41. See generally J. David Griener et al., *Self-Help, Reimagined*, 92 INDIANA L. J. 1119, 1135 (2017), <https://www.repository.law.indiana.edu/ilj/vol92/iss3/6/>; See generally Margaret Hagan, *The Justice is in the Details: Evaluating Different Self-Help Designs for Legal Capacity in Traffic Court*, 7 JOAL 1 (2019), <https://ojs.law.cornell.edu/index.php/joal/article/view/97/94>; See generally Margaret

designed, and packaged, it can be useless or, worst-case scenario, downright harmful. Fortunately, there is considerable guidance available on how to make information accessible and actionable.⁴²

B. What Does “Access” Mean?

When many in the legal profession talk about the access to justice problem, they are referencing a very narrow view – that access to justice is a low-income issue. Or, more descriptively, a lowest-of-the-low-income issue. In this context, “access” seems to be first and foremost an affordability issue, since it is tied to socioeconomic status.

It is undisputed that low-income individuals and families are priced out of the justice system, and further that low-income individuals are disproportionately affected by legal problems.⁴³ “Low-income” has a specific definition in the context of legal aid, since only those with incomes at or below 125 percent of the federal poverty guidelines are eligible for assistance.⁴⁴ In 2023, this worked out to \$18,225 or below for an individual and \$37,500 or below for a family of four.⁴⁵ The 2022 LSC study, *The Justice Gap*, suggests that approximately 50 million Americans have household incomes at or below 125 percent of the federal poverty guidelines, including fifteen million children and eight million seniors.⁴⁶ This study also found that “[l]ow-income Americans do not get any or enough legal help for 92% of their substantial civil legal problems.”⁴⁷ In the prior study, published in 2017, that figure was eighty-six percent.⁴⁸ Things are not trending in the right direction.

Hagan, *The User Experience of the Internet as a Legal Help Service: Defining standards for the next generation of user-friendly online legal services*, 20 U. OF VA. 394, 395 (2016), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2942478.

42. E.g., State Courts, *Tiny Chat 134: Best Practices for Creating Legal Self-Help Materials*, Vimeo (November 20, 2023), <https://vimeo.com/886424366>; Lois Lupica, *Guidelines for Creating Effective Self-Help Information*, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., 2 (2019), https://iaals.du.edu/sites/default/files/documents/publications/guidelines_for_creating_effective_self-help_information.pdf.

43. Paul Prettitore, *Do the poor suffer disproportionately from legal problems?*, BROOKINGS (Mar. 23, 2022), <https://www.brookings.edu/articles/do-the-poor-suffer-disproportionately-from-legal-problems> (presenting a global perspective on the issue).

44. This is just the financial eligibility measure; there are other eligibility restrictions. *Income Level for Individuals Eligible for Assistance*, FEDERAL REGISTER (Feb. 2, 2023), <https://www.federalregister.gov/documents/2023/02/02/2023-02179/income-level-for-individuals-eligible-for-assistance> [hereinafter *Income Level*].

45. *Id.*

46. *The Justice Gap: Executive Summary*, *supra* note 32.

47. *Id.*

48. *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans*, *supra* note 31.

But that is not where the access to justice problems end. The issue becomes even larger when we consider the other consumer segments that are affected by a lack of access to justice. Both common sense and economic reality tell us that someone with a monthly take-home of only a few hundred dollars more than their legal aid-eligible neighbor is no more able to afford legal help. The United Way maintains an “ALICE Essentials Index” – ALICE stands for “Asset Limited, Income Constrained, Employed.”⁴⁹ United Way estimates that nearly a third of the population, around forty million Americans, falls within this category by earning an amount of income just above the poverty line but not enough to get by.⁵⁰ The Census Bureau developed a Supplemental Poverty Measure which takes into account necessary expenses, like food, housing, utilities, and more when measuring poverty, as well as differences in the cost of living in one’s geographic area.⁵¹ What this highlights is that income is a poor metric for assessing whether one can afford basic services, including legal help. Yet income remains a primary metric by which the legal profession assesses whether consumers qualify for subsidized legal help or whether they are forced to pay full price for it.⁵² Because again, there are very few alternatives in between.

What “access” means begins to get a bit more complicated as we move further up the income ladder. Countless middle-class individuals are not able to access legal help at a level they can afford, or that they want to pay.⁵³ For the most part, the legal profession fails or refuses to recognize these overlooked legal consumers – so much so that they have come to be described as “The Missing Middle.”⁵⁴ Individuals with what we might consider “middle-class incomes” can have considerable expenses including childcare, eldercare, mortgage or rent, and debt obligations, like medical debt or student debt. Affordability is often an issue, along with the related concept of “cost priority” – that is “the notion that one might be able to afford legal services, but prioritizes other uses for the money.”⁵⁵ The accessibility of legal help

49. *Who is ALICE?*, UNITED FOR ALICE, <https://www.unitedforalice.org/> (last visited Aug. 22, 2024).

50. Jessica Dickler, *29% of households have jobs but struggle to cover basic needs: They are ‘one emergency from poverty,’ one expert says*, CNBC (Apr. 29, 2024 02:11 PM), <https://www.cnbc.com/2024/04/29/29percent-of-us-households-have-jobs-but-struggle-to-cover-basic-needs.html>.

51. These are not factors taken into account in the official measure of poverty. *Measuring America: How the U.S. Census Bureau Measures Poverty*, U.S. CENSUS BUREAU (June 2022), https://www.census.gov/library/visualizations/2021/demo/poverty_measure-how.html.

52. See generally *Income Level*, *supra* note 44.

53. *Above the Line Network 2023-2025 Strategic Plan: Designing a Path Forward for the Middle Class*, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS. & CHI. BAR FOUND., 2-3 (Sept. 19, 2023), https://iaals.du.edu/sites/default/files/documents/publications/atln_strategic_plan.pdf.

54. *Id.*

55. Natalie Anne Knowlton et al., *Cases Without Counsel: Research on Experiences of Self-Representation in U.S. Family Court*, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., 15 (2016),

here is multifaceted; it is a calculated decision for consumers.⁵⁶ People make these decisions all the time, for products and services of all types. Sometimes by necessity; sometimes by preference.⁵⁷

This is where things start to get even more controversial. What about consumer choice? It is the unstated but implied policy of legal regulators that consumers who have the money to hire a lawyer must pay for one, or else. This might not be so bad if there were a range of service options offered by lawyers, but in large part, consumers in the PeopleLaw sector only have access to expensive, full-service legal representation. Law does not have the rich ecosystem of advice providers that we see, for example, in the medical profession: nurses, physician assistants, doctors, surgeons, and others. Essentially our system forces consumers to pay a surgeon's rate to receive medical advice that a nurse could competently provide instead. There is a debate raging around the country on this. Suffice it to say here, there is a world of possibility for experimentation and innovation with new models of legal services delivery that better align with consumers' desired price points and do-it-yourself ("DIY") level.

C. AI & Accessing Legal Help

It is undeniable that AI has great potential for increasing the accessibility of legal help.⁵⁸ The contribution of AI can be considered from an internal and external perspective.⁵⁹ With respect to the former, whether and how lawyers implement AI into their internal business processes will have a considerable impact on practice efficiency.⁶⁰ Furthermore, increasing efficiency will theoretically allow a lawyer to serve more people. From a legal aid standpoint, one can imagine how AI-powered efficiency improvements can further expand the reach of legal aid lawyers.⁶¹ With private practice lawyers, we get further into theoretical territory when we

https://iaals.du.edu/sites/default/files/documents/publications/cases_without_counsel_research_report.pdf.

56. *Id.* at 12-20.

57. *Id.* at 13.

58. It is not a panacea, however.

59. There is a third perspective on the potential impact of AI on access to justice. As the capabilities of generative AI supplement an increasing number of tasks previously thought to be within the exclusive domain of humans, it is entirely foreseeable that AI can deliver legal advice. First off, the concept of "legal advice" is so expansive, it is easy to imagine that generative AI applications are already encroaching on the lawyer's territory. More importantly, with the right volume and quality of data, these systems can uncover patterns and trends that no human could—and with that, could deliver more accurate advice given one's specific scenario. The jury is out on what the practice of law looks like ten to fifteen years from now, but at some point, human lawyers may not be as relevant as they are today for certain areas of the law.

60. Colleen V. Chien & Miriam Kim, *Generative AI and Legal Aid: Results from a Field Study and 100 Use Cases to Bridge the Access to Justice Gap*, BERKELEYLAW (Mar. 14, 2024), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4733061.

61. *Id.* at 5, 9.

assume that the cost savings from these efficiencies will get passed on to the consumer, but that is certainly the hope. While one-to-one legal advice still is not scalable, AI can at least increase the amount of services lawyers provide.

From an external perspective, AI holds great promise for improving the quality and expanding the accessibility of public-facing legal information.⁶² Generative AI is a game changer for courts and other organizations that create legal information products.⁶³ Used efficiently, even off-the-shelf tools can expedite ideation, content creation, text simplification and summarization, and concept organization.⁶⁴ Because many generative AI tools are multimodal now, text-based resources can be easily transformed into image, audio, and video resources—further expanding one’s options for consuming legal information.⁶⁵ Beyond courts and legal services organizations, other players are getting into the legal information game. This service is core to the products and services offered by legal technology companies like LegalZoom and Rocket Lawyer.⁶⁶ The size of these legal technology companies demonstrates that there is market demand for alternatives to traditional legal services.⁶⁷

Finally, and the focus of Section IV, generative AI presents lawyers with a unique opportunity to reinsert themselves into the legal consumer’s journey by experimenting with legal information as a product.⁶⁸ Lawyers have traditionally had a singular focus on the value of legal advice, with information being an afterthought or intertwined with advice.⁶⁹ But there are growing opportunities to rethink value and service delivery in ways that create new, more affordable, and more attractive options for legal consumers.

But first, a word or two about humans.

III. MINDSETS MATTER

A discussion on rapid technological advancements and fundamental industry shifts would not be complete without a section on humans and human mindsets. One of the biggest wildcards in the future trajectory of the

62. *Id.* at 27.

63. *Id.*

64. Thomas H. Davenport and Nitin Mittal, *How Generative AI Is Changing Creative Work*, HARVARD BUSINESS REVIEW (Nov. 14, 2022), <https://hbr.org/2022/11/how-generative-ai-is-changing-creative-work>.

65. *Id.*

66. Chien & Kim, *supra* note 60, at 9.

67. *Id.*

68. Stanford Law School, *FutureLaw 2024 – The State of the Art in LegalTech Circa 2024*, YOUTUBE (Apr. 22, 2024), <https://www.youtube.com/watch?v=wBgRzzYdJuw&list=PLAx1YswjkDmMHEyFG72honkZZkTcOuzi-&index=8>.

69. *Id.*

legal industry is lawyers themselves. There are any number of things beyond the profession's control, including AI, but how lawyers think about and approach new challenges and opportunities will play a big role in where we end up in the future. What follows are several shifts in thinking and new mindsets to consider, which can best position lawyers to thrive and empower them to solve some of the biggest issues of our times. Also included are more practical ways to approach generative AI.

A. What Got Us Here Won't Get Us There

Richard Susskind and Daniel Susskind have said: “[W]e find it hard to avoid the conclusion that there will be a steady decline in the need for traditional flesh-and-blood professionals working as they do today.”⁷⁰ For far too long, lawyers have been operating on autopilot, practicing law in the same manner as generations of lawyers before them — offering bespoke legal advice, on a one-on-one basis, from start-to-finish, billed by the hour.⁷¹ Sure, the COVID-19 pandemic introduced virtual client services by necessity which some lawyers have maintained by preference.⁷² Yet even through a generation-changing pandemic, law practice in the PeopleLaw sector looks remarkably similar to how it was decades ago.⁷³

Legal consumers in no uncertain terms are moving away from this traditional model.⁷⁴ Nearly three out of four cases in state civil and family court involve a self-represented party, and not all of these are poverty law case types like debt collection and eviction, where you would expect that a litigant cannot afford an attorney.⁷⁵ Despite what many young lawyers enter the PeopleLaw market assuming, lawyers' primary competitors today are (1) consumer inaction in the face of a legal issue and (2) consumer DIY.⁷⁶ These are two very compelling options for consumers facing civil legal issues for a variety of reasons — including costs, affordability, and negative opinions about lawyers.⁷⁷ In some case types, these options are *more* compelling than hiring a lawyer.⁷⁸ Furthermore, as previously noted, courts are responding to

70. RICHARD SUSSKIND & DANIEL SUSSKIND, *THE FUTURE OF THE PROFESSIONS: HOW TECHNOLOGY WILL TRANSFORM THE WORK OF HUMAN EXPERTS*, xxv (2022).

71. *Id.* at 84.

72. *Id.* at xlix.

73. *Id.* at xlix – 1.

74. Chien & Kim, *supra* note 60, at 9.

75. *Civil Litigation in State Courts*, *supra* note 35, at 31; *Domestic Relations Cases in State Courts*, *supra* note 35, at ii.

76. Knowlton, *supra* note 55, at 17.

77. *Id.* at 2.

78. *Id.* at 18-20 (describing how some self-represented litigants in family cases did not want representation because they were concerned that the presence of an attorney would increase animosity with the other party).

the legal profession's failure to hold up its side of the social contract by stepping in with resources and services to assist DIY litigants.⁷⁹

Technology has been a key driver of this shift in the market.⁸⁰ The proliferation of online information armed consumers with a least a modicum of assistance.⁸¹ Millions of people every year tackle civil legal matters themselves, armed with only what they can find online.⁸² Generative AI is likely to fuel this disintermediation of lawyers. The difference between large language models ("LLMs") and static legal information online is that the former is becoming increasingly capable—at astonishing rates.⁸³ Furthermore, there are methods through which the accuracy and relevance of the legal information provided through open-source LLMs can be increased.⁸⁴ And these methods, too, are advancing.⁸⁵

Consumers are already using these tools, and the increasing sophistication of LLMs is all but assured to drive even more legal consumers toward this option.⁸⁶ Courts, legal aid organizations, and legal tech entrepreneurs, some of whom are lawyers, are quickly exploring how to leverage generative AI in serving legal consumers directly.⁸⁷ Lawyers are largely irrelevant in these efforts. But the divide does not need to be between lawyers and DIY legal consumers. A small but growing segment of enterprising lawyers have been radically changing their business models⁸⁸ and jumping headfirst into using generative AI to deliver both traditional services more effectively and entirely new legal services rooted in quality, curated legal information.⁸⁹ PeopleLaw lawyers *do* have an opportunity to reinsert themselves into the legal consumer's journey and generative AI *will* accelerate this practice.

79. *Id.* at 17.

80. *Id.* at 20.

81. Knowlton, *supra* note 55, at 26.

82. *Id.* at 1.

83. Varun Magesh, *Hallucination-Free? Assessing the Reliability of Leading AI Legal Research Tools*, STANFORD, 1, https://dho.stanford.edu/wp-content/uploads/Legal_RAG_Hallucinations.pdf (last visited Aug. 22, 2024).

84. As of writing, there are competing views on Retrieval Augmented Generation as an approach through which to increase the accuracy of LLM output. *Id.*

85. *Id.* at 4.

86. This naturally raises consumer protection issues, given the well-known limitations of many foundational, open-source models. But the issue is less whether consumers are harmed using these tools but rather whether consumers are worse off using these tools than they are using nothing. *Id.* at 22.

87. *Id.* at 4.

88. According to Dennis Kennedy, Director of the MSU Center for Law, Technology & Innovation, "business models, to me, are an essential part of innovation. I have difficulty calling something an innovation if it does not involve a rethinking of the existing business models." DENNIS KENNEDY, *SUCCESSFUL INNOVATION OUTCOMES IN LAW: A PRACTICAL GUIDE FOR LAW FIRMS, LAW DEPARTMENTS AND OTHER LEGAL ORGANIZATIONS*, 11 (2019).

89. Davenport & Mittal, *supra* note 64.

But this will not happen if lawyers continue doing the same things they have always done. What got us here will not take us to where we want, and need, to be for success in the future.

B. Rethinking What We Do & How We Do It

Adam Grant is of the opinion that “[r]ethinking needs to become a regular habit.”⁹⁰ It is one that lawyers would do well to master.

What do lawyers do? The traditional practice model paints an amorphous picture of what lawyers do; all the discrete tasks associated with serving a client are lumped together in the single act of representation.⁹¹ This practice model insulates the lawyers using it from having to view their services as discrete, independent tasks. It also traps legal consumers in an all-or-nothing situation, forcing them to pay for full-service representation or have no representation at all. However, there are other options.

Some of the emerging business models in the PeopleLaw sector are breaking apart the various lawyer functions and services that comprise traditional full-service representation—a practice known as the commoditization or productization of legal services.⁹² What is an obvious business and service model innovation in other industries was somewhat controversial across the legal industry and may still be in some corners.⁹³ Nevertheless, the commoditization approach is increasing in the PeopleLaw sector, and it provides a useful framework through which lawyers can assess how best to leverage and integrate generative AI.⁹⁴ Even lawyers who are not working in such a practice can benefit from thinking about their services in this way. Productized legal services are more accessible for consumers because they (1) carry a reduced price point and (2) allow consumers to limit how much they rely on a lawyer.⁹⁵

This task framework is a good start, but generative AI now demands that lawyers look more critically into what they do and parse their services in an even finer manner. While the Goldman Sachs report sparked a debate over the extent to which generative AI might replace lawyers, this replacement

90. ADAM GRANT, THINK AGAIN: THE POWER OF KNOWING WHAT YOU DON’T KNOW 190 (2021).

91. Knowlton, *supra* note 55, at 38 (speaking in the context of 200 discrete tasks that self-represented litigants must perform for themselves when not represented).

92. KENNEDY, *supra* note 88, at 56.

93. Some in the industry believe that the role of the lawyer, as a member of an esteemed knowledge profession, is cheapened when the value of a lawyer is packaged into fungible, systematized products or services. Russ Alan Prince, *How Law Firms Can Overcome The Commoditization Crisis in Legal Services*, FORBES (Nov. 28, 2017 06:37 AM), <https://www.forbes.com/sites/russalanprince/2017/11/28/how-law-firms-can-overcome-the-commoditization-crisis-in-legal-services/?sh=7a8f50ca10a1> (“Many law firms suffer from “commoditization denial”).

94. Kennedy, *supra* note 88, at 188.

95. Chien & Kim, *supra* note 60, at 10.

narrative is not the issue — at least not in the immediate term.⁹⁶ The report authors' analysis leveraged a large database of the task content of occupations to estimate occupation and industry exposure to automation by AI.⁹⁷ “Exposure” is fairly value-neutral. Furthermore, this is not a binary assessment because exposure exists on a spectrum.⁹⁸ When the authors concluded, then, that the legal profession had particularly high exposures to automation by AI, forty-four percent, this must be viewed in the context of the underlying legal *tasks* vulnerable to some level of automation.⁹⁹ Discrete tasks are the real focus here.¹⁰⁰

This is important because some lawyers do not think of their work in this drill-down task-based context. Yet the decisions about when, where, and how to use generative AI — and which specific tools to use — will often need to be made at this level.¹⁰¹ Idea iteration, content outlining, content drafting, summarization, note taking, image generation, and translation: The better a lawyer understands how these various tasks feed into their workflow, the easier it will be to determine where generative AI fits. These assessments will change over time as generative AI becomes capable of more and more tasks. Success in the future requires that lawyers — and professionals across industries — continuously rethink what they do and how they do it.

C. With AI, Even if We've Been Here Before, We Haven't Been Here Before

Jordan Furlong observes: “Eventually, at some point, this time is different.”¹⁰² The legal profession has survived the introduction of new technologies before, but it has not always been smooth or easy.¹⁰³ Fax machines strangely still have a hold on the legal profession,¹⁰⁴ and while email is ubiquitous, the fact that the American Bar Association had to issue a formal ethics opinion on “reply all” scenarios¹⁰⁵ suggests that we have not mastered the tool quite yet. Nevertheless, lawyers have adapted to some substantial shifts in practice.¹⁰⁶ Law offices are no longer scattered with

96. Prince, *supra* note 93.

97. Hatzius et al., *supra* note 5, at 5.

98. *Id.* at 5-6.

99. *Id.* at 6.

100. Jordan Furlong, *The legal world in 10 years (if we're really lucky)*, SUBSTACK (Nov. 2, 2023), <https://jordanfurlong.substack.com/p/the-legal-world-in-10-years-if-were>.

101. *Id.* at 4.

102. *Id.* at 3.

103. Jordan Rothman, *Faxes Are Still Useful in Some Legal Settings*, ABOVE THE LAW (Jan. 19, 2024 2:46 PM), <https://abovethelaw.com/2024/01/faxes-are-still-useful-in-some-legal-settings/>.

104. *Id.*

105. *ABA issues email guidance focusing on 'reply all' protocol*, ABA (Nov. 7, 2022), <https://www.americanbar.org/news/abanews/aba-news-archives/2022/11/email-guidance-reply-all/>.

106. Furlong, *supra* note 100.

paper files, lawyers no longer go to the books to conduct legal research, and more and more lawyers are moving to the Cloud.¹⁰⁷ Even those lawyers who have not transitioned yet, at least know what the Cloud is—which is a win in and of itself. So, there is comfort in knowing that the legal profession has been here before. But have we? Really?

Since ChatGPT hit the market in November 2022, legal publications and lawyers have been quick to say that generative AI will not take legal jobs and that the attention on generative AI is merely hype.¹⁰⁸ Countless legal commentators used the issue of hallucinations, a red herring in many ways, to dismiss generative AI tools as dumb technology.¹⁰⁹ While it is good to keep abreast of what legal industry leaders are saying, and how they think various tech developments will play out, lawyers would be wise to also pay attention to voices outside of the legal industry. There is a different tune coming from those who deeply understand and who are actively developing these technologies.¹¹⁰

AI is advancing at a rate of change that surprises even those building the applications.¹¹¹ Geoffrey Hinton, known widely as the “Godfather of AI,” has spent a lifetime developing some of the most sophisticated artificial intelligence technologies on — and likely off — the market today.¹¹² When he began his research, as he recounted to *The New Yorker* reporter Joshua Rothman, “no one thought that the technology would succeed; even when it started succeeding, no one thought that it would succeed so quickly.”¹¹³ Anthropic’s CEO, Dario Amodei, told the U.S. Senate Judiciary Committee’s Subcommittee on Privacy, Technology, and the Law that “the single most important thing to understand about AI is how fast it is moving.”¹¹⁴

The sophistication and capabilities of generative AI — now and in the future — are the subject of congressional hearings¹¹⁵ and letters signed by the

107. *Id.*

108. Steve Lohr, *A.I. Is Doing Legal Work. But It Won’t Replace Lawyers, Yet.*, N.Y. TIMES (Mar. 19, 2017), <https://www.nytimes.com/2017/03/19/technology/lawyers-artificial-intelligence.html>; *The End of Lawyers? Not Yet*, ARTIFICIAL LAWYER (May 16, 2023), <https://www.artificiallawyer.com/2023/05/16/the-end-of-lawyers-not-yet/>; *Three reasons why generative AI will not take over lawyer jobs*, THOMSON REUTERS (Feb. 27, 2024), <https://legalsolutions.thomsonreuters.co.uk/blog/2024/02/27/three-reasons-why-generative-ai-will-not-take-over-lawyer-jobs/> [hereinafter *Three Reasons*].

109. *Three Reasons*, *supra* note 108.

110. Joshua Rothman, *Why the Godfather of A.I. Fears What He’s Built*, THE NEW YORKER (Nov. 13, 2023), <https://www.newyorker.com/magazine/2023/11/20/geoffrey-hinton-profile-ai> [hereinafter *Godfather*].

111. *Id.*

112. *Id.*

113. *Id.*

114. Will Henshall, *4 Charts That Show Why AI Progress Is Unlikely to Slow Down*, TIME <https://time.com/6300942/ai-progress-charts/> (last updated Nov. 6, 2023 4:13 PM).

115. *Pause Giant AI Experiments: An Open Letter*, FUTURE OF LIFE INSTITUTE (Mar. 22, 2023), <https://futureoflife.org/open-letter/pause-giant-ai-experiments/>.

world's foremost AI developers demanding the pause of generative AI developments.¹¹⁶ Hinton left Google in May 2023, in part so he can speak out against the broader risks of increasingly intelligent AI.¹¹⁷ He told *MIT Technology Review* reporter Will Douglas Heaven: "I have suddenly switched my views on whether these things are going to be more intelligent than us.¹¹⁸ I think they're very close to it now and they will be much more intelligent than us in the future."¹¹⁹

During an interview with *ABC News*, Sam Altman, CEO of Open AI, remarked: "I think people should be happy that we are a little bit scared of [generative AI]."¹²⁰ When asked if he was personally scared, Altman replied: "I think if I said I were not [scared], you should either not trust me or be very unhappy I am in this job."¹²¹

Now, it might be easy to dismiss the prognostications of self-serving tech leaders, although not all those who have acknowledged generative AI's rapid advancement and future capabilities fall within this category.¹²² And for sure, existing generative AI tools have limits at this stage. It could be accurate that we find ourselves today in the "trough of disillusionment."¹²³ But most experts, including many tech-forward lawyers, stand firm in the belief that the legal field will not stay here long.¹²⁴ "The thing that matters most is just that it gets smarter," Altman told *Axios* reporter Ina Fried earlier this year.¹²⁵ "GPT-2 couldn't do very much.¹²⁶ GPT-3 could do more.¹²⁷ GPT-4 could do a lot more.¹²⁸ GPT-5 will be able to do a lot lot more."¹²⁹

Lawyers can try to ignore generative AI, but not for much longer. With so many signs pointing to the fact that generative AI will have a unique and dramatic impact on almost everything, a head-in-the-sand approach is not wise. At the very least, assuming that we have not been here before, AI will

116. *Id.*

117. *Godfather*, *supra* note 110.

118. Will Douglas Heaven, *Geoffrey Hinton tells us why he's not scared of the tech he helped build*, *MIT TECHNOLOGY REVIEW* (May 2, 2023), <https://www.technologyreview.com/2023/05/02/1072528/geoffrey-hinton-google-why-scared-ai/>.

119. *Id.*

120. Victor Ordonez et al., *OpenAI CEO Sam Altman says AI will reshape society, acknowledges risks: 'A little bit scared of this'*, *ABC NEWS* (Mar. 16, 2023 3:55 PM), <https://abcnews.go.com/Technology/openai-ceo-sam-altman-ai-reshape-society-acknowledges/story?id=97897122>.

121. Jyoti Mann, *Sam Altman admits OpenAI is 'a little bit scared' of ChatGPT and says it will 'eliminate' many jobs*, *BUSINESS INSIDER* (Mar. 18, 2023), <https://www.businessinsider.com/sam-altman-little-bit-scared-chatgpt-will-eliminate-many-jobs-2023-3>.

122. *Godfather*, *supra* note 110.

123. Fried, *supra* note 4.

124. *Id.*

125. *Id.*

126. *Id.*

127. *Id.*

128. Fried, *supra* note 4.

129. *Id.*

position enterprising lawyers to innovate their practices in ways that matter to legal consumers—and their bottom line.

D. Managing Our Expectations of AI

“Say it with me – ChatGPT is not for legal research,” cautions Judge Scott Schlegel.¹³⁰

AI is here, and it is here to stay, so every profession is having to learn and adjust. Lawyers have a unique duty of competence that in most states now requires a lawyer to “keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology.”¹³¹ Unfortunately, the temptation to use new technology in inappropriate ways has proven to be too sweet for some lawyers.¹³²

There is no need here to further shame the lawyers who have been sanctioned, or will be sanctioned soon, for using ChatGPT to unearth case law that does not exist.¹³³ While techno-pessimists are quick to drag ChatGPT and generative AI through the mud, judges and industry commentators are correct in placing blame on the offending lawyers — not the technology.¹³⁴ This scenario is no different than when lawyers fail to supervise the work of paralegals or submit case law the lawyer has not read to the court.¹³⁵

For lawyers to work ethically and appropriately with an ever-increasing suite of generative AI applications, there must be a baseline understanding of the technology’s capabilities and limitations.¹³⁶ However, such assessments of technology become complicated as technological capabilities and limitations differ across the many generative AI tools available to lawyers,

130. See generally *Generative AI: Amplifying Legal Services Delivery & Expanding Access to Justice*, HON. SCOTT SCHLEGEL, LOUISIANA FIFTH CIRCUIT COURT OF APPEAL, PANEL AT ABA TECHSHOW (Feb. 15, 2024).

131. MODEL RULES OF PRO. CONDUCT r. 1.1 cmt. 8 (AM. BAR ASS’N 2024); *Tech Competence*, LAWSITES, <https://www.lawnext.com/tech-competence> (last visited Aug. 22, 2024).

132. Bob Ambrogi, *Not Again! Two More Cases, Just this Week, of Hallucinated Citations in Court Filings Leading to Sanctions*, LAWSITES (Feb. 22, 2024), <https://www.lawnext.com/2024/02/not-again-two-more-cases-just-this-week-of-hallucinated-citations-in-court-filings-leading-to-sanctions.html> (discussing the Missouri case *Kruse v. Karlen* and the Massachusetts case *Smith v. Farwell*; the latter of which involved an attorney).

133. Ambrogi, *supra* note 132; *Smith v. Farwell*, No. 2282CV01197, at *1-2 (Mass. Sup. Ct. Feb. 12, 2024) (LawNext), <https://www.lawnext.com/wp-content/uploads/2024/02/12-007-24.pdf>; *Mata v. Avianca*, 678 F.Supp. 3d 443, 448 (S.D.N.Y. 2023); Clara Geoghegan, *Colorado Lawyer Cited Fake Cases in Motion Written with ChatGPT*, LAW WEEK COLO. (2023), <https://www.lawweekcolorado.com/article/colorado-lawyer-cited-fake-cases-in-motion-written-with-chatgpt/>.

134. Bob Ambrogi, *Why the Avianca ‘Bogus Cases’ News Is Not About Either Generative AI or Lawyers’ Tech Competence*, LAWSITES (May 30, 2023), <https://www.lawnext.com/2023/05/why-the-avianca-bogus-cases-news-is-not-about-either-generative-ai-or-lawyers-tech-competence.html> [hereinafter *Bogus Cases*].

135. *E.g.*, *Avianca*, 678 F.Supp. 3d. at 448.

136. See generally *Tech Competence*, *supra* note 131.

and the public, today.¹³⁷ Open-source tools like ChatGPT are not as sophisticated for legal-related issues as proprietary legal domain-specific tools. For example, one would not ask a high school student about trademark litigation. Additionally, it must be said that when the accuracy of any generative AI tool is assessed, there is a human tendency to expect technological perfection even though such perfection cannot be expected from humans. Part of managing our expectations of generative AI is not holding it to unreasonable standards.¹³⁸

Generative AI is evolving at a rapid pace, and lawyers utilizing AI have a duty to understand it on a general level and on a tool-to-tool level.¹³⁹ Understanding is key to having appropriate and reasonable expectations – and knowing when to reevaluate expectations.

IV. PATHWAYS TO NEW PRACTICES

As previously mentioned, there are many ways that lawyers can leverage generative AI to increase efficiency in traditional law practice.¹⁴⁰ Since the focus of this article is access to justice, this section will focus on scalable legal help – specifically, how generative AI can radically expand a lawyer's efforts to create, package, and distribute curated legal information.¹⁴¹

Legal advice is the core of lawyer services and, for good reason, lawyers prioritize this function over everything else.¹⁴² The ongoing discussions of generative AI's impact on law practice further emphasize the importance of legal advice by highlighting how technology will empower lawyers to work at the top of their license.¹⁴³ This is a good thing, in many contexts. Yet top-of-the-license services do not seem to be what many legal consumers are asking for, as is evident by the widespread move away from engaging lawyers on civil legal issues.¹⁴⁴ For a variety of reasons, legal consumers have moved down market and are opting for informational resources and automated solutions.¹⁴⁵ While creating standalone legal information products is not likely operating at the top of one's license, there is great value in it and lawyers are perfectly positioned to deliver these products.¹⁴⁶

137. *Id.*

138. *See generally* Stanford Law School, *supra* note 68.

139. *Godfather*, *supra* note 110.

140. *Three Reasons*, *supra* note 108, at 1.

141. *See generally* Chien & Kim, *supra* note 60.

142. *Three Reasons*, *supra* note 108, at 2.

143. *Id.* at 1.

144. *See generally* Chien & Kim, *supra* note 60.

145. Knowlton, *supra* note 55, at 2.

146. Prince, *supra* note 93.

It would be unfair to say that PeopleLaw lawyers overlook the value of legal information completely.¹⁴⁷ Most lawyers today appreciate the importance of having a content-rich website with some degree of legal information. But it is painfully clear looking at most law firm websites that the content is designed almost exclusively with search engine optimization (“SEO”) in mind.¹⁴⁸ There may be a few pieces of helpful information to bait consumers into scheduling a consultation, but far too many web pages are just marketing copy. Legal information products are different.

A. *What Are Legal Information Products?*

Legal information products are handouts, checklists, step-by-step guidance, blog posts, DIY guides, videos, infographics, podcasts – anything that provides bespoke information on a subject that can be of use to a legal consumer with a specific case or issue type.¹⁴⁹ Legal products can stand alone or be packaged together in a handbook or presented as an online course.¹⁵⁰ These information products can live directly on a lawyer’s website, be part of a download, or be accessed via an online portal.¹⁵¹ Lawyers who collect email addresses on downloads can package information into a newsletter, although there are important considerations when doing this with PeopleLaw consumers.¹⁵² For small businesses and entrepreneurs, these newsletters can be an important source of information on laws and regulations.¹⁵³

These products can be made available to consumers for free or for a price, and many of the business models that PeopleLaw lawyers are experimenting with utilize a combination approach. Lawyers leveraging a freemium model make certain information products available but additional products – or even legal representation – are available for a fee. Alternatively, introductory components might be made available to provide the consumer with high-level information, with the remainder of the products available upon purchase. Through a tiered pricing model, access to these products can be batched together, with larger chunks made available at higher tiers. These products can also support subscription-fee legal practices, where a comprehensive suite of legal information products is available on a monthly, quarterly, or yearly basis. The subscription periods can be

147. We are talking here about legal information as a standalone product or service. Of course, legal information is integrated into the full-service representation model.

148. Having spent years writing law firm content for an SEO company, perhaps it is more obvious to me than it is to most.

149. Davenport & Mittal, *supra* note 64.

150. *Id.*

151. *Id.*

152. *Id.*

153. *Id.*

customized based on the type of legal issue and how long average consumers need to reach a solution. All of these models can overlap and live within the same practice and critically, they can serve as lead generators for traditional lawyer services. In addition, because digital products are scalable, the workflow requires the lawyer to create a single product once that can then be distributed as an off-the-shelf product to an unlimited number of consumers. These products, even if not made free, can reach consumers at a price point with which they can work.

It is understood that under no circumstances should court-provided tools or forms be repackaged and monetized (although citing these resources for consumers within the jurisdiction is important), nor should any free and publicly available resource be replicated in a bespoke legal information product and sold. The content in a lawyer's resources must be curated or created from scratch, integrating his or her specific expertise and experience.

A. Leveraging Generative AI

The brilliance of generative AI is in its capacity to create content; whether written, audio, video, imagery, or more. It has become a killer application for lawyers creating legal information products. Off-the-shelf apps, including some of the free versions, are capable of managing the full content creation process, and since lawyers are subject matter experts, hallucinations or inappropriate content will not make its way to the end consumer.

Generative AI applications can be leveraged at each stage of the content production flow, which rather than a linear process is an overlapping one: ideation, generation, simplification, and diversification. While one's exact process is a matter of personal style and preference, there are some noticeably clear use cases within this framework. Just a few are detailed as follows.¹⁵⁴

Creating plain-language content that legal consumers can understand: for example, generating or rewriting content to be at an appropriate reading level for a particular geographic area and practice type. Prompt: "Please rewrite this content at a 5th-grade reading level." Another use case could be simplifying existing content, concepts, and advice, and breaking up long-form text into shorter, easier to access sentences. Prompt: "Please rewrite this content so that someone without a legal background will be able to understand."

Organizing and presenting content in a thoughtful way: for example, generating ideas for restructuring existing website content or legal information products. Prompt: "You are a divorce lawyer trying to improve your website for people who might need your services. The website has four

154. These queries were run on ChatGPT using the GPT-4 LLM in Feb. 2024. *OpenAI*, CHATGPT (Feb., 2024), <https://openai.com/index/gpt-4/>.

main pages that cover the firm's practice areas: 1) family law; 2) child custody; 3) divorce; and 4) child & spousal support. How might the content pages be restructured to be more accessible to the consumer?" Another use case is generating a compelling information architecture for content or website. Prompt: "I am a divorce lawyer who handles divorce, separation, child custody, and spousal support matters. Please help me develop best practices for the information architecture on my website. The goal of the website is to provide legal consumers with accessible legal information and to serve as lead generation for the firm."

Tailoring content to consumers' specific situations and circumstances: for example, generating personas by case type and consumer type to better empathize with the audience. Prompt: "Leveraging concepts from behavioral economics, please detail the mental and emotional state of a domestic violence victim going through a divorce." Another use case is better understanding the pain points that consumers experience, legal and non-legal, by case type and consumer type. Prompt: "Using the persona above of a victim of domestic violence going through a divorce, please help me understand the pain points (legal and non-legal) that they might experience in the process."

In addition to these and other content functions, generative AI can be used to turn written content into video content with an AI-generated avatar, and video content into written content. Content diversification is important because consumers engage with information in diverse ways. Further, diversification enables a lawyer to repurpose and repackage existing content in new, value-generating ways.

V. CONCLUSION

It is easy to envision how lawyers can lean into AI to redefine the value they create for clients and the broader public; how lawyers can be proactive in shaping the law practice of the future; and how lawyers can step up to make systemic improvements in the public's ability to access justice. This will require thoughtful adaptation – even innovation. The approach detailed in this article is just one of countless ideas that PeopleLaw lawyers can experiment with. But experiment we should.