BSF

BOIES SCHILLER FLEXNER

Robes and Robots:
The Future of AI and Litigation

➤ **General Assistants / Foundation Models**

➤ **Productivity Assistants**

➤ **Legal Assistants**

➤ **Research Assistants**

➤ **eDiscovery Assistants**

We are seeing increasing integration of all solutions into core Microsoft applications, e.g., Outlook, Word, Excel, PowerPoint, etc.

BSF

- Cornerstones of the AI revolution.
- Broadly trained and very powerful.
- Language focused -- Read, comprehend and write at graduate level. **Can pass the bar.**
- Very useful for virtually any reading and writing task.
- Most legal AI solutions built on top of them.

- **ChatGPT (OpenAI & Microsoft)**
- **Claude (Anthropic)**
- **Gemini (Google)**

Public apps are not secure!

Do not use with confidential information.

AI is being integrated into nearly all core productivity tools.

- Natural language interface to perform application tasks.
- Generate and refine application content.
- Suggest actions and automate routine tasks.
- Summarize and analyze application content and data.

- **Microsoft Copilot:** Integrated into Word, Excel, PowerPoint, Outlook & Teams. 30 licenses, piloting with AIWG. Results are a mixed bag. Exceeds expectations on some tasks, disappoints on others.

- **Zoom AI Companion:** Summarize meetings, highlight key points & action items. Questioning during meetings. Part of Zoom license. Piloted by AIWG and IT, ready to deploy firm-wide.

- Enterprise-level solutions designed specifically for legal tasks.
- Act as a legal assistant for various day-to-day tasks such document summarization, translation, timeline creation, legal analysis & drafting.
- Some have chat type interface and integrate with research tools.

- **CoCounsel (Thompson Reuters) & Harvey AI:** AIWG testing since early June.
- **Bloomberg AI Assistant:** Included in our current Bloomberg license. Will begin testing this month.
- **NetDocs:** Licensed with 2024 NetDocs renewal. Flexible - have built pilot apps for Document Summarization, Document Translation, Timeline Creation & Complaint Analysis. Expect to begin deploying in July.

Prompt to Harvey: Using publicly available examples of Orders to Show Cause in New York state court, as well as the examples attached (with a preference to copying the attached examples), please draft an actual order to show cause centered around the following command from the New York State Supreme Court in Albany: "Issue a writ of mandamus from this Court ordering Respondents to comply with their duties under New York Election Law § 4-108(4)(a), including publishing the proposed text of the ERA on the BoE website and opening a fifteen-day public comment period." Do not explain what an order would contain and actually draft the order. Please also draft an affidavit in support of that Order to Show Cause.

Affidavit in Support of Order to Show Cause
STATE OF NEW YORK)) ss.: COUNTY OF ALBANY)
[NAME OF PETITIONER], being duly sworn, deposes and says:

1. I am the Petitioner in this proceeding, and I make this affidavit in support of the Order to Show Cause seeking a writ of mandamus from this Court ordering Respondents to comply with their duties under New York Election Law § 4-108(4)(a), including publishing the proposed text of the ERA on the BoE website and opening a fifteen-day public comment period.

2. I am a registered voter and a resident of the State of New York. I have a personal and legal interest in the proper administration of the election laws and the protection of my constitutional rights.

3. On [DATE], the New York State Legislature passed a joint resolution proposing an amendment to the New York State Constitution, known as the Equal Rights Amendment (ERA), which would provide that equality of rights under the law shall not be denied or abridged by the state or any subdivision thereof on account of sex, gender identity or expression, or sexual orientation.

4. Pursuant to New York Election Law § 4-108(4)(a), the Board of Elections (BoE) is required to publish the proposed text of the ERA on its website and to open a fifteen-day public comment period, no later than six months before the general election at which the amendment is to be submitted to the voters.

5. However, as of the date of this affidavit, the BoE has failed to comply with its statutory duty. The proposed text of the ERA is not available on the BoE website, and no public comment period has been announced or opened.

6. The BoE's failure to comply with New York Election Law § 4-108(4)(a) deprives the public of the opportunity to review and comment on the proposed amendment and undermines the integrity and transparency of the constitutional amendment process.

7. The BoE's failure to comply with New York Election Law § 4-108(4)(a) also violates my constitutional rights to due process and equal protection under the law, as well as my right to vote on the proposed amendment in an informed and meaningful manner.

8. I have no adequate remedy at law for the BoE's failure to comply with New York Election Law § 4-108(4)(a), and I will suffer irreparable harm if the BoE is not compelled to perform its statutory duty.

9. I respectfully request that this Court issue a writ of mandamus from this Court ordering Respondents to comply with their duties under New York Election Law § 4-108(4)(a), including publishing the proposed text of the ERA on the BoE website and opening a fifteen-day public comment period.

10. I have annexed hereto as Exhibit A a copy of the joint resolution proposing the ERA, as passed by the New York State Legislature. I have also annexed hereto as Exhibit B a printout of the BoE website, showing the absence of the proposed text of the ERA and the public comment period.

WHEREFORE, I respectfully request that this Court grant the relief sought in the Order to Show Cause.

AI being integrated into all major legal research tools.

- Natural language queries.
- More relevant and precise search results.
- Predictive research suggestions and contextual search capabilities.
- Expanded capabilities beyond research.

- **Thompson Reuters:** Westlaw Precision, Practical Law with AI & CoCounsel/CaseText (purchased early 2024) Need to assess.
- **LexisNexis Lexis+:** Need to assess.
- **Bloomberg Law AI:** Included in enterprise Bloomberg Law subscription. Need to assess.

AI is being tightly woven into all leading eDiscovery platforms.

- Improved search by understanding intent
- Automated coding. Appears highly accurate.
- Automated redactions.
- Inline document summarization and translation.
- Analytics for early case assessment and strategy.

- **CS Disco Cecelia:** Most mature, consolidating firm assessment under AIWG and setting up demos / pilot.

- **Relativity aiR:** Recently released. AIWG setting up demo.

- **Everlaw aiAssistant:** In Beta. AIWG setting up demo.

- ➢ **Court requirements**

- ➢ **Client expectations**

- ➢ **Hallucinations**

- ➢ **Security risks**

- ➢ **Policy implications**

- ➢ **Costs / value proposition**

- ➢ **Dynamic marketplace – winners & losers TBD**