ChatGPT, Esq.

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On November 30, 2022, the San Francisco-based OpenAI made the ChatGPT chat box available for free public testing.[1] In its own words, ChatGPT is an "AI language model developed by OpenAI, designed to respond to user input in a conversational manner."[2] ChatGPT has the ability to access a vast amount of text data and does not have emotions or personal experiences but exists solely to assist and communicate with humans through text.[3] While those in the legal practice are now trying to utilize ChatGPT, how much should we rely on an AI bot?

Professors at the University of Minnesota Law School tested ChatGPT with four real exams they distributed to actual law students.[4] ChatGPT performed, on average, at the level of a C+ student.[5] However, this is on the scale of how the University of Minnesota Law School curves its courses, with approximately a B+ average and no requirement to award grades below a B. The chat box scored in the lower tier of these classes, the highest being 36 out of 40 students in Constitutional Law and the lowest being 75 out of 75 students for Torts.[6] When an essay question on the exam required students to assess or draw upon specific cases, theories, or doctrines, ChatGPT's essay answers were dramatically incorrect.[7] However, there were instances where the chat box had a better performance than some of the real students.[8]

In more practical law cases, ChatGPT was found to generate real case names and accurately describe the contents of the cases when specifically instructed not to fabricate citations.[9] However, if not told to not fabricate citations, the AI will.[10] The more precise the instructions are, the better the AI seems to perform.[11]

There is no argument that ChatGPT could be helpful in a lawyer's day-to-day tasks, such as replying to emails or searching for specific data. The real question is how far should this technology be utilized. Utilizing ChatGPT for legal situations could help close the gap for people who are not able to get any or enough legal help.[12] ChatGPT has the capacity to offer "sensible-sounding" advice on general topics such as how to correct a social security payment.[13] The

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[1] Jenna Greene, WILL CHATGPT MAKE LAWYERS OBSOLETE? (HINT: BE AFRAID) REUTERS (2022), https://www.reuters.com/legal/transactional/will-chatgpt-make-lawyers-obsolete-hint-be-afraid-2022-12-09/ (last visited Feb 5, 2023).

[2] *ChatGPT: Optimizing Language Models for Dialogue*, OPENAI (Nov.30, 2022), https://openai.com/blog/chatgpt.

[3] *Id.*

[4] Jonathan H. Choi et al., *Chatgpt goes to law school*, SSRN ELECTRONIC JOURNAL (2023).

[5] *Id.*

[6] *Id.*

[7] *Id.*

[8] *Id.*

[9] *Id.*

[10] *Id.*

[11] *Id.*

[12] *See supra* note 1.

[13] *Id.*

creators of ChatGPT, and ChatGPT itself when asked, has stated that it is not ethical for the AI to provide legal advice and there is always a possibility that the AI gives incorrect advice.[14]

ChatGPT will only evolve from here and the future is uncertain. However, as the AI is right now, it is a tool the legal field should use with caution. Simple tasks that can free up an attorney's time is a great asset and that seems to be ChatGPT's greatest current strength. The AI has the potential to help provide legal advice to those who would not be able to receive it otherwise, as long as the users are aware to take the advice with a grain of salt. It is important to keep in mind that even though ChatGPT can pass law school exams, this does not make it a qualified lawyer.

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[14] *Id.*