

GENERATIVE AI AND THE PRACTICE OF LAW

WINTER 2025

Prof. Conley

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Learning Goals:

- Become familiar with effective use of Lexis+AI, Westlaw AI-Assisted Legal Research, and CoPilot/ChatGPT for legal tasks
- Understand ethical duties of attorneys utilizing generative AI
- Understand existing risks and limitations of large language models when using generative AI in law
- Critically assess AI-generated outputs for accuracy, completeness and reliability.
- Develop prompt engineering skills

Assigned Reading

All readings posted on Canvas

Technology requirements

All students **must** have access to **all three** of the following LLMs:

1. Lexis+AI – This is free and available to students using their existing lexis accounts.
2. Westlaw AI Assisted Legal Research – This should be free and available to students using their existing Westlaw accounts, and
3. CoPilot or ChatGPT
 - CoPilot is free and available to students using their umt.edu Microsoft account, and is available free to students at [this link](#). Students can link CoPilot to their existing umt.edu account or use it without linking it.
 - ChatGPT is free. If students have a ChatGPT account, either free or paid, and prefer to use that instead of CoPilot, they are free to do so.

Please reach out to Law Library Director Cody James at cody.james@mso.umt.edu if you have issues accessing any of the above technology requirements. All three required LLMs should be free to all students.

Assignments

This is a 15-hour class broken up into five 3-hour classes. Each 3-hour class has 3 modules. Each module has 1-2 assignments.

In order to receive credit for assignments, students must submit their assignment response via Canvas prior to the beginning of class on the day it is assigned. For example, we will discuss modules 4, 5 & 6 on Tuesday, January 14. Therefore, students' assignment responses for modules 4, 5 & 6 must be turned in via canvas by 9 am on January 14.

There are two types of assignments: (1) Non-GAI Assignments, and (2) GAI Assignments

- **Non-GAI assignments** must be completed **without using generative AI**. They must be done solely by the student engaging in analysis without the aid of any generative AI. I will compare all non-GAI assignment answers with AI-generated answers.
- **GAI assignments** require the use of generative AI, and the specific LLM identified in the assignment, including Lexis+AI, Westlaw AI-Assisted Legal Research and/or Co-Pilot/ChatGPT, will be specified.

Students will receive completion credit for each assignment where the student makes a good faith effort to answer the question posed and engages in substantive analysis in their response.

Credit/No Credit

This 1 credit class is graded credit/no credit. In order to obtain credit, students must do the following:

1. Attend all classes in person unless the student receives written instructor approval prior to missing class,
2. Complete 100% of non-GAI assignments, and
3. Complete 90% of GAI assignments.

Attendance: Students must attend each class unless approved in writing by instructor.

Accommodations: The University of Montana assures equal access to instruction through collaboration between students with disabilities, instructors, and the Office for Disability Equity (ODE). If you think you may have a disability adversely affecting your academic performance, and you have not already connected with ODE, please contact ODE through one of the options listed at <https://www.umt.edu/disability/Students/inquire/default.php>. The Law School will work with you and ODE to provide an appropriate accommodation. Retroactive accommodation requests will not be honored, so please, do not delay.

Academic honesty: ABIII Honor Code and UM Conduct Code apply. All students must practice academic honesty. Academic misconduct is subject to an academic penalty by the course instructor and/or a disciplinary sanction by the University. All students need to be familiar with the Student Conduct Code of the University of Montana. The Code is available for review online at <https://www.umt.edu/campus-life/community-standards/default.php>.

Students are expressly prohibited from using generative AI for non-GAI assignments. Your beautiful brain loves to work out. Don't deprive it of what it loves.

Class Schedule and Reading

Day 1 – Module 1 – 3

Day 2 – Module 4 – 6

Day 3 – Module 7– 9

Day 4 – Module 10 – 12

Day 5 – Module 13 - 15

Module 1 – Introduction, Definitions and Roadmap

- **Reading**
 - Report and Recommendations of the New York State Bar Association Task Force on Artificial Intelligence April 2024, p. 11-28
 - Tracy Hresko Pearl, ‘The Calculator Mistake’: Denial, hostility won’t help lawyers deal with emergency of AI (Oct. 23, 2024)
- **Assignments**
 - **Non-GAI Assignment:** Answer Module 1 Non-GAI Assignment on Canvas

Module 2 – Legal Generative AI Options – Lexis+AI, Westlaw, CoPilot

- **Reading**
 - **Sections 1 – 4.4 only** - Varun Magesh, Faiz Surani, Matthew Dahl, Mirac Suzgan, Christopher D. Manning & Daniel E. Ho, *Hallucination-Free? Assessing the Reliability of Leading AI Legal Research Tools*, available at https://dho.stanford.edu/wp-content/uploads/Legal_RAG_Hallucinations.pdf
- **Assignments**
 - **Non-GAI Assignment:** Answer Module 2 Non-GAI Assignment on Canvas

Module 3 – Legal Generative AI Options – Lexis+AI, Westlaw, CoPilot

- **Reading: No reading**
- **Assignment**
 - **Generative AI Assignment:** Answer Module 3 GAI Assignment on Canvas

Module 4 - Generative AI, risks and ethics

- **Reading**
 - ABA Opinion 512
- **Assignments**
 - **Non-GAI Assignment:** Answer Module 4 non-GAI Assignment on Canvas
 - **GAI Assignment:** Answer Module 4 GAI Assignment on Canvas

Module 5 – Competence and Generative AI use by Attorneys

- **Reading**
 - Conley, *Understanding the Duty of Competence for Attorneys Using Generative AI* (draft, forthcoming in Stetson Business Law Review 2025)
 - Please do **not** upload this draft to any GAI platforms.
- **Assignments**
 - **Non-GAI Assignment:** Answer Module 5 non-GAI Assignment on Canvas

- **GAI Assignment:** Answer Module 5 GAI Assignment on Canvas

Module 6 – Generative AI, risks and ethics cont’d

- **Reading**
 - *Park v. Kim*, 91 F.4th 610 (2d Cir. 2024)
- **Assignments**
 - **Non-Generative AI Assignment:** Answer Module 6 non-GAI Assignment on Canvas
 - **GAI Assignment:** Answer Module 6 GAI Assignment on Canvas

Module 7 –Prompt Engineering

- **Readings**
 - Google Cloud Overview and Guide
 - Henry & Flowers Article
- **Assignments**
 - **Non-GAI Assignment:** Answer Module 7 non-GAI Assignment on Canvas
 - **GAI Assignment:** Answer Module 7 GAI Assignment on Canvas

Module 8 –Professional Emails and Letters

- **No new reading**
- **Assignments**
 - **GAI Assignment:** Answer Module 8 GAI Assignment on Canvas

Module 9 – Applied Exercise

- **Reading**
 - *Thaler v. Perlmutter*, 687 F.Supp.3d 140 (2023)
- **Assignment**
 - **Non-GAI Assignment:** Answer Module 9 non-GAI Assignment on Canvas
 - **GAI Assignment:** Answer Module 9 GAI Assignment on Canvas

Module 10 – Applied Exercise

- **Reading**
 - *US v. Hay* excerpt (Canvas)
- **Assignment**
 - **Non-GAI Assignment:** Answer Module 10 non-GAI Assignment on Canvas
 - **GAI Assignment:** Answer Module 10 GAI Assignment on Canvas

Module 11 – Applied Exercise

- **No new reading**
- **Assignment**
 - **Non-GAI Assignment:** Answer Module 11 non-GAI Assignment on Canvas
 - **GAI Assignment:** Answer Module 11 GAI Assignment on Canvas

Module 12 – Applied Exercise

- **No new reading**
- **Assignment**
 - **Non-GAI Assignment:** Answer Module 12 non-GAI Assignment on Canvas
 - **GAI Assignment:** Answer Module 12 GAI Assignment on Canvas

Module 13 – Applied Exercise

- **No new reading**
- **Assignment**
 - **GAI Assignment:** Answer Module 13 GAI Assignment on Canvas

Module 14 – Revisiting Competence, Automation Bias and Automation Complacency

- **Reading**
 - Review ABA Opinion 512
 - Review Conley article
- **Assignment**
 - **Non-GAI Assignment:** Answer Module 14 non-GAI Assignment on Canvas

Module 15 – Takeaways

- **No Reading**
- **Assignment**
 - **Non-GAI Assignment:** Answer Module 15 non-GAI Assignment on Canvas