

■ MILWAUKEE CLE WEEK

Effectively Engaging with AI

The Impact of AI on Legal Teams Using
Artificial Intelligence without Looking Real
Dumb

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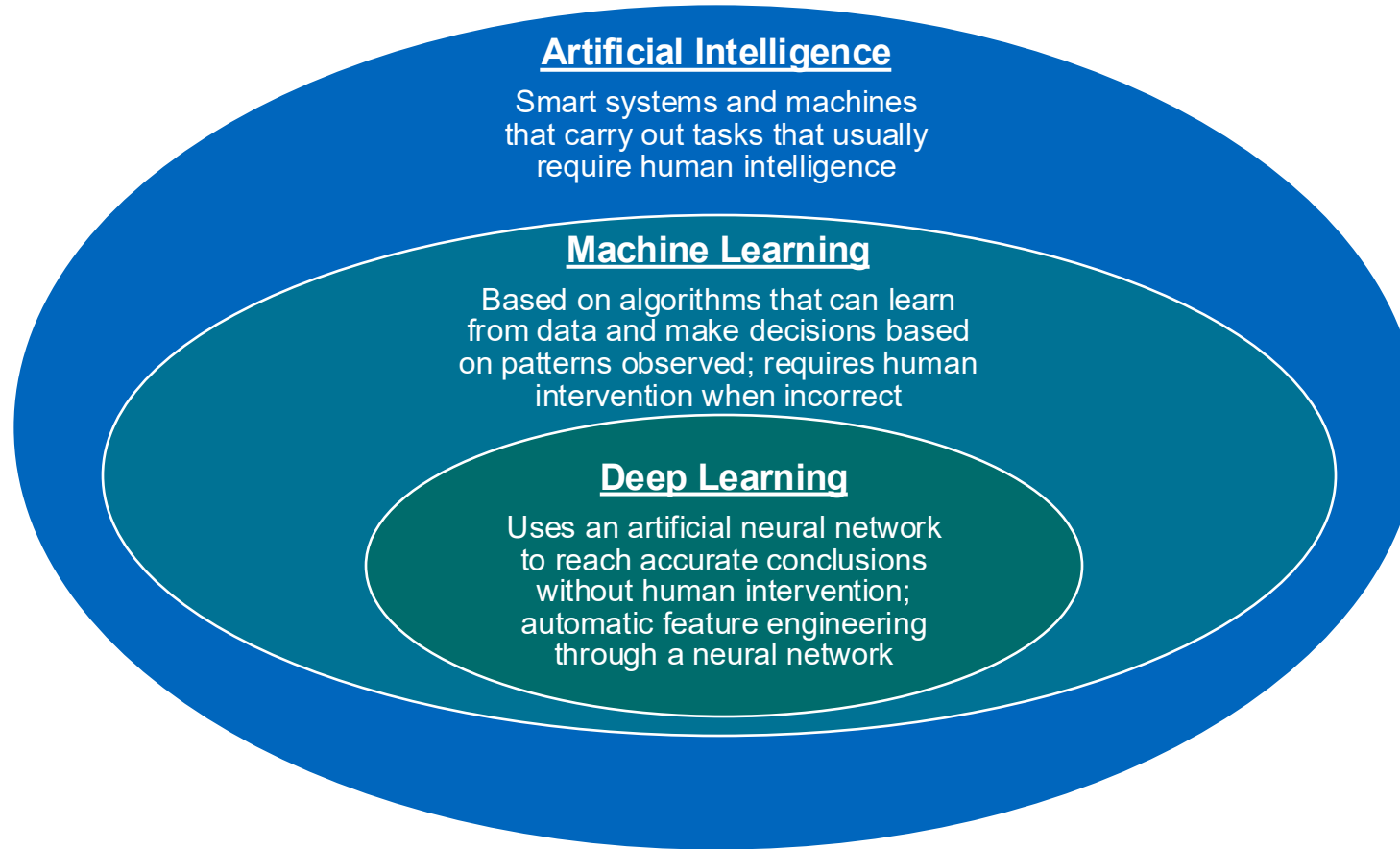
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Introduction

Background on Artificial
Intelligence

Artificial Intelligence (“AI”) and AI Subfields



What is Gen AI? (Easy Version)

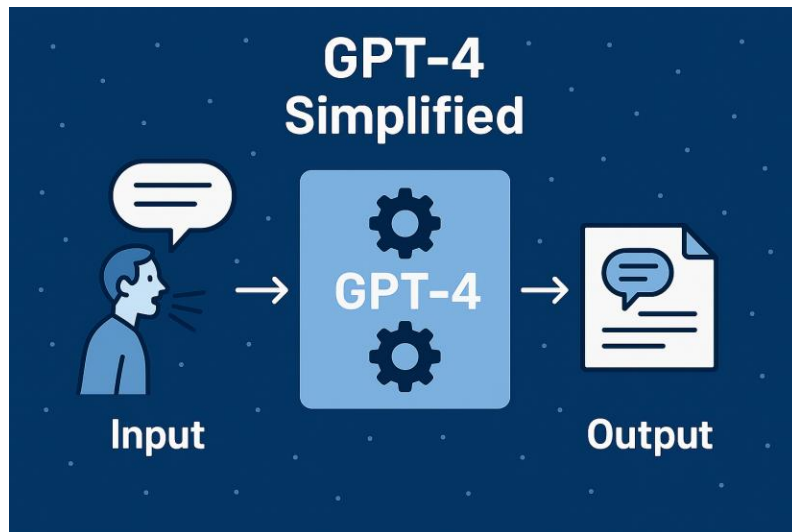


Image generated using Microsoft Copilot

“Generative artificial intelligence, or GenAI, uses sophisticated algorithms to organize large, complex data sets into meaningful clusters of information in order to create new content, including text, images and audio, in response to a query or prompt.”

George Lawton, What is Generative AI? Generative AI Explained, TechTarget (Mar. 23, 2025), <https://www.techtarget.com/searchenterpriseai/definition/generative-AI>

What is Gen AI? (Slightly less easy version)

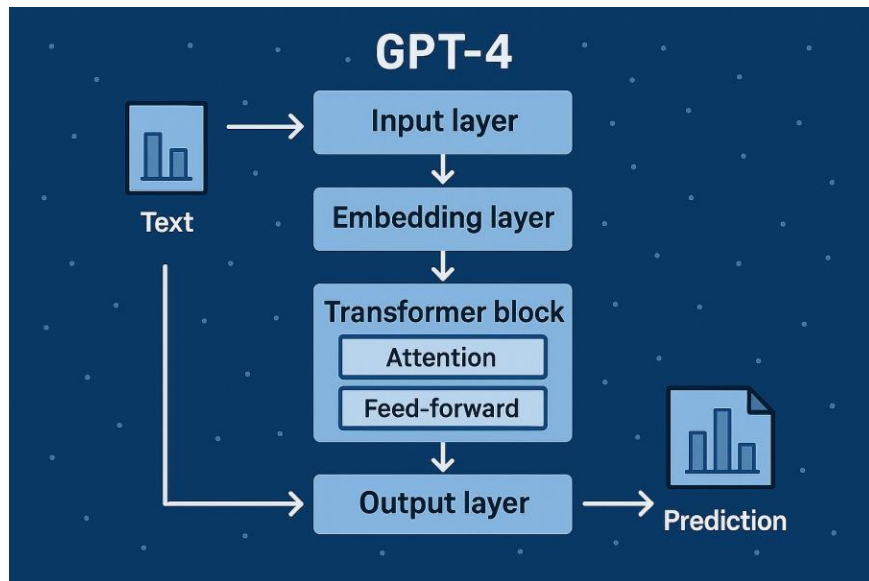
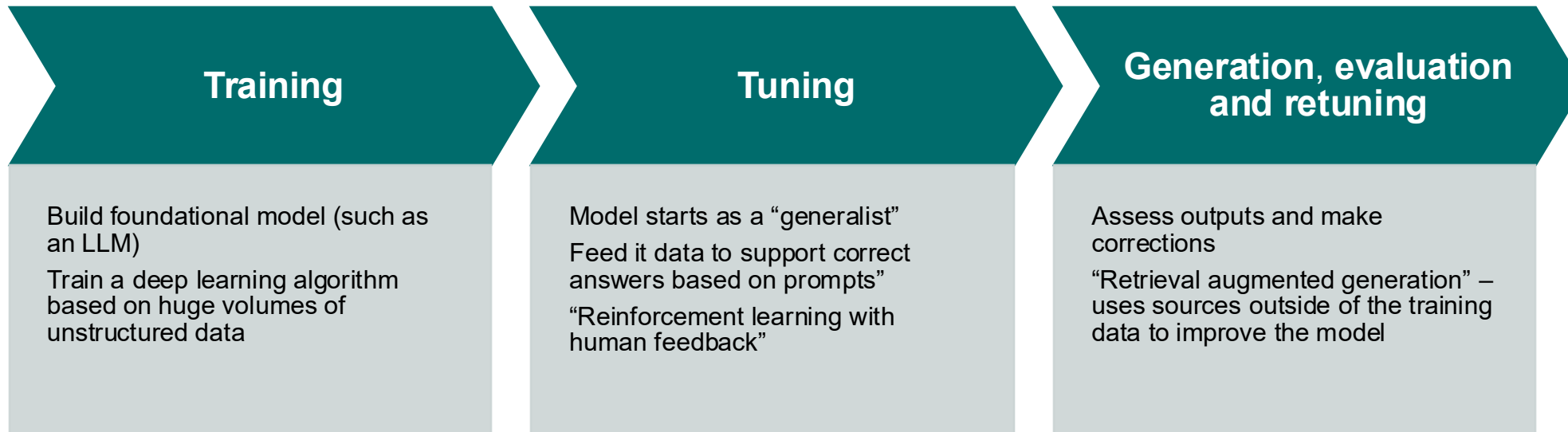


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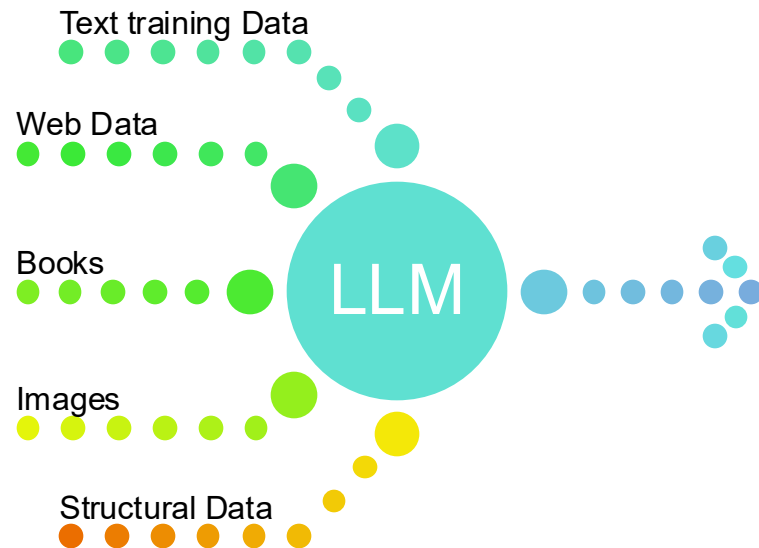
“GenAI typically does two things: First, it encodes a collection of existing information into a form (vector space) that maps data points based on the strength of their correlations (dependencies). Second, when prompted, it then generates (decodes) new content by finding the correct context within the existing dependencies in the vector space.”

How Does Gen AI Work?

“Generative AI relies on sophisticated machine learning models called deep learning models algorithms that simulate the learning and decision-making processes of the human brain. These models work by identifying and encoding the patterns and relationships in huge amounts of data, and then using that information to understand users' natural language requests or questions and respond with relevant new content.”



What is LLM or Large Language Model?



“Large language models (LLMs) are a category of foundation models trained on immense amounts of data making them capable of understanding and generating natural language and other types of content to perform a wide range of tasks”

“LLMs are a class of foundation models, which are trained on enormous amounts of data to provide the foundational capabilities needed to drive multiple use cases and applications, as well as resolve a multitude of tasks. This is in stark contrast to the idea of building and training domain specific models for each of these use cases individually, which is prohibitive under many criteria (most importantly cost and infrastructure), stifles synergies and can even lead to inferior performance”

The specific way the LLM is built is called neural network architecture; transformers are neural networks that learn context/meaning in data based on relationships between words.

What are some uses (outputs) of LLM models?



Text generation



Content Summaries



General assistance tasks (i.e. chatbots that respond to specific queries)



Code generation



Sentiment analysis



Language translation

What is agentic AI? (think “agency”)

The next step:

“Agentic AI builds on generative AI (gen AI) techniques by using large language models (LLMs) to function in dynamic environments. While generative models focus on creating content based on learned patterns, agentic AI extends this capability by applying generative outputs toward specific goals.”

“A generative AI model like OpenAI’s ChatGPT might produce text, images or code, but an agentic AI system can use that generated content to complete complex tasks autonomously by calling external tools. Agents can, for example, not only tell you the best time to climb Mt. Everest given your work schedule, it can also book you a flight and a hotel.”



Uses & Platforms

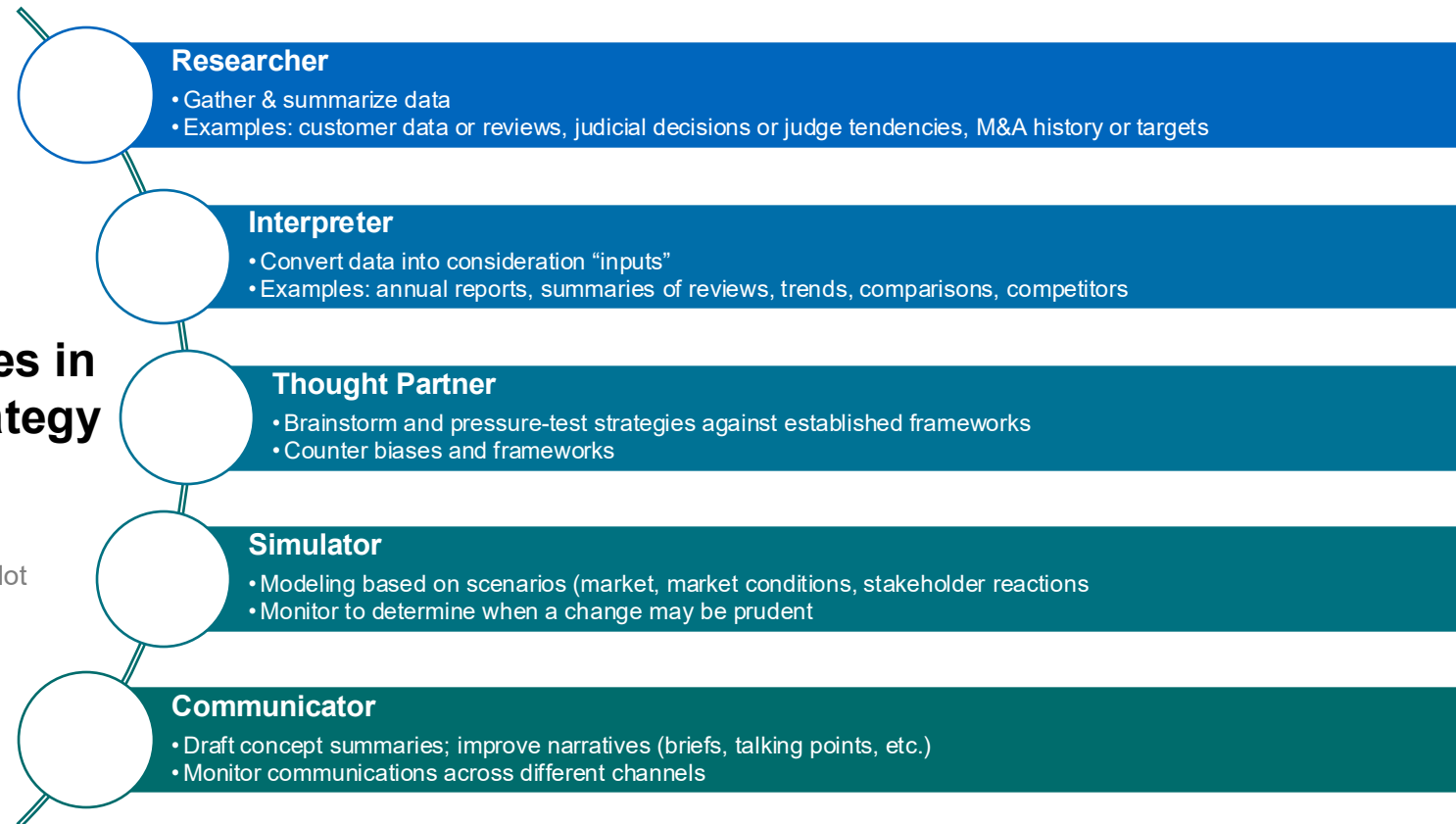
How AI Can Be Useful and Helpful

Gen AI and Agentic AI Can Help Support, Develop, or Execute Strategy



Image generated using Microsoft Copilot

AI Roles in Strategy



ChatGPT & Microsoft Copilot

IMPORTANT!

These tools are not intended for the practice of law!

They are not lawyer, paralegal, or associate replacements.

They do not replace a legal professional's brain.

They can help with the non-legal aspects of your business.



ChatGPT & Microsoft Copilot

But they can help you (examples):

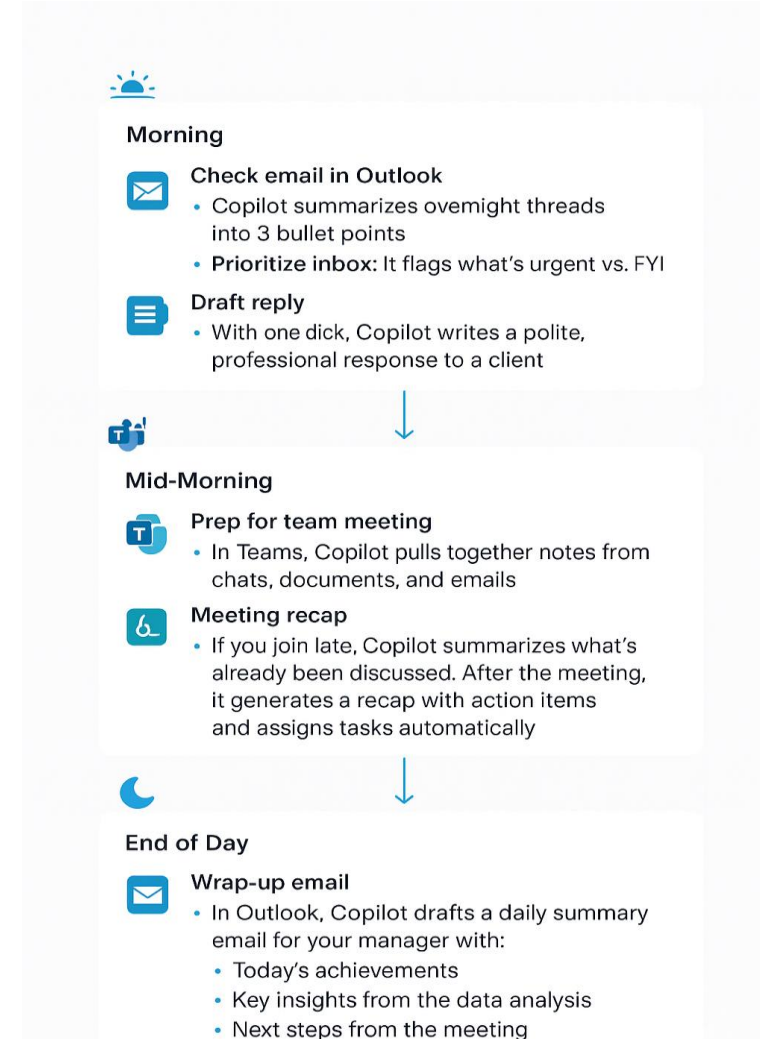
- Draft a professional article or biography, suggest language, or help you improve a thought or set of thoughts
- Compare documents (e.g., two different precedents; be careful of privilege)
- Summarize documents, spreadsheets, etc.
- Generate task lists
- Prepare or organize notes
- Generate graphics



ChatGPT & Microsoft Copilot

For example:

- Copilot helped me summarize some materials for this presentation and generated some of the graphics.
- And *ChatGPT* prepared this helpful graphic (right) about how *Microsoft Copilot* can help me organize my day 😊.



Chat GPT & Microsoft Copilot

<u>ChatGPT</u>	<u>Microsoft Copilot</u>
Creative writing, coding, research	Office productivity, document automation
Advanced reasoning models	Integration with MS Products (Word, Excel, Teams)
100,000+ custom GPTs	11,000+ enterprise models via Copilot Studio
Voice mode, API access, plugin ecosystem	Enterprise-grade compliance (FedRAMP, HIPAA)
Choose if you: <ul style="list-style-type: none">▪ need creative, research, or cross-platform AI.▪ want access to cutting-edge models and plugins.▪ value flexibility and customization.	Choose if you: <ul style="list-style-type: none">▪ work within the Microsoft 365 ecosystem.▪ need enterprise compliance and data governance.▪ need AI embedded in your daily workflow tools.

Select Popular Legal AI Products Overview

(Note: Summary is informational and not an endorsement)

Harvey AI

- LLM technology fine-tuned for legal tasks
- Research
- Contract analysis
- Compliance
- Can be fine-tuned to a firm's "style" of working

Lexis+

- Legal research & ask legal questions in the prompt
- Ability to create practice notes, checklists, forms & use drafting tools
- Litigation analytics of judge and opposing party
- Brief and agreement analysis
- Access legal news
- Citation checks

Westlaw Advantage

- "Deep Research" platform essentially prepares an AI memo for you to review
- Litigation Document Analyzer – analyzes arguments and citations
- Claims Explorer based on facts you provide
- Jurisdictional surveys
- AI Summaries

Select Popular Legal AI Products Overview

(Note: Summary is informational and not an endorsement)

LexMachina

- Review analytics on judge, opposing counsel, or parties
- Reversal rates, judicial proclivities, etc.
- Determine volume of caselaw on a particular subject

CoCounsel

- AI legal assistant that addresses repetitive digital workloads, such as reviewing documents, case law research, and issue-spotting
- Strong data protection and privacy safeguards
- Analyze inputs (such as emails) and make recommendations on what to do & prepare drafts based on those inputs

Relativity aiR

- AI-powered document review
- Develop a process & prompt
- Prompt development is very important
- Review sample
- Run against test set

Select Popular Legal AI Products Overview

(Note: Summary is informational and not an endorsement)

Bloomberg Law

- Legal news
- Search dockets
- Judicial opinions by judge or topic or jurisdictions
- Briefs and go-bys (starting points only) in similar cases
- Draft analyzer for market deal terms and conditions

WordRake

- Writing and editing assistant for professionals
- Edit for brevity and simplicity
- Use for both litigation and transactional documents

Other Legal AI Products Overview

(Note: Summary is informational and not an endorsement)

Genie

Do Not Pay (for consumers and lay people)

Blue J (tax law)

ContractPod AI (virtual assistant for analysis)

Ivo (contracts platform)

Latch (automated contract negotiations)

LawConnect (free AI answers to legal questions)

LegalEase (law for non-lawyers)



PatentPal (assistance with IP, including writing patent applications)






Sana (AI agents for legal business environments)

Chat GPT & Microsoft Copilot

Chat GPT

What are you working on?


+ Ask anything  


 Create image  Make a plan  Get advice  Help me write  More


Copilot


Hi, how can I assist?

Message Copilot

+ 

 Help me get started with Copilot
Start Tour >

 List key points from 2025-08-20 - Dowdy Powerpoint WCB...
Understand the main points

 Analyze this text and make suggestions on how to improve...
Sharpen your writing

See more >

Example 1 – ChatGPT Motion to Compel (3 seconds & barebones)

can you draft a generic motion to compel discovery

Got it. I can draft you a **generic Motion to Compel Discovery**—this will be a **template** you can adapt to your jurisdiction (since rules and formatting vary by state and court). Here's a standard version:

[Your Court's Name]

[County], [State]

[Your Name]

Plaintiff,

v.

[Defendant's Name]

Defendant.

Case No.: [Case Number]

PLAINTIFF'S MOTION TO COMPEL DISCOVERY

Plaintiff, [Your Name], pursuant to [insert applicable rule, e.g., Rule 37 of the Federal Rules of Civil Procedure or state equivalent], respectfully moves this Court for an Order compelling Defendant, [Defendant's Name], to provide complete responses to Plaintiff's discovery requests, and in support thereof states as follows:

1. On [date], Plaintiff served Defendant with [Interrogatories / Requests for Production / Requests for Admission] pursuant to [cite rule].
2. Defendant's responses were due on [date].
3. As of the filing of this Motion, Defendant has [failed to respond / provided incomplete or evasive responses].
4. Plaintiff's counsel has in good faith attempted to confer with Defendant's counsel regarding the deficiencies in discovery pursuant to [cite rule, e.g., Rule 37(a)(1)], but the parties were unable to resolve this dispute without court intervention.
5. The requested discovery is relevant to the claims and defenses in this matter and is proportional to the needs of the case.

needs of the case.

WHEREFORE, Plaintiff respectfully requests that this Court:

- a. Enter an Order compelling Defendant to provide full and complete responses to Plaintiff's discovery requests within [10/14] days of the Court's Order;
- b. Award Plaintiff reasonable expenses and attorney's fees incurred in bringing this Motion pursuant to [cite rule, e.g., Rule 37(a)(5)]; and
- c. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

[Signature block]

[Your Name or Attorney's Name]

[Address]

[Phone]

[Email]

Certificate of Service

I hereby certify that on [date], I served a true and correct copy of the foregoing Motion to Compel Discovery upon [Defendant/Defendant's Counsel] by [method of service].

[Signature]

[Name]

+ Message ChatGPT

Example 2 – CoCounsel Motion to Compel

Skill: Draft¶

Result created: 12/05/2025¶

Prompt: Draft a generic motion to compel for use in federal court. The motion should include standard sections such as the introduction, background, legal standard, argument, and conclusion. Ensure it follows the Federal Rules of Civil Procedure and includes placeholders for case-specific details such as case name, court, parties involved, and specific discovery requests at issue. The tone should be formal and professional, suitable for submission in federal court.¶

Result:¶

[Case-Caption-Placeholder: UNITED STATES DISTRICT COURT FOR THE {District-to-be-determined}]¶

[Case-Name-Placeholder: {Plaintiff} v. {Defendant}] Case No.: {Case No. to-be-determined} Judge: {Judge's Name to-be-determined} Magistrate Judge: {Magistrate Judge's Name to-be-determined}]¶

Plaintiff/Defendant {Party-Name}'s Motion to Compel Discovery Responses and for Related Relief¶

Date: 2025-12-05¶

¶ Introduction¶

[Moving Party], pursuant to Federal Rules of Civil Procedure 26, 33, 34, and 37, respectfully moves the Court for an order compelling {Responding Party} to provide complete responses and produce documents responsive to {identify discovery at issue, e.g., Plaintiff's First Set of Interrogatories Nos. {##} and First Requests for Production Nos. {##}}, served on {service date}. Despite {Moving Party}'s good faith efforts to confer, {Responding Party} has failed to provide complete, non-evasive responses and has withheld documents without valid objection. Judicial intervention is therefore necessary.¶

¶ Background¶

[1] The parties are engaged in discovery pursuant to the Court's {Scheduling Order dated {date to-be-determined}}. On {date}, {Moving Party} served {identify discovery: Interrogatories and Requests for Production} on {Responding Party}. Under Rules 33(b)(2) and 34(b)(2)(A), responses were due by {due date}.¶

[2] On {date}, {Responding Party} served {untimely/timely} responses that included {boilerplate/general} objections and {failed to produce documents/produced partial

documents}. Specifically, {Responding Party} did not provide complete responses to Interrogatory Nos. {##} and Requests for Production Nos. {##}, and withheld documents concerning {topics to-be-determined}, which are central to the claims and defenses in this action.¶

[3] In accordance with Rule 37(a)(1) and {Local Rule to-be-determined}, counsel met and conferred by {telephone/video-conference/email} on {date(s)}, and {Moving Party} followed up by correspondence dated {date}, identifying specific deficiencies and proposing reasonable compromises. {Responding Party} has {not responded/maintained its objections/agreed only to limited supplementation}, leaving disputes ripe for resolution.¶

¶ Legal Standard¶

[4] Rule 26(b)(1) permits discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.¶

[5] Under Rules 33 and 34, a responding party must answer each interrogatory and request for production separately and fully, or state with specificity the grounds for objection, including whether responsive materials are being withheld on the basis of that objection. Boilerplate, generalized objections are improper.¶

[6] Rule 37(a) authorizes a motion to compel disclosure or discovery responses where a party fails to answer an interrogatory submitted under Rule 33 or to produce documents requested under Rule 34, or provides an evasive or incomplete response, which is treated as a failure to respond. If the motion is granted, the Court must, after giving an opportunity to be heard, require the nonmoving party whose conduct necessitated the motion to pay the movant's reasonable expenses, including attorney's fees, unless circumstances make an award unjust. See Fed. R. Civ. P. 37(a)(5).¶

¶ Argument¶

¶ I. The Requested Discovery Is Relevant and Proportional Under Rule 26(b)(1)¶

[7] The discovery at issue—Interrogatory Nos. {##} and Requests for Production Nos. {##}—seeks information and documents concerning {briefly describe categories, e.g., communications, policies, financial data, custodians, dates, transactions, or technical data} that bear directly on the claims and defenses, including {identify claims/defenses to-be-determined}. The requests are tailored to

Example 2 (cont'd) – CoCounsel

[time-period-to-be-determined], limited to [custodians/systems/locations], and are proportional in light of [amount-in-controversy/centrality-of-the-issues/unique-access-by-Responding-Party].¶

[8] {Responding-Party} possesses unique and superior access to the requested information. The burden to collect and produce responsive documents using reasonable, targeted searches is modest compared to the importance of the information to resolving key issues such as [issues-to-be-determined]. Any burden or expense asserted by [Responding-Party] is outweighed by the likely benefit.¶

II. {Responding-Party}'s Objections Are Improper and Waived or Overbroad¶

[9] {Responding-Party} asserted [boilerplate/untimely] objections such as "vague," "overly broad," "unduly burdensome," and "not proportional," without providing specific facts supporting the objection, without identifying the scope of any reasonable search, and without stating whether materials are being withheld. Such objections fail to satisfy the specificity required by Rules 33(b)(4) and 34(b)(2)(B)-(C), and should be overruled.¶

[10] To the extent objections were served after the Rule 33/34 deadlines, they are waived, other than those based on privilege or work product. Even where timely, the objections are overbroad and do not justify withholding clearly relevant information.¶

III. The Court Should Order Complete Answers and Production on a Defined Timeline¶

[11] The Court should compel {Responding-Party} to: (a) serve complete, verified answers to Interrogatory Nos. {##}, without objection other than privilege/work product, and (b) produce all documents responsive to Requests for Production Nos. {##}, together with a Rule 34(b)(2)(C) statement confirming whether any responsive materials are being withheld on the basis of any objection.¶

[12] To resolve any residual proportionality or burden concerns, the Court may order reasonable parameters, including: (a) date range of [start-date] to [end-date], (b) custodians limited to [names/roles], (c) search terms [terms-to-be-determined], and (d) production format in accordance with [ESI Protocol/FRCP 34] with metadata fields [to-be-determined]. [Moving-Party] proposed these or similar limitations during the parties' conferences.¶

IV. Privilege Claims Must Be Substantiated With a Proper Log¶

[13] To the extent {Responding-Party} withholds materials based on privilege or work product, it must provide a privilege log that complies with Rule 26(b)(5)(A),

identifying the basis for each withholding with sufficient detail to assess the claim without revealing privileged content, by [date-to-be-determined].¶

V. Fees and Expenses Are Warranted Under Rule 37(a)(5)¶

[14] Because {Responding-Party}'s failure to provide complete responses necessitated this motion, and because [Moving-Party] attempted in good faith to obtain the discovery without court action, the Court should award {Moving-Party} its reasonable expenses, including attorney's fees, incurred in making this motion pursuant to Rule 37(a)(5), unless the Court finds that {Responding-Party}'s position was substantially justified or other circumstances make an award unjust.¶

Conclusion¶

[15] For the foregoing reasons, [Moving-Party] respectfully requests that the Court enter an order: (a) compelling {Responding-Party} to serve complete answers to Interrogatory Nos. {##} and produce all nonprivileged documents responsive to Requests for Production Nos. {##} by [date-to-be-determined]; (b) overruling improper objections and deeming any untimely objections (other than privilege/work product) waived; (c) requiring {Responding-Party} to serve a compliant privilege log by [date-to-be-determined]; (d) awarding [Moving-Party] its reasonable expenses, including attorney's fees, under Rule 37(a)(5); and (e) granting such other and further relief as the Court deems just and proper.¶

Certification of Compliance with Rule 37 and Local Rules¶

[16] Pursuant to Fed. R. Civ. P. 37(a)(1) and [Local Rule-to-be-determined], undersigned counsel certifies that counsel for the parties conferred in good faith on [date(s)-to-be-determined] by [telephone/video-conference/email] in an effort to resolve the disputes described herein without court action, but were unable to do so.¶

Dated: 2025-12-05 Respectfully submitted,¶

[Attorney-Name] [Law Firm] [Address] [City, State ZIP] [Telephone] [Email] [Bar No.]
Counsel for [Moving-Party]¶

Proposed Order¶

[Case-Caption-Placeholder: UNITED STATES DISTRICT COURT FOR THE {District-to-be-determined}]¶

[Case-Name-Placeholder: {Plaintiff} v. {Defendant}] Case No.: {Case No. to-be-determined}¶

Order Granting [Moving-Party]'s Motion to Compel¶

Example 3 – Harvey Motion to Compel

• UNITED STATES DISTRICT COURT¶

[District/Division]¶

[Plaintiff],^{¶¶}

Plaintiff,^{¶¶}

v.^{¶¶}

[Defendant],^{¶¶}

Defendant.¶

Case No. []¶

PLAINTIFF'S MOTION TO COMPEL DISCOVERY AND FOR SANCTIONS UNDER FED. R. CIV. P. 37¶

Plaintiff [Name] respectfully moves under Federal Rule of Civil Procedure 37 to compel Defendant [Name] to provide complete responses to Plaintiff's [Interrogatories/Requests for Production/Requests for Admission] and to produce responsive documents, and further requests an award of fees and expenses incurred in bringing this motion. In support, Plaintiff states as follows:¶

• Introduction¶

This motion arises from Defendant's failure to provide timely, complete, and compliant discovery responses as required by Rules 26, 33, and 34. Despite repeated efforts to confer and resolve these issues without court intervention, Defendant has not remedied the deficiencies. Plaintiff seeks an order compelling complete responses within 14 days, deeming improper objections waived, and awarding fees under Rule 37(a)(5). In the alternative, Plaintiff requests appropriate sanctions, including preclusion of evidence and such other relief as is just.¶

• Background and Procedural History¶

- 1.→ On [date], Plaintiff served [Plaintiff's First Set of Interrogatories and First Requests for Production] on Defendant via [method of service] pursuant to Rules 33 and 34. True and correct copies are attached as Exhibits A and B.¶
- 2.→ Defendant's responses were due on [date]. On [date], Defendant served [no responses/untimely responses/incomplete responses] containing [boilerplate objections/general objections and few substantive answers/production of only a small subset of documents].¶
- 3.→ The discovery at issue includes, without limitation:^{¶¶}
 - a. Interrogatory No. [] requesting [topic].^{¶¶}
 - b. Interrogatory No. [] requesting [topic].^{¶¶}
 - c. Request for Production No. [] seeking [category of documents].^{¶¶}
 - d. Request for Production No. [] seeking [category of documents].¶
- 4.→ On [dates], Plaintiff conferred in good faith by [telephone/email/video] pursuant to Rule 37(a)(1) and Local Rule [] to attempt to resolve the dispute. Plaintiff sent deficiency letters on [dates] detailing the issues and proposing compromises. Copies are attached as Exhibits C–E.¶

- 5.→ Despite these efforts, Defendant has not provided complete responses, withdrawn improper objections, or produced documents sufficient to satisfy its obligations.¶

• Legal Standard¶

Rule 26(b)(1) permits discovery of any nonprivileged matter relevant to any party's claim or defense and proportional to the needs of the case. Rules 33 and 34 require parties to respond and produce responsive materials within the prescribed time, stating with specificity any objections and producing documents as they are kept in the usual course of business or organized to correspond to the requests. Boilerplate, generalized objections are improper. Rule 37(a) authorizes a motion to compel when a party fails to answer an interrogatory or produce documents. If the motion is granted, Rule 37(a)(5) mandates an award of reasonable expenses, including attorney's fees, unless the nondisclosure was substantially justified or other circumstances make an award unjust.¶

• Argument¶

• I. The Requested Discovery Is Relevant and Proportional Under Rule 26(b)(1)¶

The contested discovery seeks information directly bearing on [specific claims/defenses], including [liability, causation, damages, and affirmative defenses]. The information is uniquely within Defendant's possession and cannot be obtained from alternative sources with less burden. The requests are narrowly tailored by [time period/subject matter/custodians] and proportional to the needs of the case given the amount in controversy, the parties' relative access to information, and the importance of the discovery in resolving key issues.¶

• II. Defendant's Objections Are Improper and Waived¶

Defendant's objections are defective because they are [untimely/boilerplate/overly general] and fail to articulate specific grounds as required by Rules 33(b)(4) and 34(b)(2)(B). To the extent Defendant served responses after the due date without seeking an extension or demonstrating good cause, any objections other than privilege were waived. Even if not waived, the objections asserting [vagueness/overbreadth/burden/confidentiality] lack specificity and are unsupported by evidence such as burden declarations, hit counts, or proposed narrowing, and therefore should be overruled.¶

• III. Defendant Must Provide Complete Answers and Produce Responsive Documents¶

For each item identified below, Defendant has either failed to respond, responded evasively, or produced no documents. An evasive or incomplete response must be treated as a failure to respond. See Rule 37(a)(4). The Court should compel full, narrative answers under oath to the interrogatories and production of all responsive, nonprivileged documents, with a privilege log conforming to Rule 26(b)(5). Specifically:¶

- → Interrogatory No. []: Defendant should be compelled to provide [the factual bases, dates, persons with knowledge, and documents supporting contention X].¶
- → Interrogatory No. []: Defendant should be compelled to identify [custodians, systems, search terms, and preservation actions relating to topic Y].¶

Example 3 (cont'd) – Harvey

- → Request for Production No. []: Defendant should produce [contractual documents, communications, ESI from named custodians for date range [], and related attachments], and certify that a reasonable search was conducted.¶
- → Request for Production No. []: Defendant should produce [financial/transactional/log data] necessary to compute damages and test Defendant's defenses.¶

IV. ESI Protocol, Search Methodology, and Privilege Log¶

To the extent disputes persist regarding ESI scope, the Court should order the parties to adopt a reasonable ESI protocol addressing custodians, date ranges, search terms, deduplication, metadata, and production format (e.g., text-searchable PDFs or TIFF with load files and native productions for spreadsheets). The Court should also order Defendant to serve a compliant privilege log for any withheld materials, identifying the basis for privilege with sufficient detail to assess the claim.¶

V. Fees and Sanctions Are Warranted Under Rule 37(a)(5)¶

Plaintiff attempted in good faith to resolve this dispute without Court intervention. Defendant's failure to provide timely and proper responses necessitated this motion. Because the motion should be granted, Rule 37(a)(5) requires an award of Plaintiff's reasonable expenses, including attorney's fees. In the alternative, if Defendant continues noncompliance, Plaintiff requests appropriate sanctions under Rule 37(b), including issue preclusion, evidentiary preclusion, or such other relief as the Court deems just.¶

Requested Relief¶

Plaintiff respectfully requests that the Court enter an order that:¶

1. → Compels Defendant to serve complete, verified responses to Plaintiff's [Interrogatories/Requests for Production/Requests for Admission], without objection other than as to privilege, within 14 days of the Court's order.¶
2. → Overrules and deems waived Defendant's untimely and improper objections.¶
3. → Orders Defendant to produce all responsive, nonprivileged documents within 14 days, along with a Rule 26(b)(5) privilege log for any documents withheld or redacted, and to certify in writing that a reasonable search was conducted.¶
4. → Requires the parties to implement a reasonable ESI protocol, including custodians, date ranges, search terms, and production format, and to meet and confer on any remaining details within 7 days.¶
5. → Awards Plaintiff its reasonable expenses, including attorney's fees, incurred in bringing this motion under Rule 37(a)(5), with a fee application to follow pursuant to the Court's schedule.¶
6. → Grants such other and further relief as the Court deems just and proper, including evidentiary or issue preclusion if Defendant fails to comply with the Court's order.¶

Certification of Conference¶

Pursuant to Federal Rule of Civil Procedure 37(a)(1) and Local Rule [], undersigned counsel certifies that counsel for the parties conferred in good faith on [dates] by [phone/email/video] to resolve the issues raised in this motion but were unable to do so.¶

Proposed Order¶

A proposed order is submitted herewith.¶

Notice of Hearing¶

Plaintiff requests that the Court set this motion for hearing at the Court's convenience. Counsel are available on [dates/times].¶

Dated: []¶

Respectfully submitted,¶

[Law Firm Name]¶

By: [Attorney Name]¶

[Bar No.]¶

[Address]¶

[Telephone]¶

[Email]¶

Counsel for Plaintiff¶

Certificate of Service¶

I certify that on [date], I served the foregoing on all counsel of record via [CM/ECF or method].¶

[Attorney Name]¶

¶

[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL DISCOVERY AND FOR SANCTIONS¶

Before the Court is Plaintiff's Motion to Compel Discovery and for Sanctions under Fed. R. Civ. P. 37. Having considered the motion, the responses and replies, the record, and the applicable law, the Court finds that the motion should be GRANTED.¶

It is therefore ORDERED that:¶

1. → Defendant shall serve complete, verified responses to Plaintiff's [Interrogatories/Requests for Production/Requests for Admission] without objection other than as to privilege, within 14 days of this Order.¶
2. → Defendant's untimely and improper objections are overruled and deemed waived.¶
3. → Defendant shall produce all responsive, nonprivileged documents within 14 days of this Order and shall serve a privilege log compliant with Rule 26(b)(5) for any materials withheld or redacted. Defendant shall certify in writing that it conducted a reasonable search.¶
4. → The parties shall meet and confer within 7 days of this Order to finalize an ESI protocol addressing custodians, date ranges, search terms, deduplication, metadata, and production formats, and shall file the protocol or competing proposals within 14 days.¶

Examples – Chat GPT History Paper (3 seconds and 5 seconds, respectively)

draft a 250-word essay on the historical importance of the battle of Actium

Here's a polished 250-word essay on the historical importance of the Battle of Actium:

The Battle of Actium, fought on September 2, 31 BCE, marked a decisive turning point in Roman history. This naval confrontation between the forces of Octavian and those of Mark Antony and Cleopatra determined the future leadership of Rome and ultimately the transition from Republic to Empire. Situated off the coast of Greece, the battle was not only a clash of armies but also of political visions for the Roman world.

Antony, allied with the Egyptian queen Cleopatra, sought to establish dominance in the eastern Mediterranean, which raised fears in Rome of foreign influence and monarchic ambitions. Octavian, by contrast, presented himself as the defender of Roman traditions and unity. The victory of Octavian's fleet, commanded by Agrippa, decisively ended Antony and Cleopatra's hopes of power. Following their defeat, both fled to Egypt, where they eventually took their own lives.

The historical significance of Actium lies primarily in its outcome: Octavian emerged as the unchallenged master of Rome. In the years that followed, he consolidated power, took the title Augustus, and inaugurated the Roman Empire. The battle thus signaled the end of a century of civil wars that had plagued Rome and the beginning of two centuries of relative stability under the Pax Romana.

Beyond politics, the battle reshaped the Mediterranean world. Egypt became a Roman province, ensuring Rome's control over vital grain supplies and trade routes. In this way, Actium was not just a military victory but a foundational moment that transformed Roman governance and secured Octavian's place in history.

Would you like me to also make this sound more like a student essay (simpler tone, less formal), or keep it polished and academic?



please provide citations for the essay

Here's your essay again—now with precise citations to reputable sources for each key claim:

Historical Importance of the Battle of Actium (ca. 250 words)

The **Battle of Actium**, fought on **September 2, 31 BCE**, was a decisive naval confrontation between Octavian and the combined forces of Mark Antony and Cleopatra, off the coast of western Greece ^{Encyclopedia Britannica}. Octavian's victory — achieved in large part through the superior strategy and naval maneuvers of his admiral, Marcus Agrippa — marked the end of a long-standing power struggle and civil war within the Roman world ^{Wikipedia} ^{Antigone}.

With Antony and Cleopatra's retreat and eventual suicides, Octavian emerged as the uncontested ruler of Rome. In 27 BCE, he assumed the honorific title **Augustus**, becoming the first Roman emperor, thereby signaling the **transition from Republic to Empire** ^{Wikipedia} ^{USA}. This shift ushered in the **Pax Romana**, a prolonged period of relative peace and prosperity across the Mediterranean ^{USA} ^{The Roman Empire}.

The battle also solidified Rome's dominion over Egypt following the collapse of the Ptolemaic Kingdom, securing vital grain supplies and reinforcing Rome's status as a Mediterranean superpower ^{Wikipedia} ^{Wikipedia}. The fall of Antony and Cleopatra's regime eliminated major eastern opposition, and Octavian's consolidation of power laid the groundwork for imperial structures that endured for centuries ^{The Roman Empire} ^{Wikipedia}.

Word count: approximately 235 words (can easily be extended to the 250-word target by slightly elaborating the Pax Romana or Egypt's annexation).

** Breakdown of Key Claims and Their Sources**

Claim	Source
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Select Ethics Opinions & Court Rules

AI Implications for Practicing Law

ABA Standing Committee on Ethics and Professional Responsibility, Formal Opinion 512 (Jul. 29, 2024)

*“To ensure clients are protected, **lawyers using generative artificial intelligence tools must fully consider their applicable ethical obligations**, including their duties to provide **competent legal representation**, to **protect client information**, to **communicate with clients**, to **supervise** their employees and agents, to advance only meritorious claims and contentions, to ensure candor toward the tribunal, and to charge reasonable fees.”*



ABA Standing Committee on Ethics and Professional Responsibility, Formal Opinion 512 (Jul. 29, 2024)

ABA Summary:

- “Model Rule 1.1 (Competence). This obligates lawyers to provide competent representation to clients and requires they exercise the ‘legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.’ In addition, the model rule states lawyers should understand ‘the benefits and risks associated’ with the technologies used to deliver legal services to clients.”
- “Model Rule 1.6 (Confidentiality of Information). Under this model rule, a lawyer using GAI must be cognizant of the duty to keep confidential all information relating to the representation of a client, regardless of its source, unless the client gives informed consent. Other model rules require lawyers to extend similar protections to former and prospective clients’ information.”
- “Model Rule 1.4 (Communications). This model rule addresses lawyers’ duty to communicate with their clients and builds on lawyers’ legal obligations as fiduciaries, which include “the duty of an attorney to advise the client promptly whenever he has any information to give which it is important the client should receive.’ Of particular relevance to GAI, Model Rule 1.4(a)(2) states that a lawyer shall ‘reasonably consult’ with the client about the means by which the client’s objectives are to be accomplished.”
- “Model Rule 1.5 (Fees). This rule requires a lawyer’s fees and expenses to be reasonable and includes criteria for evaluating whether a fee or expense is reasonable. The formal opinion notes that if a lawyer uses a GAI tool to draft a pleading and expends 15 minutes to input the relevant information into the program, the lawyer may charge for that time as well as for the time necessary to review the resulting draft for accuracy and completeness. But, in most circumstances, the lawyer cannot charge a client for learning how to work a GAI tool.”

Standing Orders on AI

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO.: 3:24-mc- 104

FILED
CHARLOTTE, NC
JUN 18 2024
US District Court
Western District of NC

IN RE:)
USE OF ARTIFICIAL INTELLIGENCE)
_____))

Briefs and memoranda prepared using artificial intelligence (AI) platforms (e.g. ChatGPT) have increased the Court's concern regarding the reliability and accuracy of filings. In particular, the Court is concerned regarding whether factual and legal citations or references in court filings have been properly vetted by counsel or the pro se parties filing the documents. There have been several reports around the country regarding courts receiving briefs containing fictitious case cites and unsupported arguments that have been generated by AI sources. This order is intended to mitigate these concerns with the following requirements.

All attorneys and pro se filers must file a certification with any brief or memorandum submitted to the Court that states the following:

1. No artificial intelligence was employed in doing the research for the preparation of this document, with the exception of such artificial intelligence embedded in the standard on-line legal research sources Westlaw, Lexis, FastCase, and Bloomberg;
2. Every statement and every citation to an authority contained in this document has been checked by an attorney in this case and/or a paralegal working at his/her direction (or the party making the filing if acting pro se) as to the accuracy of the proposition for which it is offered, and the citation to authority provided.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STANDING ORDER RE: ARTIFICIAL INTELLIGENCE ("AI") IN CASES
ASSIGNED TO JUDGE BAYLSON

If any attorney for a party, or a *pro se* party, has used Artificial Intelligence ("AI") in the preparation of any complaint, answer, motion, brief, or other paper, filed with the Court, and assigned to Judge Michael M. Baylson, **MUST**, in a clear and plain factual statement, disclose that AI has been used in any way in the preparation of the filing, and **CERTIFY**, that each and every citation to the law or the record in the paper, has been verified as accurate.

DATED: 6/6/2023 **BY THE COURT:**
/s/ MICHAEL M. BAYLSON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CERTIFICATE REGARDING JUDGE-SPECIFIC REQUIREMENTS

I, the undersigned attorney, hereby certify that I have read and will comply with all judge-specific requirements for Judge Brantley Starr, United States District Judge for the Northern District of Texas.

I further certify that no portion of any filing in this case will be drafted by generative artificial intelligence or that any language drafted by generative artificial intelligence—including quotations, citations, paraphrased assertions, and legal analysis—will be checked for accuracy, using print reporters or traditional legal databases, by a human being before it is submitted to the Court. I understand that any attorney who signs any filing in this case will be held responsible for the contents thereof according to applicable rules of attorney discipline, regardless of whether generative artificial intelligence drafted any portion of that filing.



Misuses

How AI Can Be Unhelpful and
Get You In Trouble

“AI Hallucinations”

Johnson v. Dunn, No. 2:21-CV-1701-AMM, 792 F.Supp.3d 1241, 2025 WL 2086116 (N.D. Ala. July 23, 2025).

- There were 5 problematic citations across two motions:
 - “Defendant ... cited ‘*United States v. Baker*, 539 F. App’x 937, 943 (11th Cir. 2013)’ as ‘confirming broad discovery rights under Rules 26 and 30.’ As Plaintiff ... pointed out, ‘[w]hile *United States v. Baker*, 529 Fed. Appx. 987 (11th Cir. 2013) is an actual case, it is an appeal challenging a criminal’s sentencing enhancement.’ And the case found in the Federal Appendix numbers cited by Defendant ... does not discuss discovery. See *Williams v. Morahan*, 539 F. App’x 934 (11th Cir. 2013).”
 - “Defendant ... cited ‘*Kelley v. City of Birmingham*, 2021 WL 1118031, at *2 (N.D. Ala. Mar. 24, 2021)’ for the proposition that the district court ‘refus[ed] to delay deposition based on unrelated discovery issues.’ The only case with that style which Plaintiff ... (and the court) could find was an Alabama Court of Appeals case from 1939 that dealt with a traffic offense. [S]ee *Kelley v. City of Birmingham*, 28 Ala. App. 644, 189 So. 921 (Ala. Ct. App. 1939).”

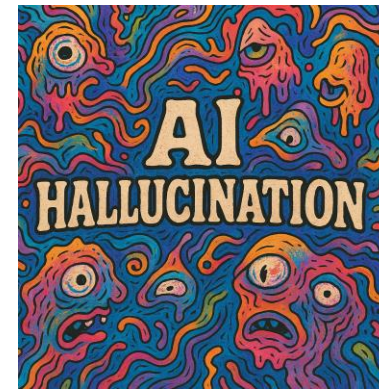


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Microsoft Copilot

“AI Hallucinations”

Johnson v. Dunn, No. 2:21-CV-1701-AMM, 792 F.Supp.3d 1241, 2025 WL 2086116 (N.D. Ala. July 23, 2025) (continued).

- “Defendant ... cited '*Greer v. Warden, FCC Coleman I*, 2020 WL 3060362, at *2 (M.D. Fla. June 9, 2020)' as 'rejecting inmate's request to delay deposition until additional discovery was completed.' This case does not exist, nor does a case exist with a similar citation for that proposition of law.”
- “Defendant ... cited '*Wilson v. Jackson*, 2006 WL 8438651, at *2 (N.D. Ala. Feb. 27, 2006)' with the parenthetical that it was an opinion 'granting [a] Rule 30(a)(2)(B) motion and finding no good cause to delay deposition of incarcerated plaintiff.' There is no such case, and that Westlaw number directs to a maritime personal injury case that does not discuss discovery. See *Douglas v. Ingram Barge Co.*, No. CV 3:04-0383, 2006 WL 8438651 (S.D.W. Va. Sept. 15, 2006)[.]”
- “Defendant ... cited '*Williams v. Asplundh Tree Expert Co.*, No. 3:05-cv-479, 2006 WL 3343787, at *4 (M.D. Fla. Nov. 17, 2006)' to support the statement that, 'General objections are not useful and will not be considered by the Court. Objections should be specific and supported by a detailed explanation.' Though a case with that style exists, no case with that combination of style and proposition exists. See *Williams v. Asplundh Tree Expert Co.*, No. 3:05-cv-00479-VMC-MCR (M.D. Fla. July 23, 2013)[.]”

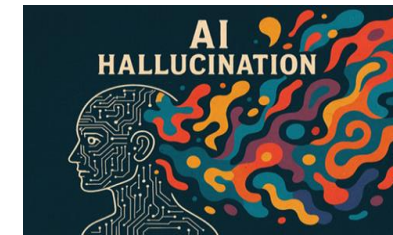


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One Court Was *Very* Unforgiving of AI Errors

Johnson v. Dunn, No. 2:21-CV-1701-AMM, 792 F.Supp.3d 1241, 2025 WL 2086116, at *1 (N.D. Ala. July 23, 2025) (continued).

- Public reprimand of 3 attorneys;
- Attorneys ordered to provide the sanctions order to their clients, opposing counsel, and presiding judge in every case in which they are counsel and every attorney in their law firm;
- Publication in the Federal Supplement;
- Disqualified attorneys from further participation in the pending case;
- Required attorneys to notify the Clerk of all jurisdictions in which they are licensed to practice law;
- Directed the Clerk to notify the bar of all such jurisdictions; and
- Released 2 more junior attorneys and the firm without sanctions.



Image generated using
Microsoft Copilot

Courts Are Increasingly Unforgiving of AI Errors

Lacey v. State Farm Gen. Ins. Co., No. 2:24-cv-05205-FMO-MAA, 2025 WL 1363069, at *5 (C.D. Cal. May 5, 2025):

- Court ordered plaintiff's law firms to pay defendants \$31,100 in fees and costs and denied the discovery relief being requested by the plaintiff in the offending briefing.
- One law firm sent research to another law firm that included AI. Law Firm # 2 did not know of the AI use. Neither team cite checked the submission. Court notes the issue. Lawyers submit a new brief, but don't come clean that they used AI.
- "According to my after-the-fact review – and supported by the candid declarations of Plaintiff's lawyers – approximately nine of the 27 legal citations in the ten-page brief were incorrect in some way. At least two of the authorities cited do not exist at all. Additionally, several quotations attributed to the cited judicial opinions were phony and did not accurately represent those materials. The lawyers' declarations ultimately made clear that the source of this problem was the inappropriate use of, and reliance on, AI tools."
- "Directly put, Plaintiff's use of AI affirmatively misled me. I read their brief, was persuaded (or at least intrigued) by the authorities that they cited, and looked up the decisions to learn more about them – only to find that they didn't exist. That's scary. It almost led to the scarier outcome (from my perspective) of including those bogus materials in a judicial order. Strong deterrence is needed to make sure that attorneys don't succumb to this easy shortcut."



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Especially When it Happens Twice

Ader v. Ader, 2025 NY Slip Op 51563(U) (N.Y. Sup. Ct., Oct. 1, 2025)

- Defendant's counsel filed a summary judgment brief that included AI-hallucinated citations and quotations.
- Plaintiff filed a motion for sanctions.
- Defendants' counsel filed a brief opposing the motion for sanctions. That brief also relied on AI-hallucinated citations and quotations.
- "In other words, counsel relied upon unvetted AI—in his telling, via inadequately supervised colleagues—to defend his use of unvetted AI."
- "Use of AI is not the problem *per se*. The problem arises when attorneys abdicate their responsibility to ensure their factual and legal representations to the Court—even if originally sourced from AI—are accurate."
- Defendants and their counsel were ordered to pay plaintiff's costs and fees.
- Plaintiffs were ordered to submit a copy of the decision and order to Grievance Committee for the New York Appellate Division and the New Jersey Office of Attorney Ethics.



Other Notable Sanctions Cases



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- *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 448 (S.D.N.Y. 2023) (modest sanctions, \$1,000 to \$5,000, even though counsel did not accept responsibility at first)
- *United States v. Hayes*, 763 F. Supp. 3d 1054 (E.D. Cal. 2025) (same), reconsideration denied, No. 2:24-cr-0280-DJC, 2025 WL 1067323 (E.D. Cal. Apr. 9, 2025)
- *Ramirez v. Humala*, No. 24-cv-424-RPK-JAM, 2025 WL 1384161, at *3 (E.D.N.Y. May 13, 2025) (imposing a \$1,000 monetary sanction)
- *Nguyen v. Savage Enters.*, No. 4:24-cv-00815-BSM, 2025 WL 679024, at *1 (E.D. Ark. Mar. 3, 2025) (imposing a \$1,000 monetary sanction)
- *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489,499 (D. Wyo. 2025) (imposing monetary sanctions ranging from \$1,000 to \$3,000);
- *People v. Zachariah C. Crabill*, 2023 Colo. Discipl. LEXIS 64 (Nov. 22, 2023) (imposing one-year suspension and two-year probation after lawyer “falsely attributed the mistakes to a legal intern.”)

Local Counsel is Also at Risk



Versant Funding LLC v. Teras Breakbulk Ocean Navigation Enters., LLC, No. 17-cv-81140, 2025 WL 1440351, at *7 (S.D. Fla. May 20, 2025) (imposing sanctions on local counsel for “filing a response without ensuring the accuracy of the case citation and principle of law” despite “t[aking] no part in” *pro hac vice* counsel's drafting process utilizing AI)

Additional AI Risks in Litigation

Doe I et al v. Google LLC, 3:23-cv-02431 (N.D. Cal.)

- In litigation involving claims against Google for privacy violations, Plaintiffs turned to Google's AI to determine the legality of Google's practices:



- The court: "But assuming that is the actual answer Google [Bard] gave, it strikes me as potentially more than atmospheric ... Your own AI product is saying you're not supposed to use [Google Analytics] on hospital websites."



Team Dynamics

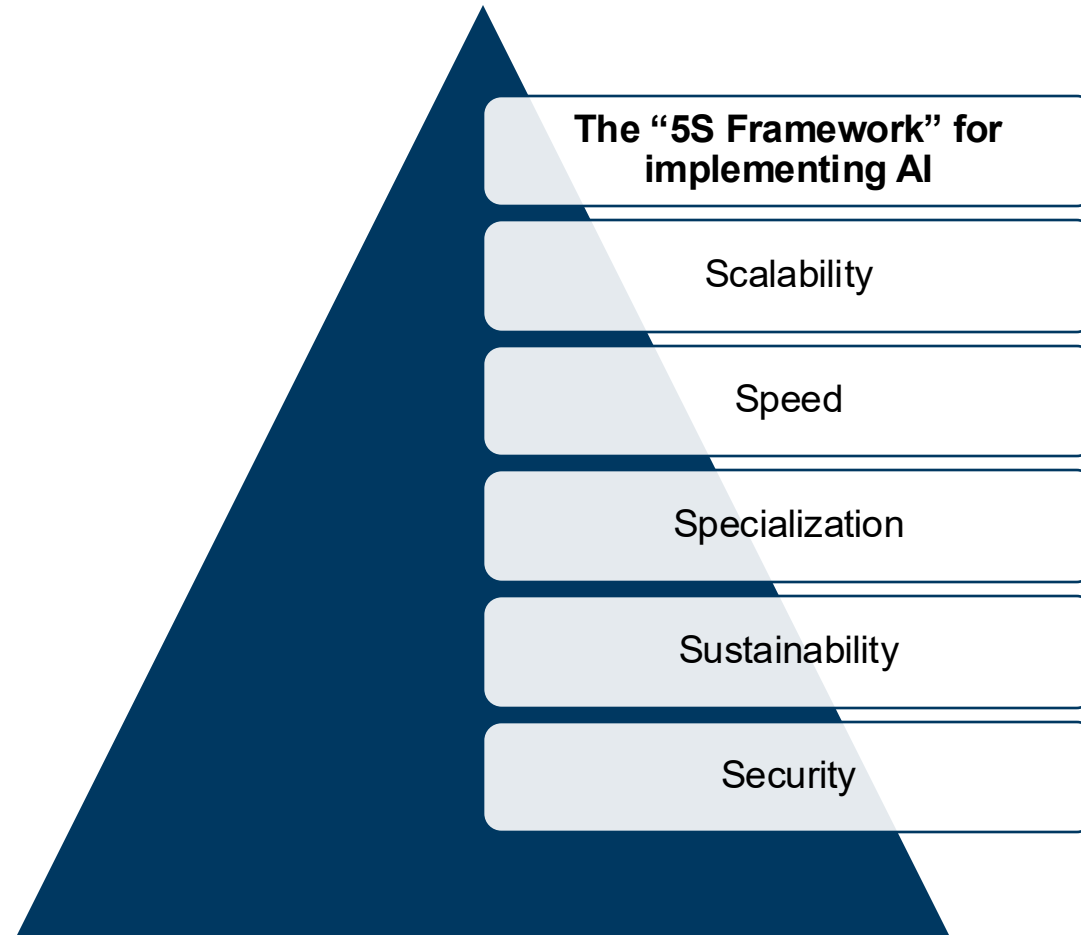
Making AI a Good Teammate

How to make the best use of AI

Have an “AI Mindset”

- The revolution is already here. Be prepared to participate in the resulting innovation and growth-orientation.
- Remember that AI is not a human being, no matter how smart it seems. Don't use it to do stupid things.
 - It is CRITICALLY important to review legal documents CLOSELY before submitting them – to anyone.
- Treat AI as a tool for strategy, improved thinking, and problem solving.
 - What can I automate?
 - How can I incorporate it into my decisions?
 - How can I use it to grow and improve?
- Invest in AI education.
- Understand people are worried about the AI revolution; value them as people.

Succeeding with AI as a “Teammate”





Questions?