Can Lawyer Robots Solve Complex Legal Cases

https://mindmatters.ai/podcast/ep244

Robert J. Marks:

Welcome to Mind Matters News. I'm your paralegally sentient host, Robert. J Marks. Artificial intelligence developers sometimes sell their wares like carnival barkers. They can be sincere, but they're often naive. Sometimes though they might be legit, but always beware of the hype. Generally, expertise in one field does not translate to expertise in other fields. George Gilder, for example, one of the co-founders of Discovery Institute says that, "Elon Musk is a gifted entrepreneur, but a retarded thinker." So his expertise does not expand as far as George Gilder goes. Take another example. Another example is Geoffrey Hinton. Now I've known Geoffrey Hinton professionally. I've known of his work for decades. He's a brilliant AI researcher with an incredibly big ego. Hinton was pioneer in the development of deep learning artificial neural networks, but he had no formal training in radiology. Now, radiologists are the medical doctors who treat diseases using medical imaging by looking for abnormalities in images.

They're the ones that go to the light screen and they clamp up a negative of a CAT scan, and they look at your lungs and say, "Ah, there's a spot. There's something wrong with it." After some initial good results using AI, deep learning neural networks, to detect these abnormalities, Hinton became a carnival barker. In 19... Well, I'm sorry. In 2016, he said, this is a quote now. "We should stop training radiologists now. It's just completely obvious that within five years, deep learning is going to do better than radiologists." Now, he said this in 2016. Then he said, "Well, maybe 10 years. I don't know." Well, 2016, over five years have past and like all new AI, the limitations of deep convolutional neural networks pioneered by Hinton were not yet vetted. They weren't vetted when he made this forecast. Hinton turned out to be very, very wrong.

According to the website's STAT, "The number of radiologists who have been replaced by AI is approximately zero. In fact, there is a worldwide shortage of radiologists. Radiology has proven harder to automate than Hinton imagined." Another AI application, possibly marketed without domain expertise, as a lawyer app marketed as DoNotPay. And this is available at donotpay.com. The app, which is a robot lawyer, promises to "fight corporations, beat bureaucracies, and sue anyone at the press of a button." That's a quote. "Fight corporations, beat bureaucracies, and sue anyone at the press of a button." That's pretty easy stuff. In small print below the hype we read... This is always in the small print. DoNotPay is not a law firm and it's not licensed to practice law. But hey, take your robot app and your cell phone to court. Make sure your battery is fully charged. Represent yourself, and you can be your own lawyer.

That's their selling point. So here's the question that we're going to talk about today, is DoNotPay's publicity the same as a carnival barker? Or is there some sort of substance here? There's some people that don't seem to care whether it works or not. These are the people who are attorneys who have sued DoNotPay. DoNotPay was sued by human lawyers, not because it gave faulty advice, but because it did not have a law license. Joshua Browder is the founder of the robot lawyer. What's going to be interesting is to see if he takes in his little app to court, and wins the lawsuit against the seasoned litigator suing him. I don't think that's going to work, but we'll see. So that's the question today. Will technology like DoNotPay robot lawyer, ever replace lawyers in the courtroom? To talk about this from a legal perspective is our guest today, Richard W. Stevens. Richard is an attorney who is a fellow of the Bradley Center. Richard, welcome back.

Richard Stevens:

Thank you very much, Dr. Marks.

Robert J. Marks:

It is always fun to talk to you. Here's a trend that I've seen in my lifetime. Professional fields have shifted to hire new low-level workers. In academia we hire lecturers. We have some lecturers in my department of electrical and computer engineering whose job is to teach. And they teach a lot of classes. Why do they do that? So that research professors have more time to do research. In medicine, nurse practitioners now handle routine maladies so that medical doctors can spend more time on complicated cases. This hasn't happened in the legal profession. Consider, for example, the simple task of appealing a traffic ticket, or suing to get damage deposits back. To do it right in court you still need a full-fledged lawyer that's passed the bar. You can't use a paralegal. Paralegals can't appear in court and represent people. I think that this is what DoNotPay is trying to do with lawyers.

So what do you think? If a properly trained paralegal can handle simple cases like traffic ticket appeal? They can't of course, since they're not a member of the bar. Why not an app like DoNotPay? Now, Richard, you argue that more complicated legal cases have a complexity that can't be handled by an app. But before we talk about that, let's talk about maybe a pocket lawyer helping you with traffic tickets. Or trying to get your legal deposit back. Or even licensing a paralegal to go in and help represent you in those cases. Aren't these simple enough where they could be handled by somebody like that?

Richard Stevens:

Well, okay. So what's the definition of a simple case? And this is going to be sort of a theme perhaps. And I actually, I won two parking ticket cases for myself.

Robert J. Marks:

But you're an attorney. That's different. No.

Richard Stevens:

No. No. I was 21, long before I ever thought I'd ever go to law school. I was a computer science guy at UC, San Diego. I won the first one. But I want to address your question straight on. A simple case would be one where it's a box check. It's as simple as a box check. Do you have X, Y, Z? So for example, driving without a license.

Robert J. Marks:

Yes.

Richard Stevens:

Box check. Does the person have a license? Yes or no? Okay, binary. Pretty good. So if he or she doesn't have a license, then you're driving without a license. We're done here. How about without a valid license plate, or without a valid registration? Okay, we got those. These are box checks. If you can do it as simply as a box check, and it doesn't have to be yes or no. But something that you could break down and completely define the set of possibilities, and did not require anything other than an objective physical fact. Piece of paper, or photograph, something. If you could do that with the case, then that would be considered a simple case.

Robert J. Marks:

So I would imagine describing these cases as a simple decision tree that isn't too deep. Maybe two or three layers...

Richard Stevens:

Exactly right.

Robert J. Marks:

That the robot app could go down.

Richard Stevens:

That's what DoNotPay does, exactly what that does. I looked it up. I think I wrote an article on it, pretty sure I did.

Robert J. Marks:

Yes, you did. By the way, that's on Mind Matters News. And we do have a link to Richard's article on the podcast notes.

Richard Stevens:

Right.

Robert J. Marks:

Okay, go ahead.

Richard Stevens:

No, no, that's fine. Appreciate that. So it was fun to learn about how they did it, and indeed it was a decision tree. And if you can define everything within that, and those of us who are software guys understand that, when you write software, you have to know what everything's going to be, or something's going to go wrong. You have to know every possible flow possible. Whether it happens or not, it's another matter. Okay? So that's that. But I want to give you an example of a case that DoNotPay would not do well. Okay, so long before I was in law school, I was at UC, San Diego. It was in my first semester there. I transferred there from University of Southern California. And I transferred there and I went to the bookstore. And I was buying books.

And so I went in to buy books, and I parked at the medical school parking lot. You were allowed to do that, but it was a two-hour meter. Correction. I think it was a one-hour meter. Anyway, one-hour meter. So I plugged the meter correctly, put the money in, went into the bookstore. I got the books. The line was longer than I had hoped, as it usually is when you're buying books before class. Anyway, I got out and I knew I was close to the edge. I was wearing a watch, an analog watch. Think about it. And I ran back to my parking space, because I wanted to get my car out of the parking. Because I knew it was one hour. I was probably two minutes late. As I came upon the car, the parking ticket lady was there and she was writing a ticket.

Okay. So she had her pad in her hand, and she's writing the ticket. And I came up to her and I said, "Oh, I'm so sorry. You could see I paid for the thing. The line got long. It's my first day here. Is there any way since I'm here now and you haven't put the ticket on my car, is there any way you could take it back?" And she sort of smiled a little bit. She says, "Okay." And left. Okay. So about three months later, I get a letter in the mail saying there's a warrant for my arrest.

Robert J. Marks:

Okay.

Richard Stevens:

Okay. It's called a bench warrant. A bench warrant for non-appearance. Well, what does that mean? Well, it meant that I was supposed to be in court on a certain day and didn't show up. And this is in California. So other states may be different, but that's how that worked. So a friend of mine actually turned me onto the California vehicle code. And he says, "Hey, take a look at the certain section." And I looked at it and we looked at it together. Well, it says in the California vehicle code that a ticket is not valid unless it is affixed to the vehicle, all right?

Robert J. Marks:

Okay.

Richard Stevens:

And it wasn't affixed to the vehicle. So I went down to the court. And I remember walking in there. And the young lawyer, assistant DA of some sort, comes up to me and says, "What are we doing here?"

And I said, "What do you mean?" He says, "Well, why are we litigating a parking ticket? I mean, come on. I've got things to do." And I said, "Well, it wasn't properly given, and I don't want to pay a $10 fine. But not only that, there's a warrant for my arrest and I don't want that out either." And he goes, "Oh, come on, really?" I said, "Yeah, really." "Oh, man. Okay." So they had brought the ticket lady to the courtroom to testify. Now, you know, sometimes the cops don't show up for things. Well, the ticket lady... So you think you're wasting your time, counsel, you wasted her time too. Anyway, so here she comes and she sits. And so the prosecutor does the direct examination of her and asks her, when she joined the force and all these various things. And it's like, "Did you issue this ticket?"

"Yes, I did. Blah, blah, blah." And then that was it. And then they turned to me, "Do you have any questions?" And I did. I had two questions. I said, "Ma'am, do you remember me?" She says, "No." I said, "Do you remember my car?" She says, "No." No further questions. And then I turned to the judge and said, "May I make a statement and testify on my own behalf?" And he says, "Yes." And I told him the story that I just told you, exactly what happened. "I came out, she didn't put the ticket on my windshield. And it was never affixed to my vehicle. And according to the California vehicle code, it has to be affixed. Therefore, I'm not guilty of this thing." Now, is that a box check case?

Robert J. Marks:

Sure sounds like it.

Richard Stevens:

But it turns on what? It turns on whom you believe.

Robert J. Marks:

Ah.

Richard Stevens:

Because she submitted the ticket as though it had been put on my car. But when asked if she remembered, well, she didn't remember. But that isn't a box check anymore. That's like, "Well, I don't know." Well, how do you do an "I don't know". Then I testified. Question, should I be believed? I mean what? Right? I mean I'm a college kid trying to get out of $10 ticket, so should I be believed? And how do you program that? What's the box check? There's no box check. So this is where...

Robert J. Marks:

No. It's literally he said, she said. Right?

Richard Stevens:

Correct. And to her credit, she did not try to make the case more than it was. And say, "Well yeah, I remember doing it and all that." She didn't lie. She simply didn't remember. And she'd apparently submitted the ticket as though she'd affixed it. Maybe she just turned in her book or something, not realizing she'd taken it back and never put it on. So I suffered the consequences of that. But the issue is, in that little tiny parking ticket case, it turned on credibility of the witnesses, and whom you believe.

Robert J. Marks:

Wow.

Richard Stevens:

So now, what is DoNotPay going to do with that?

Robert J. Marks:

That's a good question. I can't defend that. I agree that it depends on the credibility and the personality of the people that are testifying. Richard, there's a great book, it's called Talking to Strangers. And it talks about the credibility of people when they tell the truth and when they lie. And they did, they looked at judges. And a judge says, "I will not sentence a man or a woman before I look them in the eye, and talk to them about the crime they have committed. Because that tells me whether they're repentant or not." And it turned out that this was a very ineffective way to uncover the truth, this idea of trying to trust somebody or not. So in a way, when you represent yourself, you have to be, if I could say it, a good actor. A good representative. A person that gives a good presentation that's credible in order to win. That's what needed to be done in your case. And you're right. That's not something that can be done by AI. That's a excellent point.

Richard Stevens:

Now, let me tell you about my other case. I did win that, by the way. The judge turned to me and he was very cordial. And he says, "Well, young man, you know that the burden of proof is beyond a reasonable doubt. And I have to say, I have reasonable doubt that that ticket was affixed to your car. So you win." And I thought, "Wow. Legal system works. Cool." The second one was...

Robert J. Marks:

Wait. Wait. Wait. That was beyond a reasonable doubt? I thought that was just reserved for murder cases and stuff, but...

Richard Stevens:

No. No.

Robert J. Marks:

Even traffic tickets?

Richard Stevens:

At that time in California it was. It's no longer that, but it was at that time.

Robert J. Marks:

Wow. Okay, interesting.

Richard Stevens:

Cool, huh?

Robert J. Marks:

Yeah.

Richard Stevens:

So yeah, that's how it was treated. And that was the test applied. Now, I'll give you my second one, because it also highlights the issue. Parking ticket. I was writing a book at the time for the DC bar, DC jury instructions book. I was editor for 25 years. But this is when I was writing it. And I was using the Alexandria Law Library in Alexandria, Virginia. And parking was hard to come by, and I parked on the street. And you only had two hours to park on the street. And then you couldn't stay there, because they'd come and mark your tires.

Robert J. Marks:

Yes.

Richard Stevens:

And if you stayed there, even if you plugged the meter, they'd give you a ticket because you were there for longer than two hours. So I knew this. So I set my alarm. And every hour and 45 minutes, I went out and moved my car.

I only usually had to do it once a day, because I didn't stay there that long. But I needed more than just two hours. So I did this over, and over, and over again. On one occasion I did it, and then I came back out and found a ticket on my car. I had moved it timely. I had not been there over two hours, but she gave me a ticket. I say she, because I found out who it was later. And so, I took it to court. And again, they brought her on. And she testified. And she testified that she had marked the vehicle and all that. And I asked her if she remembered it, and she says, "Well, I kind of do, but I mark a lot of cars. I'm not really sure." And so, she was kind of equivocal again about whether she could recall.

So then I testified and I told the story exactly as I've told you. That is, I moved the vehicle. And I said, "The way you know is that the white mark she put on my tire was not where it would be if she came by and marked it in the way she does it." And I explained, "I've seen her do it. She drives by in a little vehicle and she's got a little chalk thing. And she marks the tire. I've seen where she marks it. This mark wasn't there. I noticed it at the time, because I was concerned about this ticket." And so I explained that

that she couldn't have marked the tire and found that I was there too long. She just gave me the ticket anyway, even though the mark was in the wrong place. Okay, so now whom do you believe? I mean, I describe what I saw as far as where the mark was on the tire.

There's no photograph. She remembers giving the ticket, because I had been there too long and she'd marked the tire. But she couldn't really tell you much more than that. She wrote the ticket, she affixed it to the vehicle. So that was not a problem for her. But I testified to what actually happened, and why I wasn't. And again, I was found not guilty there. But the decision is, whom do you believe?

Robert J. Marks:

Right.

Richard Stevens:

I provided testimony from personal recollection. And you could test that personal recollection by asking me questions. Where were you standing? How do you know? You could test her personal recollection. And then it's a very human endeavor trying to figure out, "Okay, which of these two people is correct." Not computable, not box check.

Robert J. Marks:

Interesting. So here's what you're saying. For simple cases, maybe you can use DoNotPay, but you should also take acting lessons. What do you think?

Richard Stevens:

I wasn't acting. I was telling the truth.

Robert J. Marks:

But again, according to this book, Talking To Strangers, if you're a good actor, you could really fool a lot of the people a lot of the times.

Richard Stevens:

I suppose. I suppose. Well, but you know, that's part of the system. The legal system, it truly depends upon the basic honesty of the population. When you take an oath to tell the truth, you're basically calling upon this fundamental promise that we make, that we are going to be good citizens. Even if it's not always in our best interest to do so. That's actually what it's asking you to do. I have to tell you, I believe you have to have a pretty religious viewpoint to say, "I'm not going to lie, because that's bearing false witness. Or it's something like it. It's certainly deceptive. It's certainly, it's not being truthful, it's not being fair." And the deal is we all are supposed to be fair and treat each other as we want to be treated. And with that means telling the truth. Not twisting the facts, or lying. So that's in a situation like this, if you're complimenting your wife on the outfit, that's a lie. It's okay.

But the rest of them, no. So that's what a lot of the problem I think is, is whether people are going to tell the truth or not is probably the bigger challenge than whether we can automate some of this stuff. But certainly there are very few simple cases if there's any human decision making, any human believability that you have to look at. Or human recollection.

Robert J. Marks:

That is fascinating. I'll share you a story that I have. I was a expert witness in a patent litigation case. And it was tried in that beautiful courtroom in downtown New York City, right next to the Old World Trade Centers. Next to Wall Street. Really, really beautiful federal court with big columns on the side. If you've ever seen a movie that had litigation in it in New York, you've seen the front of that building because it's so photogenic. Anyway, I went in and we were sitting down, we were doing this patent litigation. And I was scheduled to go up and testify, and my attorney that I was represented, leaned over and whispered to me. He says, "Be careful." He said, "Opposing counsel has had acting lessons." I thought that was just fascinating. Is it true that some litigation attorneys take acting lessons in order to present their cases more authoritatively, more convincingly?

Richard Stevens:

Yes, it is true. And in fact, for some they really ought to. Because as some people in professions, and you've seen the variety. I used to be a software guy dealing with software, computer science people. There's a sort of personality that comes with that line of work. And there's a certain kind of person who wants to be an accountant. There's a certain kind of person who wants to be a transactional lawyer. That's different kind of personalities. And some people who are in litigation don't really have a personality to stand and deliver, and so they have to get it. They have to work on it. So it's not evil that they do that, but it's a truth.

Robert J. Marks:

Okay. Now, you argue in your piece that more complicated legal cases have a complexity that can't be handled by an app. And this is beyond personality. Computers, and thus AI, are restricted to be algorithmic. Are court cases algorithmic from the viewpoint of the lawyer.

Richard Stevens:

Well, okay, so algorithm, as we understand, it's a couple different meanings. If you think of, algorithm means a series of steps to solve a problem.

Robert J. Marks:

Yes.

Richard Stevens:

Well, then actually a lot of legal things are algorithmic in that way. The question is whether they're computable. That is, can you write software to do what you're going to do next?

Robert J. Marks:

Which means it is algorithmic? Yes. Okay.

Richard Stevens:

Yeah, if it's computable. But sometimes people will say algorithm. In fact, doctors will use algorithms as you may know, but they use the more informal meaning. In other words, they have a checklist of things to check. It's more like decision tree. They call it algorithm, but it's really a decision tree. But algorithms that would compute the result of something. For example, a litigation lawyer. My job starts with information gathering.

Robert J. Marks:

Yes.

Richard Stevens:

Well, that's kind of tough. You have to sit and listen to a human, and understand what they mean. Understand the nuance, understand the context, get past perhaps cultural or language differences. You have to go through documents and try to figure out how they work. What do they actually mean? What was the context where they were made? You have to figure out what the other side's going to say about all this stuff.

You have to look at what legal theories, as we call, are legal doctrines. Is this liable? Is this slander? Is this theft? Is it fraud? Well, those kind of things. Try to figure out what it is you're dealing with. Those are all analytical things that are deduced from prior experience. Then you always look at not only the claim on your side, but what's the other side going to say? And you have to think like a human, "Okay, what's that guy going to do? What's that girl going to do next?" And then you have to think about, "Okay, how am I going to persuade somebody that this is true?" For example, I've developed a "Richard's rule of litigation". One of two, or three I came up with. One of them is this, "Whoever has the simplest story wins." If you have a really complicated, convoluted story, even though it's complete truth, you're likely not to win against somebody who has a simple sound bite that kind of resonates with people.

I've seen it over, and over, and over. You have to. So that's part of our job then is to try to figure out, "Okay, how can we package the information." Not lie about it, but package it in a way that's understandable to a human. They say, "Oh, I see what you mean." As opposed to, "Huh, I can't follow you." Okay. So you have to be able to persuade. And well, what is it that persuades a judge or a jury? Or, "Hey, what persuades ChatGPT?" I actually tried this. I developed a case and kept presenting it to ChatGPT, adding more facts, adding more facts. And first ChatGPT told me, "No, I can't really decide." Then later it says, "Well, you don't have enough evidence to make the decision." I mean, it goes back and forth. You have this conversation, well, persuading ChatGPT, well, what does it take? And then you have to figure out, what other kind of evidence you want? What kind of witnesses you're going to have? Are they going to be persuasive when they testify? Very human stuff. None of it computable.

Robert J. Marks:

Interesting. Yeah, that's one of the cases. Again, I'm not an attorney, but it seems that one of the things that a litigating attorney needs to do is to be creative. And artificial intelligence doesn't have the ability to be creative. Creativity in this sense is defined as responding to a situation which you haven't seen before. And I think one needs to pivot and make midstream corrections depending on what the opposition is throwing you, what the witnesses say. I think this is the reason that commanders in the field for military defense in the United States military, I think that this is why their job can never be replaced by AI because they are continually on a battle battlefield looking at situations which nobody has ever seen before. Same thing with CEOs of big corporations. Things are shifting and they're shifting in a matter that nobody has seen before. What do you do? You have to be creative in order to figure that out, and that takes domain expertise and creativity. And that creativity packed on top of that domain expertise allows you to make good decisions, and warrants the payment of big bucks.

Richard Stevens:

Or in my case, medium-sized bucks.

Robert J. Marks:

Okay.

Richard Stevens:

To highlight exactly what you're talking about, having to be able to shift along the lines. This brief I've written for counsel to present to the Arizona Supreme Court upcoming has this situation. This is not the key situation, but it's in the case. A witness to an auto accident saw the oncoming car cross over the double yellow line and hit the trailer in the opposite side of the street.

Robert J. Marks:

Okay.

Richard Stevens:

And that's what the police report said. The witness told the cop, the cop wrote down that the witness saw the vehicle coming and then crossing the double yellow. And hitting the trailer on the oncoming trailer. Okay? That's in the police report. Two years later, when asked in person, "Is this what happened?" Witness said, "No, I didn't. They wrote it down wrong. I didn't say that. I said that the trailer drifted over in front of the other vehicle."

Robert J. Marks:

Oh my gosh. Okay.

Richard Stevens:

Okay. What do you do? What happened here? Did the police write it wrong? Did he change his testimony? How do you decide that? How do you compute that?

Robert J. Marks:

Well, I guess the only way to do is look in the guy's background and see if he has a reputation of a liar.

Richard Stevens:

Assuming he doesn't. But let's assume the cop doesn't have a reputation of being a liar either. Now, what?

Robert J. Marks:

Right. By the way, is a cop repeating evidence presented to him, isn't that hearsay? Or does that apply in the case of policeman?

Richard Stevens:

It is hearsay, but it is admissible under the exception against hearsay. There's a bunch of them. One of them is official reports and things.

Robert J. Marks:

Okay. Okay. So I guess that's something which is totally not decidable, is what you're saying, right?

Richard Stevens:

Well, it's not that it's not decidable. It's not computable. You have to figure it out. And in this particular case so far, we're taking up Supreme Court on another aspect of the case. But so far the courts have held, "Well, that witness changed his testimony. He recanted." That's the term they used. Now, see, when you're AI, you're looking at your generative, looking at language and trying to figure it out. If you say a witness recants, that triggers a legal thinking. Like, "Okay, they said A, and now they're saying not A, that's recantation." Right?

Robert J. Marks:

Yes.

Richard Stevens:

That was said before, but now I'm saying that's not true. This isn't recantation, though. The judges called it recantation. It's not. It's, he's saying the cops got it wrong.

Robert J. Marks:

Right. Recantation is when you say something is wrong, and then later you say something was not wrong.

Richard Stevens:

Yeah.

Robert J. Marks:

It's when you contradict yourself, right?

Richard Stevens:

Yes. Yeah. Basically when you...

Robert J. Marks:

So this was filtered through the policeman, so it isn't recantation.

Richard Stevens:

Yeah, that's my argument. But the judges held it was recantation. See? Okay, so I think the judges are wrong, but they're the judges. They've won so far. So would AI do any better?

Robert J. Marks:

Oh, no, no.

Richard Stevens:

I don't know why it would. If the state's prosecution counsel were to characterize it in their documents that the AI is going to read as recantation. And it seizes on that. And my documents in opposition don't somehow cancel that, then next thing you know, the AI thinks, "Oh yeah. Well, he recanted because the document said so." And if that's all it's doing is looking at documents, generative AI, it's all it's doing, is looking at documents. Well, it just picked out the words from there. How could it be wrong?

Robert J. Marks:

Gotcha.

Richard Stevens:

Yeah. It's non-trivial.

Robert J. Marks:

Let me ask you, can you think of any cases where DoNotPay would assist a novice person in a legal case?

Richard Stevens:

Oh, I suppose. I think in some ways it might have two effects. I mean, one, it might just help the novice organize his or her case. And again, that's what lawyers often do. And that's an important function of lawyers. And paralegals could do it as well, actually as a paralegals could do for you. They could help organize the case so that the facts are all there. You got the right documents that you need. Whatever it is that you need, pictures, whatever it is you're going to do, it may prompt you to walk you through it and make sure this is done. And also, if it has any intelligence to look at what the controlling statutes or controlling rules are, it might be able to help say, "Hey, this is the aspect that seems to be open undecided." Or, "There's no evidence for this." Or, "The other side's lacking evidence." If you could do it sort of like, what's that tax system that everybody uses? I don't, but everyone else does.

Robert J. Marks:

Oh, TurboTax.

Richard Stevens:

Yeah, TurboTax. You answer all these questions and then it figures out where to put the data. So you could have a DoNotPay system that assisted you and did help you present the case coherently. And perhaps isolate where in the statute or in the rule, you have an argument. They might be able to do that. I think that would be helpful.

Robert J. Marks:

So let me ask you this, and you kind of touched on it there. What would happen if the roles were reversed? Could a artificial intelligence app act as a judge in some cases? Clearly not in all cases, because they have to weigh who's telling the truth and things. But could AI act as a judge in some cases, just learn the law and apply it blindly. In fact, I've heard some people from Congress purport doing this.

Richard Stevens:

That's what sometimes people want judges to do, is to just apply the law. And I resonate to that. That's what I want them to do as well. And the only thing is though, if applying the law is a box check operation, then sure. I mean, then yeah, a machine could do that. But a lot of cases are not box check. And if you watch Judge Judy, the Judge Judy shows. It seems like they're simple, but they aren't. They're really complicated these things.

Robert J. Marks:

What's your favorite legal television show?

Richard Stevens:

Oh, I have to tell you...

Robert J. Marks:

You mentioned Judge Judy. I just wanted to...

Richard Stevens:

Yeah, it's only because I watched her show a few times lately, and it's interesting to see. But as my wife will say, what I usually do is stop the show in the middle and tell her, "They got this wrong. This isn't how you do it."

Robert J. Marks:

I tell you, it's rough to have an expert. I sometimes watch movies with a friend of mine that used to be a policeman. And we'll be watching a TV show and there'll be a SWAT team storming a building. And he's, "They wouldn't do it that way. They would spread out. They wouldn't go in together." But the most interesting one was a friend that I had. A good Christian friend at the University of Washington who was a, what do they call bird specialist, ornichologist, I believe.

Richard Stevens:

Or, yeah, ornithologist.

Robert J. Marks:

Ornithologist. And he says, his wife says, "He ruins movies for me all the time." They went to Out of Africa, and they heard this little bird going deep, deep, deep. Or something like that. And her husband said, "That's not an African bird. That's a South American Warbler." So totally ruined it. So it sounds like you might ruin some of the legal cases that you watch.

Richard Stevens:

Yeah.

Robert J. Marks:

That's kind of funny.

Richard Stevens:

I kind of do. I kind of do. So I don't know. I don't know if I have a favorite, but I've been interested in some of them. Certainly some of the ones back in the day were good. But I think the thing about the law that I found fascinating actually, is that every case is a human story. I don't care if it's an insurance contract interpretation case. An insurance opinion case. And I've done some of those. Still there's a human story. And human beings, and money, or futures, or relationships, all these things, it matters to the people. And so in a lot of ways, that's probably the most fascinating part of the whole thing, is the human stories behind them all.

Robert J. Marks:

That is fascinating. Well, I tell you, I do know the technology affects the legal profession. When I was doing my expert witnessing, this'll tell you how old I am. But it used to be, we had to read all of these papers in the library looking for prior art, which is what you did back then. And I had a student that says, "Oh, we could just take PDFs of these and scan them." And the lawyers got so excited that they didn't have to read everything. That they could literally take these documents and scan them for prior art. And of course, now, like you said, that's something which is used daily. So that's technology. Do you see any application of AI in the legal profession?

Richard Stevens:

Well, it depends on what AI is trying to do. I think that a lot of the hype is this notion that they're going to be judges or they're going to be lawyers, and all this other... But AI can do other things. Any kind of pattern identification. Or certainly scanning millions of pages of documents looking for one word or one phrase, one reference.

Robert J. Marks:

Yes.

Richard Stevens:

And if you're pretty sophisticated doing that with your software, you might be able to find some interesting stuff in, what is otherwise acres and acres of pages. I worked on a case involving a power plant explosion back in 1987. And I was given the task as a junior lawyer to go down to the microfilm repository and look at about a hundred thousand pages of documents.

Robert J. Marks:

Oh, geez.

Richard Stevens:

But then there wasn't anything there, but somebody had to look at them. Well, a computer could have done that...

Robert J. Marks:

Yes.

Richard Stevens:

To see if there was something. There were particular things we were looking for in particular boxes on particular pages, but they were buried in there somewhere. And you had to look for them. Well, the computers are great for that, and that would be a useful thing. And you could have a nice sophisticated search algorithm, not just Boolean. But the pattern recognition, the fuzzy logic kinds of things that would help pull out some possible candidates for further evaluation, things like that.

Robert J. Marks:

Okay. So to point you to areas of interest might be one application.

Richard Stevens:

Yeah.

Robert J. Marks:

Okay. That makes sense. Okay. Richard, any final thoughts on this?

Richard Stevens:

No, I think it's a fascinating question to see what AI can do for the legal profession. And I think though, that people need to have, not just skepticism about it, but actually think about if you start to believe AI systems and you expect them to be right, I think that's kind of the problem. That if you start to assume they're right... I think it was a Noam Chomsky recently came out...

Robert J. Marks:

Yes.

Richard Stevens:

With whom I probably agree on nothing except the weather. Nevertheless, he said that, "Thinking that the AI is this Uber mention, this all powerful thing is really, really misunderstanding it. And one should not trust everything that AI says just because it's AI." The problem is that people are increasingly doing that. You go on Google, you go on ChatGPT, it gives you an answer. Well, yeah. Yeah. Professor Marks did go to Africa and investigate the Bonobos.

Robert J. Marks:

Okay. I thought I thought I kept that out of the news, but I guess not, Richard. Okay. Well, great. Thank you, Richard. This has been a lot of fun. We've been talking to Richard W. Stevens. He's a lawyer and a fellow of Discovery Institute's Bradley Center. And we've been talking about what AI lawyer apps can and can't do. What AI can do to help the legal profession. Really interesting stuff. So until next time on Mind Matters News, be of good cheer.

Announcer:

This has been Mind Matters News, with your host Robert J. Marks. Explore more at mindmatters.ai. That's mindmatters.ai Mind Matters News is directed and edited by Austin Eggbert. The opinions expressed on this program are solely those of the speakers.