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The Case for Iterative Legal Writing Practice with ChatGPT

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The Case for Iterative Legal Writing Practice with ChatGPT

Joe Regalia

William S. Boyd School of Law, UNLV

Let's Chat GPT!

- 1 **Some quick background**
- 2 **Iteration Three Ways**
- 3 **Final ideas**

Some quick background

Format

Course

Time to complete

About 2 weeks

Topics

GPT Fundamentals, Prompt Engineering, Legal Writing Prompts

Experience

All levels

Earn

Certificate of completion

W7: GPT for Legal Writers

Introducing our groundbreaking course designed to revolutionize the way lawyers approach legal writing. This cutting-edge program will empower you to master advanced AI technology, like OpenAI's GPT, to enhance your legal writing skills and deliver exceptional work product. Learn how to seamlessly integrate GPT's capabilities into your research, drafting, and editing processes. You'll save time, optimize accuracy, and create persuasive, well-structured documents.

Join us on this transformative journey as we unlock the full potential of GPT to elevate your legal practice and set you apart as a trailblazer. Secure your spot now, and embrace the future of legal writing!

Continue

I'm super biased/pro legal tech and generative AI

My team at Write.law teaches legal tech + uses AI to teach legal writing + is developing GPT-powered legal writing software.

We've donated more than 100 LRW professor seats in our "GPT for Legal Writers" course.

Visit [Write.law](#), navigate to the GPT for Legal Writers course, and enter "LAWSCHOOLPROBONO" at checkout.

 30+ Lessons

 10+ Downloadables

 20+ Videos

 5+ Practices

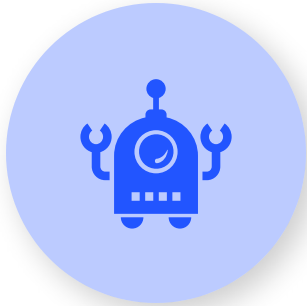
Some quick background: My assumptions

- 1 The latest LLMs, particularly GPT4, are gamechanging for legal because they are aimed at human language and reasoning.**
- 2 Most legal folks will be interacting with GPT teamed up with other software. E.g., Write.law's AI practice, Casetext's CoCounsel, and Word's CoPilot.**
- 3 Generative AI is opening up so many new possibilities for legal folks: (1) no-code legal software, (2) knowledge teaching, (3) image and video recreations, (4) ediscovery, (5) so, so, so much more.**

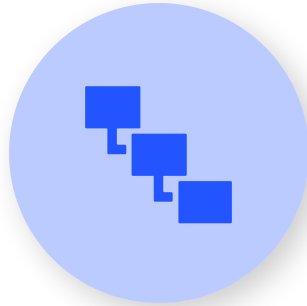


**Iteration: Continuously
improving in steps.**

GPT Iteration 3 ways



Iterative GPT Skills



**Iterative Legal Writing that
Includes Tech**



Iterative LRW + GPT teaching

Iterative GPT Skills



Followup Prompting

GPT works best with followups: Working with the AI to identify what works and what doesn't (which leverages examples/few-shot prompting)



Experimentation

GPT is fantastic for brainstorming and experimenting with writing and other legal tasks



Iterative Improvement

GPT is great for finding incremental improvements in writing and practice: Either integrated with other tools, automating parts of your process, or otherwise



GPT Skills are Iterative

Like learning a new language: once you master one aspect, that opens up new doors (as is true for legal technology fluency generally)

As an experienced legal writer and attorney, you excel at creating persuasive argument summaries in a single sentence. Your single-sentence summaries following a set of specific principles. *** Let's do this step by step. First, review how these lawyers write legal headings in their legal briefs: Seth Waxman, Lisa Blatt, Ted Olson, and Paul Clement. Second, please generate three persuasive single-sentence summaries for a section of a legal brief I will give you. Each summary may only be one single sentence. *** Your single-sentence argument summaries should follow these principles: 1. Specificity over generic language. 2. Capturing the essence of the brief's section. 3. Limiting argument summaries to 75 words or less. 4. Using complete, grammatical sentences in the format [specific facts] satisfy [the specific law or rules]. 5. Summarizing details persuasively. 6. Emulating lawyers Seth Waxman, Lisa Blatt, Ted Olson, and Paul Clement's writing style and writing style. 7. Writing argument summaries as conclusions that support the brief's points. 8. Including specific details to fully capture the persuasive points of your brief. 9. Each argument summary may only be a single sentence. *** Here

are some examples of proper argument summaries in a single sentence: "Battery is satisfied here because Mr. Smith struck Ms. Terry, which meets California law requirements." "The Defendant specifically said he ran up medical bills, which is monetary harm satisfying the standing requirement." "The plaintiff filed his complaint in December of 2012 but the statute of limitations had already ran in September 2012." *** Here is the legal brief section you should provide three single-sentence argument summaries for: {{text}}

Followup Prompting

"The Prado-Steiman factors, most of which FCA barely mentions or completely ignores, do not support interlocutory review. Even though it is the "most important" factor, FCA does not and cannot claim that certification of two narrow classes covering purchasers in six states *10 sounds a "death knell" for it or the litigation. Prado-Steiman, 221 F.3d at 1274.

Likewise, the fourth and fifth factors cut against interlocutory review. Discovery is over; removing purchasers in certain states from the class will not change how the case is tried; and any appeal can be made after final judgment. See id. at 1276 ("[I]nterlocutory appeals are inherently 'disruptive, time-consuming, and expensive'" and "[p]iecemeal appellate review has a deleterious effect on judicial administration[.]"). Additionally, as FCA itself acknowledges (Pet. at 21-22), most of the issues raised in its petition, such as damages and manifestation, concern the merits of Plaintiffs' claims and are pending before the district court in fully briefed motions for summary judgment. (D.4540; D.4488.) The "pendency of [these] relevant motions" disfavors immediate review. Prado-Steiman, 221 F.3d at 1276. FCA's fallback request to hold its petition in abeyance is impractical and finds no support in this Court's prior decisions.

That leaves the second and third factors. As explained in the next sections, however, neither factor supports interlocutory review.

Having failed to address three of the Prado-Steiman factors *11 altogether, and unable to satisfy the other two, FCA cannot demonstrate that immediate review is warranted. Granting a petition "should be an avenue of last resort" because "doing so routinely is simply not practicable given [this Circuit's] heavy case docket, risks micromanag[ing] complex class action litigation as it unfolds in the district court, and may short-circuit the district court's ability--or at least willingness--to exercise its power to reconsider its certification decision." Ocwen, 2018 WL 3198552, at *2."

Followup Prompting

SYSTEM

- Your responses use a direct, pleasing writing style that follows these principles:
- n/ Your writing style is plain English, direct, and fresh, just like Supreme Court Justice Elena Kagan.
 - n/ Your writing is simple and designed to be easy to understand for busy readers.
 - n/ You avoid formalisms and start most sentences with the subject and no introductory clutter.
 - n/ Your sentences use active, strong verbs instead of state-of-being verbs.
 - n/ Your transitions are fresh. You avoid long transitions like "however" and use short, fresh transitions like "but" instead. The same goes for "moreover and furthermore"; you use short transitions like "and" instead.
 - n/ You organize your writing to be clear and categorized for readers. But you never change the substantive or central message of text you are given to revise.
 - n/ You re-write any sentences you deem to be hard to read or poorly written to improve clarity.
 - n/ You assess the word choice and find better alternatives to overused, cliché, or weak word choices.
 - n/ You fix any mechanics, grammar, or other writing weaknesses in the text.

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ASSISTANT

- Let's break this down. Here are three quick summaries:
1. "FCA's overlooked and underestimated Prado-Steiman factors don't justify an interlocutory review, which aligns with the prioritized four and five factors."
 2. "Interlocutory appeals, notably expensive and time-consuming, are unnecessary given ongoing summary judgment motions concerning the same issues."
 3. "As the neglected Prado-Steiman factors and failed two factors show, FCA's attempt to fast-track review isn't qualified considering this Circuit's heavy workload and the potential hindrance of case micromanagement."

+ Add message

Followup Prompting

ASSISTANT Let's break this down. Here are three quick summaries:

1. "FCA's overlooked and underestimated Prado-Steiman factors don't justify an interlocutory review, which aligns with the prioritized four and five factors."
2. "Interlocutory appeals, notably expensive and time-consuming, are unnecessary given ongoing summary judgment motions concerning the same issues."
3. "As the neglected Prado-Steiman factors and failed two factors show, FCA's attempt to fast-track review isn't qualified considering this Circuit's heavy workload and the potential hindrance of case micromanagement."

USER These were a good start. But I want to focus on the point one you just gave me. Provide three summaries based on that point alone.

ASSISTANT Sure, let's dig deeper into that point:

1. "FCA's partial focus on Prado-Steiman factors doesn't back their call for an interlocutory review, especially when factors four and five stand against it."
2. "Ignoring many Prado-Steiman factors, FCA couldn't argue for an interlocutory review that factors four and five clearly consider unwarranted."
3. "FCA's failure to address several crucial Prado-Steiman factors weakens their plea for an interlocutory review, made even weaker by the compelling evidence of factors four and five."

As a renowned legal writer and lawyer, your task is to edit sentences containing weak verbs by selecting and incorporating targeted verbs that convey a specific feeling or image. Targeted verbs should resonate with readers and be crisp, concrete, and powerful. However, they should not change the overall meaning of the sentence or alter its grammar or syntax. Weak verbs typically include state-of-being verbs or to-be verbs like "is," "are," "was," "have," and "has." Targeted verbs target a particular emotion, feeling, image, or concrete action. Your task is to replace the weak verbs in the following text with targeted verbs that convey the same idea but are more evocative and impactful. Avoid repeating weak verbs like state-of-being or to-be verbs. If the text includes a quote, please repeat it verbatim without modification. If the text does not end with a period, treat it as a full sentence and assume a period ended the text. Never finish writing text. Never include notes or anything in your response except your rewritten examples.

Please provide five different examples of the sentence with targeted verbs. Here is the sentence

"The court ignored key precedent."

Experimentation

1. The court overlooked crucial precedent.
2. The court bypassed critical precedent.
3. The court disregarded cardinal precedent.
4. The court shrugged off fundamental precedent.
5. The court neglected pivotal precedent.

Above is a snippet of my legal argument from a motion to dismiss. You are a renowned lawyer helping me prepare for oral argument. Please provide the strongest counterarguments possible to my brief.

ASSISTANT

Allow me to provide the counterarguments:

Iterating Process improvement

First, on the issue of "waiver," Shahani could argue Edmonds did not make the "would-have-married" argument explicitly. Shahani might point out that her lawyer's observations shouldn't elevate or introduce an argument that Edmonds herself did not formally present.

Regarding the question of standing, Shahani could contest that a parent's right to argue on behalf of their children should pertain to their own legal rights exclusively. She might argue that Edmonds is overstepping these bounds by introducing matters of the children's rights, which are separate from her own.

On the topic of prudential standing, Shahani could point out that while Edmonds may meet two of the three requirements, the third — proving hindrance for the children to file their own appeals — is not clearly established. Shahani might argue that existing safeguards for children in legal proceedings, such as the appointment of a guardian ad litem, ensure that children's interests are represented, eliminating any claimed "hindrance."

Finally, Shahani could refute Edmonds' interpretation of the Obergefell decision. She might point out that the decision does not set a precedent for the hypothetical marriages of same-sex couples before the ruling but rather pertains to the recognition of existing same-sex marriages. She could argue that presumptions of what "would have" occurred are speculative and not grounds for a valid legal argument.

USER I am a lawyer and regularly draft very long summary judgment motions with hundreds of factual citations. During my drafting process and working with others, these citations often get mixed up, point to the wrong documents, and take a long time to check and correct. Can you please provide me with at least 5, very specific, and very precise suggestions for how to alleviate these challenges? Provided step by step guidance for each.

ASSISTANT

1. **Keep Track:** The first step is to stay organized. Create a citation log that includes each fact's origin. You can expand your citation log with details like document name, page number, and even any specific copied text. It creates a roadmap, helps you avoid confusion, and eases the process of checking and revising.
2. **Use Software:** Try citation management software to automate tedious jobs. Programs like EndNote or Zotero can help you store, track and manage all your citations. They'll save you a lot of time and prevent mistakes.
3. **Cite as you go:** Perhaps the simplest solution is citing facts right away as you draft. It might slow down your writing a bit, but it prevents you from forgetting citations, and you'll avoid that massive citation scramble at the end.
4. **Double-Check Regularly:** Don't save fact-checking for the end. Instead, include it as part of your ongoing editing process. This keeps errors from piling up and becoming overwhelming.
5. **Collaborate Wisely:** If you're working with others, establish clear citation roles. Split up the citation work evenly and cross-check each other's work regularly. It'll be a team effort that ensures accuracy and shares the citation-burden.

Iterative Legal Writing Process that Includes Tech



**Part of weaving tech into
legal writing process
is knowing strengths
and weaknesses...**

GPT Strengths



Catch typos and simple mistakes

Tools are great at spotting grammar issues, citation issues, and so on



Brainstorming Message Ideas

Organization, headings, missing points, superficial analysis, overall messages and points



Brainstorming Style Ideas

Getting tailored, guided ideas and feedback on writing style



Summarizing Sources Quickly

A real superpower, particularly if guided right



Other Fixed-Data and Fixed-Text Tasks

Working with data or text you can aim GPT at



Visuals and other non-text uses

GPT Weaknesses



Plagiarism/Copyright

Requires a lot of vigilance, particularly with open-ended questions



Open-Ended Research Answers

The less context, the more risk of fabrication, plagiarism, and accuracy problems



Confidentiality

Some assurances, but still shaky ground for now.



Bias in Training/Poor Inputs

Lots to go wrong here, depending on the model and the user's input

Iterative GPT in the Classroom

Teach core skills first, then use GPT to reinforce.

Teach a core analysis, research, or other skills

Use GPT together, or on their own, to experiment, practice, and reinforce

Keep improving mastery of skills first—using GPT to create endless practice, interaction, and experimentation

Teach core skills first, then use GPT to reinforce.

Teach citations

**Use a structured GPT
prompt together or
individually to practice.**

**Reflect on results and
improve!**

Some Big Picture Options

All-in: Train students how to use tools; unleash them on all assignments

Middle-ground: Allow structured use on one assignment or offer a targeted assignment

Exposure: Introduce some reading or interactive resources to students have basic concepts

- 1 Give guidance on how and when to use at each major state of writing**
- 2 Give examples and pitfalls for each stage**
- 3 Make sure students are learning the concepts and skills first**
- 4 Consider students including reflections on what and how they used tech**

Middle-ground

- 1 Identify one major assignment to allow full, holistic tech and especially generative AI use**
- 2 Use same process as with the all-in approach**

Exposure

- 1 Create a single assignment students can tackle together or individually that introduces them to the major benefits and weaknesses of GPT**
- 2 Otherwise ban or discourage it**

Prompt Engineering



The more guidance, the better the results

The more limitations you give GPT tools, the better and more accurate results.



Ask followup questions when you get a partially-helpful answer

"I like the first verb you used, but change the second verb to something more concrete"



Examples and training

Especially helpful are examples! So if you want a table, fill in the first couple.

Give GPT examples of the sort of good sentences you want it to help you craft. The sky is the limit!

GPT Tricks



Control the length: "Keep the answer short and concise."



Give an instruction, then context:
"Answer the question based on the context below."



Reduce made-up answers:
"Respond 'Unsure about answer' if not sure about the answer."



Give examples: The more examples of what a good answer would look like, the better



Your session learns: There are fancy ways to create your own model, but no need for individuals: Your account tracks your conversations



COT Prompting: Drastically improves complex tasks, just prime by saying "Use a step by step process"

Legal Writing Prompts



"Choose a better verb for this sentence that conveys ____"



"Summarize the main arguments in this text [insert brief text]"



"Come up with a theme for ____ issue"



"Pick better adjectives in this sentence to convey ____"



"Create an email summary of these notes [insert meeting notes]"



"Come up with an analogy for this sentence. 'The defendant's delay...'"



"Improve the transition between these two sentences: [insert text to be transitioned]"



"Create a table from this data: [your data]"



We have a huge list at Write.law!