

**ACAN 2025 ANNUAL MEETING** 

## Agenda

- 1 Introduction
- 2 Al & Access to Justice (A2J)
- 3 AI A2J Founders
- 4 The Role of Neutrals in A2J
- 5 Discussion

01 Introduction





### Hon. Lino Lipinsky

Judge, Colorado Court of Appeals



#### Kara Peterson

Co-Founder, Descrybe Al



### Eri O'Diah

Founder, SIID Technologies



### Gabrielle Hartley

Founder, Pre-Launch Family Law Mediation Al Product



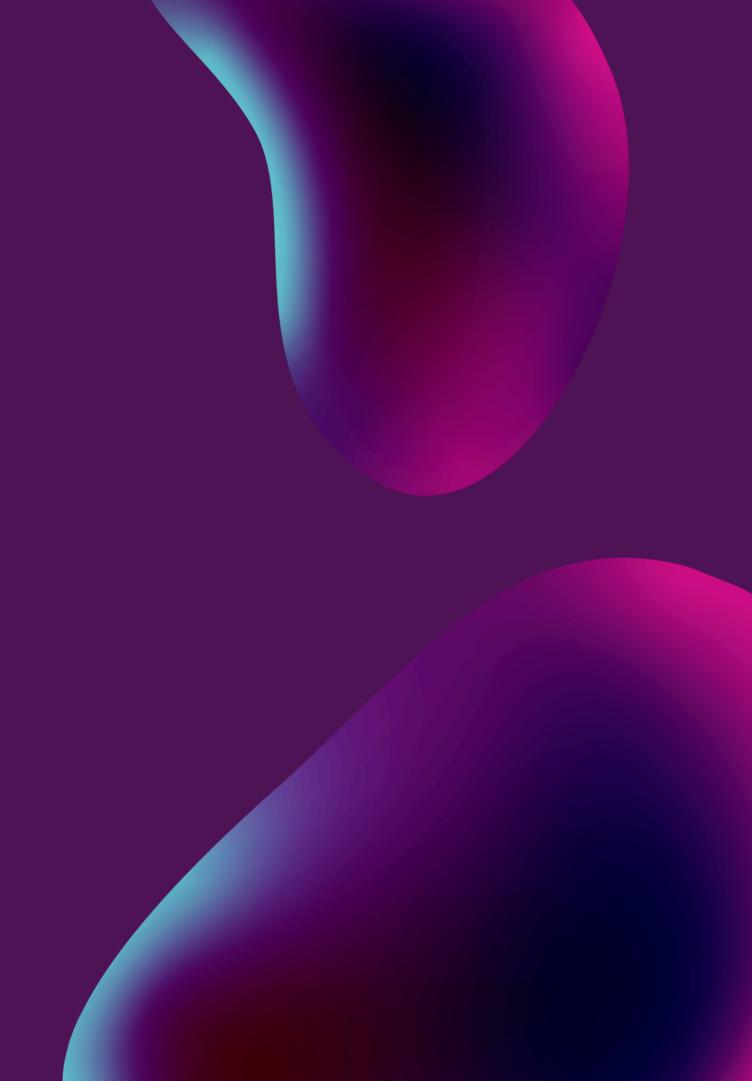
### Kassi Burns (Moderator)

Senior Attorney, King & Spalding

## "Injustice anywhere is a threat to justice everywhere"

-Martin Luther King, Jr., Letter from a Birmingham Jail, April 16, 1963 02

Al & Access to Justice



## The Widening Justice Gap

92%

Low-income Americans did not receive any or enough legal help for 92% of their civil legal problems. 74%

3 in 4 (74%) low-income households experienced 1+ civil legal problems in the past year. 55%

1 in 2 (55%) low-income Americans who personally experienced a problem say these problems substantially impacted their lives.



### Justice Gap Impact

#### **SENIORS**

1

7.6 million seniors below 125% of poverty.70% of senior households had 1+ problems in the past year.

#### **VETERANS**

6

1.6 million veterans below 125% of poverty.76% of veteran households had 1+ problems in the past year.

#### CHILDREN (< 18 yrs)

5

15.2 million children below 125% of poverty. 83% of households with children < 18 yrs had 1+ problems in the past year.



Data source: 2021 Justice Gap Measurement Survey from the 2022 Justice Gap Study published by the Legal Services Corporation

#### RURAL COMMUNITIES

8 million people below 125% of poverty in rural areas.

77% of rural households had 1+ problems in the past year.

#### HIGH HOUSING COSTS

15 million households with high housing costs have annual incomes <\$25.000.

84% of households with high housing costs had 1+ problems in the past year.

#### DOMESTIC VIOLENCE

98% of households with recent domestic violence had 1+ problems in the past year (excluding problems involving domestic violence).

## Al & Access to Justice

#### **BENEFITS**

- Al can be used to provide self-represented litigants guidance on courtprovided forms
- AI can provide simplified and/or translated explanations of legal concepts and directions

#### **CHALLENGES**

- Understanding the threshold for when an emerging GenAI tool might be considered an **unauthorized practice of law** (UPL)
- General public's ability to discern between "good" and "bad" advice from GenAI tool
- Burdening already over-burdened courts as they navigate risks of **hallucinations** and other GenAl errors

# Can Robot Lawyers Close the Access to Justice Gap?

Generative AI, the Unauthorized Practice of Law, and Self-Represented Litigants

BY MARIA E. BERKENKOTTER AND LINO S. LIPINSKY DE ORLOV



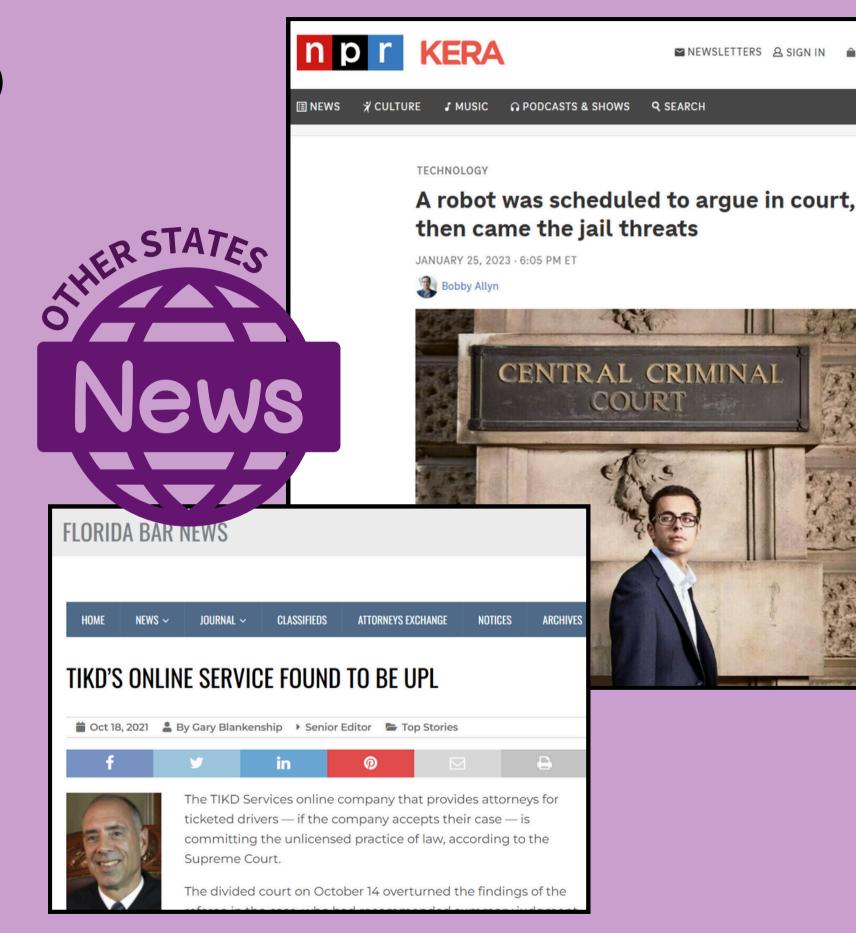
## AI & UPL: Colorado Case Study

#### **EXISTING UPL RULES**

- AI can be used to provide self-represented litigants guidance on courtprovided forms
- AI can provide simplified and/or translated explanations of legal concepts and directions

#### **UPL RULES, REVISITED**

- January 18, 2024, the Access to Justice Commission requested that the Court review the UPL Rules "to determine if revisions should be made to accommodate technological advances that will impact the practice of law and access to justice."
- Concern by the Commission that the UPL Rules "may block the adoption of new technologies in Colorado for use in the legal system."
- Supreme Court of Colorado formed a subcommittee of the Advisory Committee on the Practice of Law



## AI & Ethics: Self-Representing Litigants in Colorado

#### **Colorado Appellate Rules**

- C.A.R. 28(a)(7)(B): Requires that an appellant's opening brief provide "a clear and concise discussion of the grounds upon which the party relies in seeking a reversal ... of the judgment ... of the lower court or tribunal, with citations to the authorities ... on which the appellant relies."
- C.A.R. 38(a): Appellate court may dismiss an appeal ... or impose other sanctions it deems appropriate, including attorney fees"

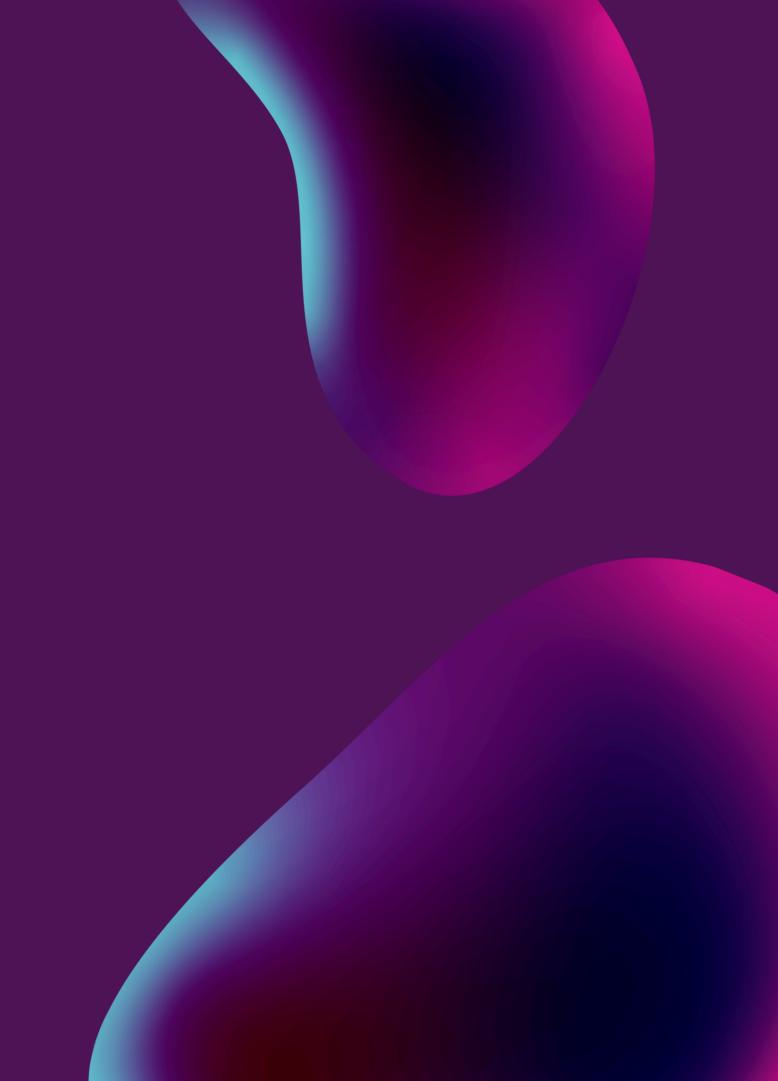
#### Al Hamim v. Star Hearthstone, LLC, -- P.3d -- (2024)

- Self-represented litigant filed a brief with multiple GenAI hallucinated case citations
- Matter of first impression in Colorado court of appeals
- The court declined to impose sanctions due to the plaintiff's status as a selfrepresented litigant and, instead, warned the plaintiff and other self-represented litigants that future submissions of false citations would likely result in sanctions



03

Al Access to
Justice Founders



## Legal Tech Disruptions for A2J

## Document preparation tools

Some organizations have developed custom tools that dramatically reduce the time legal aid attorneys spend on paperwork, cutting tasks from two hours to just 15 minutes

#### Chatbots

In Nebraska and North Carolina, chatbots are helping clients identify their legal issues, create forms, and navigate self-help resources

## AI and web scraping

A few organizations are experimenting with AI tools like Microsoft's Copilot for internal use. Others use web scraping to proactively offer services to people with upcoming court dates, particularly in eviction cases

Source: LegalTech News, How Legal Aid and Tech Collaboration Can Bridge the Justice Gap (December 2, 2024).

## Descrybe.Al

Leveraging AI to democratize access to the law



See us at ABA TECHSHOW! >

About

**Products** 

News

Legal Research Toolkit

R

# Changing legal search for good

Meet descrybe.ai, the generative AI legal search engine available in English and Spanish. Built in Boston. Free for everyone.

## Descrybe Al: Our Motivation

"An estimated 5 billion people have unmet justice needs globally. This is both a grave injustice and an incredible opportunity for social entrepreneurs."

## Descrybe Al: Legal Research Toolkit

#### **Selected LRT Features at Launch**

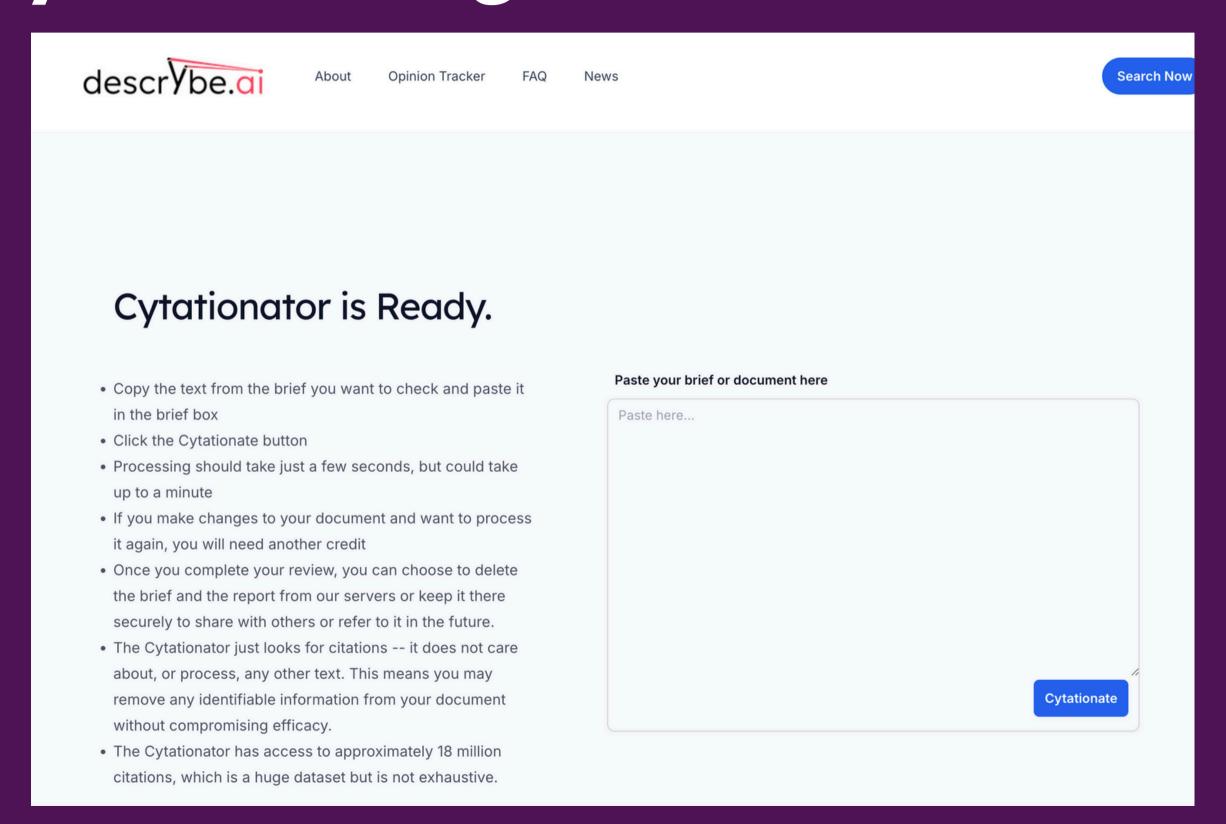
- AI-powered **knowledge graph** that surfaces the legal issues in a case and identifies other cases that address the same or similar issues. More than 6 million unique legal issues!
- Al-generated narrative IRAC summaries -- more than 3.6 million!
- Brief checker for pinpointing citation errors (AKA an anti hallucination "Cytationator")
- And much more!

#### **Coming Soon...**

Al Citator, Keyword Search, and more!

	FREE SEARCH	LEGAL RESEARCH TOOLKIT
	Advanced Al Search	Advanced Legal Research
Search		
Search 3.6m judicial opinions Use natural language to search for case facts, legal terms and concepts	✓	<b>~</b>
Read clear and accurate opinion summaries Instantly switch between standard and simplified language summaries	✓	<b>√</b>
Translate search results to Spanish Switch between English and Spanish, including simplified English and Spanish	✓	~
Read the original judicial opinion from any search result Read in original legalese, English, Spanish, simplified English, or simplified Spanish	✓	<b>√</b>
Full coverage of the United States Search every state appellate and supreme court, and federal appellate, district and bankruptcy courts	<b>~</b>	✓
Search results show most relevant first  The judicial opinion excerpts that most closely match your query are shown first	<b>~</b>	<b>✓</b>
Sort by most relevant or most recent Toggle between closest matches and latest available cases	-	✓
Search history for quick navigation  Your search history is stored on your local machine (not our servers) and can be cleared any time	-	<b>~</b>
Filter search results by federal court  Narrow your search to a specific federal appellate or district court	-	<b>✓</b>
See case citations in search results Identify and access the authoritative source of a case, enhancing research efficiency and accuracy.	-	<b>√</b>
See how many times a case has been cited Assess each opinion's legal influence, relevance, and authority within the judicial system	-	<b>~</b>
Descrybe Headnotes		
Comprehensive Headnote Summaries from Entire Opinions Our summaries are crafted using our extensive proprietary database and process, ensuring the most detailed and accurate opinion summaries, rather than summarizing original opinion text on the fly.	-	<b>~</b>
Interactive Knowledge Graph of 14 Million Legal Principles Browse and explore connections between cases based on shared legal doctrines, and compare how judges applied these principles in different decisions.	-	<b>~</b>
Cytationator		
Cytationator brief checker  Submit your legal brief — or a brief you've received — and identify hallucinated, incorrect, or ambiguous citations.	-	~
Future Tools for the Toolkit		
Good law/bad law cytator (coming soon) Included in your subscription on release day.	-	-
Boolean/keyword search (coming soon) Included in your subscription on release day.	-	-
Display most recent cases (coming soon) Included in your subscription on release day.	-	-

## Descrybe Al: Legal Research Toolkit





#### Cytationator Output.

Green Citation found and descrybe summary\* exists. Purple Ambiguous citation found. Yellow Citation found but summary\* does not exist. Red Citation was not found.

#### **Brief Processed**

entitled to choose the forum in which to bring their claim. In Shaboon v. Egyptair, 2013 IL App (1st) 111279-U (Ill. App. Ct. 2013), the Illinois Appellate Court held that state courts have concurrent jurisdiction over claims arising out of an international airline accident under the Montreal Convention, and that the plaintiff was not required to bring their claim in federal court. The Court noted that the Montreal Convention allows for jurisdiction to be established in the courts of the country where the passenger has their domicile or principal place of business, and that the plaintiff had satisfied this requirement by filing their claim in state court in Illinois. Similarly, in Peterson v. Iran Air, 905 F. Supp. 2d 121 (D.D.C. 2012), the District Court for Case 1:22-cv-01461-PKC Document 21 Filed 03/01/23 Page 5 of

#### Citation Identified

2013 IL App (1st) 111279-U

#### Status Red

We couldn't find your citation.

#### Further info

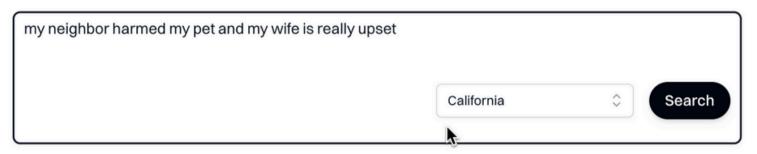
This doesn't necessarily mean your citation is wrong; just that you should double check it.

About

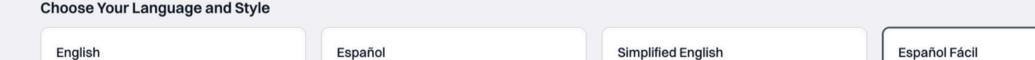
Sencillo y fácil de entender

0

Search 3.6 million U.S. judicial opinions using case facts or legal concepts in either English or Spanish. Find relevant case law from state and federal courts, with results available in both standard and simplified English and Spanish.



Claro y preciso



California Court of Appeal, California. 2012-08-31

1. Plotnik v. Meihaus

Precise and clear

Closest matching summarized excerpt from Lead Opinion opinion

Legal Analysis ি

Match score: 0.7460

En julio de 2008, Joyce Plotnik y su amiga llevaron a sus hijos a nadar en una piscina. Joyce vio a un hombre llamado Meihaus sentado al lado de la piscina, mirándola durante unos 20 minutos, lo que la hizo sentir muy incómoda. Meihaus luego dijo que no recordaba el incidente. Joyce tuvo otros problemas con Meihaus, como cuando le dijo que no dejara que su perro hiciera pipí en los jardines, y cuando pasó por ella y su amiga, haciéndolas sentir asustadas.

Easy to understand

En octubre de 2008, Joyce y su familia encontraron que parte de su cerca había sido cortada y algunos árboles estaban dañados después de volver de vacaciones. El 9 de abril de 2009, el esposo de Joyce, David, estaba en su patio trasero con su perro pequeño, Romeo, cuando escuchó un fuerte golpe. Cuando David abrió la puerta, Romeo corrió al patio de Meihaus. Luego, David oyó a Romeo ladrar y luego quejarse. Cuando regresó, vio a Meihaus sosteniendo un bate y enfrentándolo. David le gritó a Meihaus, preguntándole por qué le había pegado a Romeo. Meihaus dijo que solo estaba tratando de guiar al perro de regreso y negó haberlo golpeado.

Después de esto, Romeo tuvo problemas para caminar, y la familia lo llevó al veterinario. El veterinario dijo que la lesión en la pierna de Romeo era grave y necesitaba cirugía, que costó



History

Clear History

No history yet.

#### Plotnik v. Meihaus

Docket: No. G045885; No. G046260; California Court of Appeal; August 31, 2012; California State Appellate

#### Court

This case involves plaintiffs who brought suit against their neighbors, alleging both contract breaches and tort claims primarily seeking damages for emotional distress after an incident where their dog was injured. The jury awarded significant damages to the plaintiffs, including for emotional distress, leading to an appeal by the defendants. The court addressed several legal issues, including the recovery of emotional distress damages under trespass to personal property and negligent infliction of emotional distress. The court differentiated this case from precedent, allowing emotional distress damages for intentional harm to a pet. It also reversed several jury awards where the legal standards for claims such as negligent infliction of emotional distress were not met. In contract claims, emotional distress damages were upheld where the contract aimed to protect emotional well-being. The court found no merit in the defendants' challenges to the breach of contract findings and attorney fee awards. Ultimately, the appellate court reversed some damages for emotional distress while affirming others, emphasizing adherence to contract terms and the scope of legal duties owed in negligence claims.

#### Attorney Fees in Contract Claims see similar

Attorney fees were awarded based on a contractual clause, as the plaintiffs prevailed on the contract claim, affirming the fee award's validity.

#### Breach of Contract and Emotional Distress see similar

The court upheld emotional distress damages in breach of a contract intended to protect emotional well-being, rejecting claims that the awards were excessive.

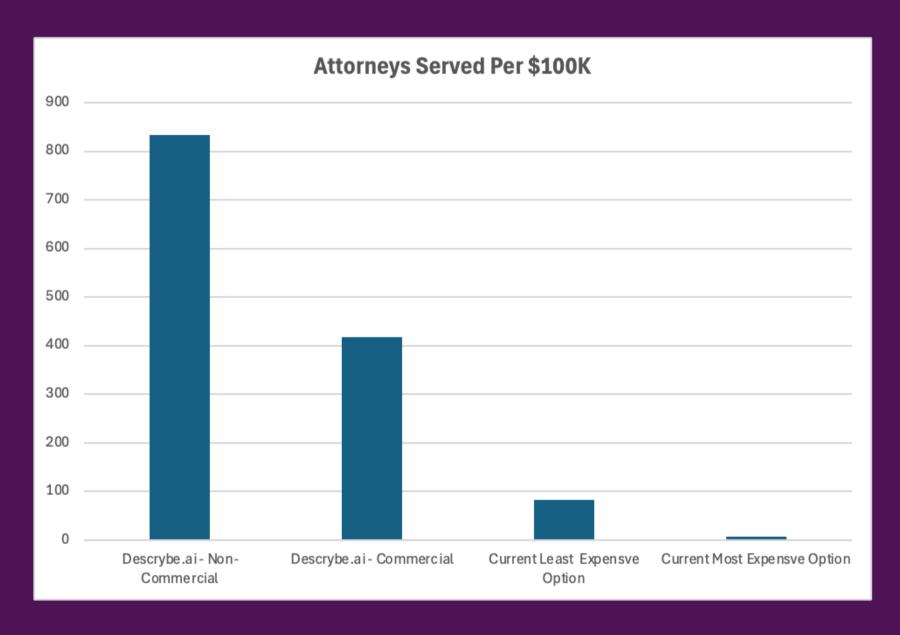
#### Emotional Distress Damages in Trespass to Personal Property see similar

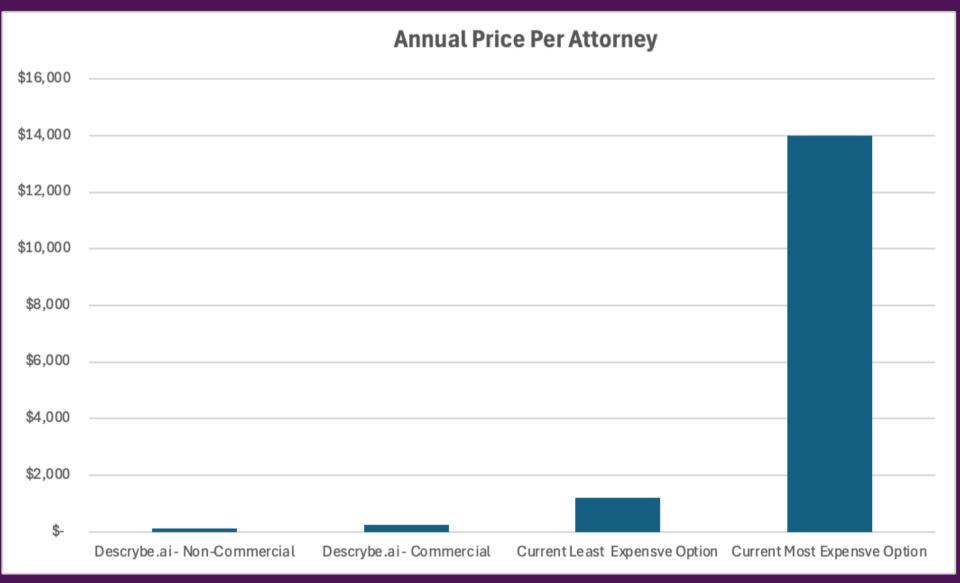
The court allowed emotional distress damages for intentional interference with personal property when a pet is injured, differentiating this case from precedents that did not involve trespass claims.

Intentional Infliction of Emotional Distress see similar

## Descrybe Al: Access to Law

\$10 a month/person for non commercial use / \$20 a month/person for commercial use





## SIID Technologies

SIID Technologies is a U.S.-based legal tech startup that harnesses AI, machine learning, and data analytics to streamline legal workflows and enhance decision-making. We are dedicated to democratizing access to justice by addressing inefficiencies that hinder equitable representation. Our platform primarily supports public defenders and legal aid organizations, helping them manage heavy caseloads more efficiently while upholding the fundamental right to due process.



Join our waitlist

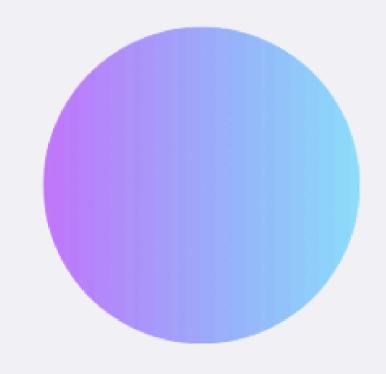
**SIID** 

About Contact

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AI-Powered eDiscovery

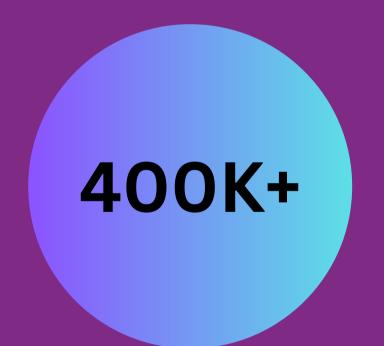
## Accelerate your case discovery with Al



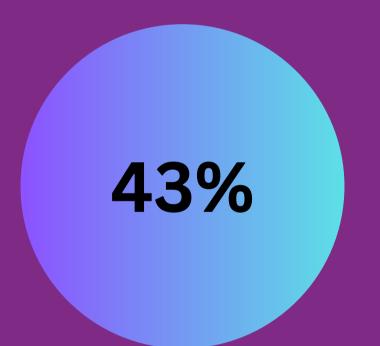
## SIID Technologies:



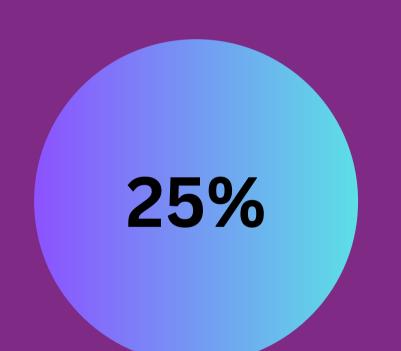
Join our waitlist



People currently being detained pretrial in U.S.



Percent of pretrial population that is Black



Pretrial detainees in jail for nonviolent offenses



Average number of adult criminal cases per attorney

## SIID Technologies Demo



Join our waitlist

AI-powered video analysis

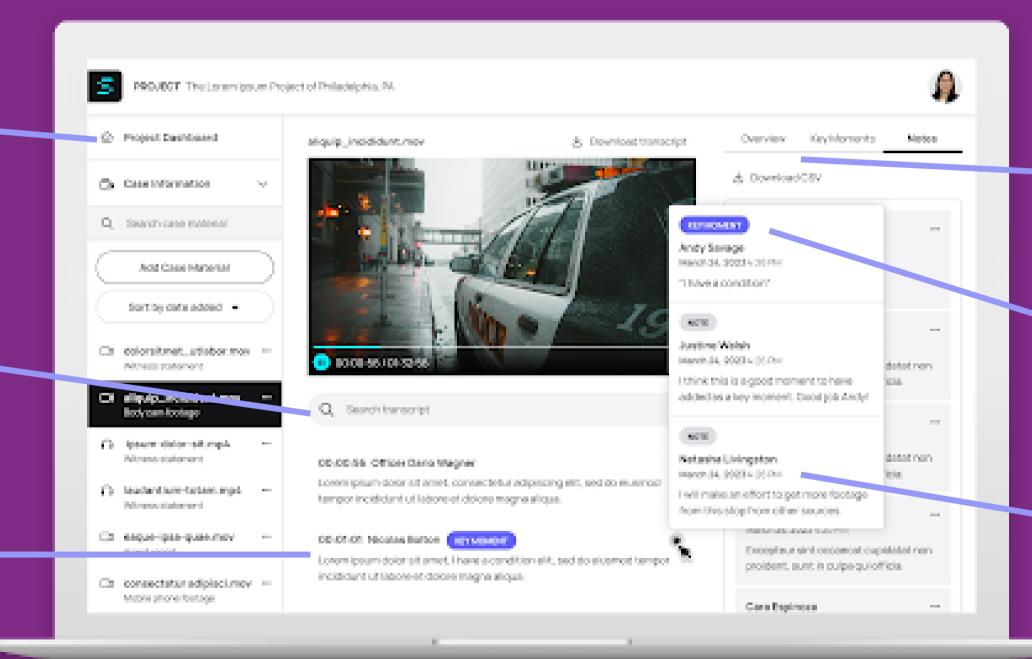
Al-identified key moments

Real-time case collab

Custom file access management

Comprehensive search

Speech-to-text transcript





## Better Parenting Plan

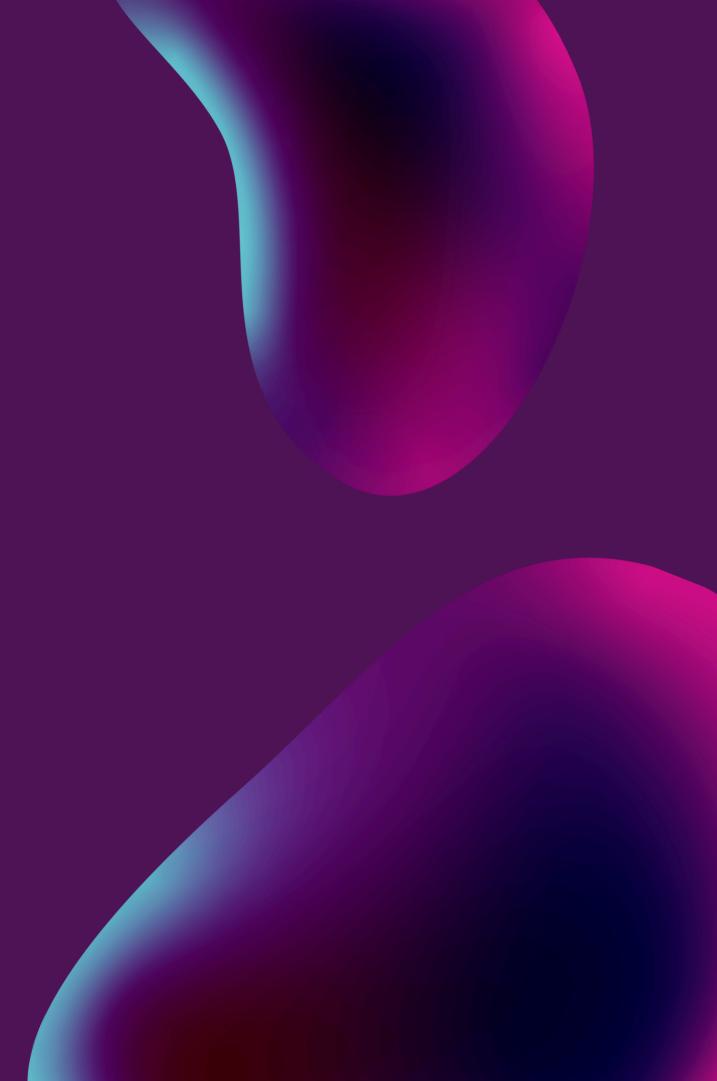
**Better Parenting Plan** CONTACT HOME **ABOUT SERVICES BLOG EDUCATION** JOIN THE WAITLIST Transform Your Parenting Experience Navigate parenting challenges with ease using our intelligent chatbot, Virtual Gabby. Collaboratively create personalized agreements that prioritize your child's well-being. Experience innovative solutions tailored to your unique needs.

**JOIN THE WAITLIST** 

## Virtual Gabby Demo

Welcome to our **first** demo! Nope, we're **not ready**—still ironing out the kinks. 04

Access to Justice & Neutrals



## How can Al help CANs?

#### Legal Research

AI tools can quickly find relevant case law, statutes, and legal precedents, saving time and improving accuracy

#### **Drafting Orders**

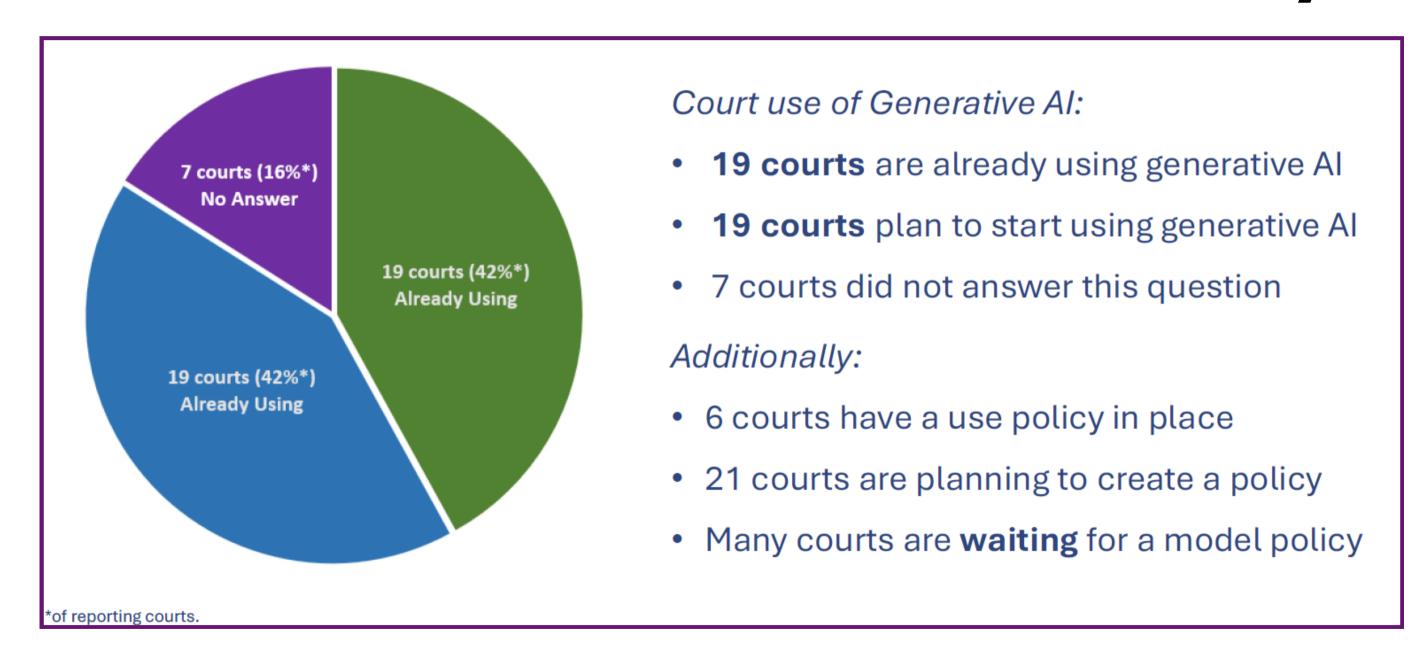
Al can automate the creation of routine administrative orders, reducing workload and ensuring compliance

#### Document Summarization

Al can summarize large volumes of legal documents, helping professionals quickly understand key points and arguments

Source: Hon. HerbertB. Dixon Jr. et al., NavigatingAl in the Judiciary: New Guidelines for Judges and Their Chambers, 26 SEDONA CONF. J. 1 (forthcoming 2025)

### California State Court Survey



## How can CANs help the Judiciary with AI?

#### Technical Expertise

Provide crucial technical insights
to the judiciary and assess the
reliability and biases of AI
evidence, including emerging
issues related to deepfakes or
synthetic data

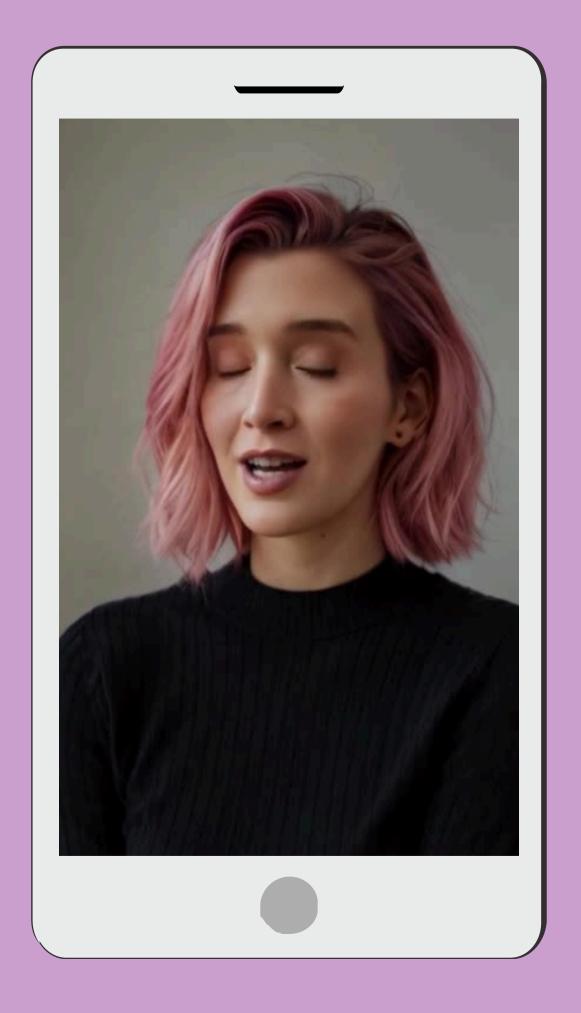
## Tracking AI Developments

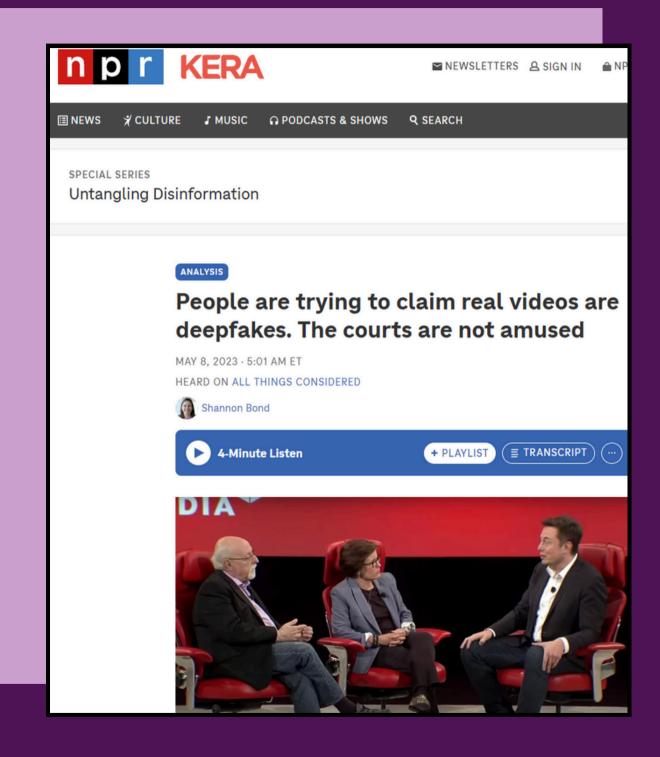
Be a resource to the judiciary by tracking new AI developments and new legal opinions related to AI (initial list of resources will be provided)

## Training and Education

Enhance the judiciary's understanding of AI by developing and delivering training programs, educational materials, and organizing workshops on emerging AI trends and legal implications

Focus
on
Deepfakes





## Deepfake Case Study: The Liar's Dividend

#### **THE CASE**

- Huang v. Tesla Inc., 19CV346663, California Superior Court, Santa Clara County (San Jose)
- Video evidence featuring Musk was at issue; Tesla's counsel argued it shouldn't be available as evidence because of the potential for deepfaked content
- Judge did not find these claims persuasive: "What Tesla is contending is deeply troubling to the Court"

#### THE LIAR'S DIVIDEND

- A term coined by law professors Bobby Chesney and Danielle Citron in a 2018 paper laying out the challenges deepfakes present to privacy, democracy, and national security
- As people become more aware of how easy it is to fake audio and video, bad actors can weaponize that skepticism
- Creates the potential for greater burden on the courts to navigate

#### The Stanford Daily

News • Science & Technology

## Stanford misinformation expert accused of using AI to fabricate court statement



## Deepfake Case Study: Expert Reports

#### **HALLUCINATING EXPERTS**

- Kohls v. Ellison, No. 24-CV-3754, 2025 WL 66514 (D. Minn. Jan. 10, 2025).
- Expert for Defendant filed a declaration that contained 15 citations,
   two of which couldn't be found
- Plaintiffs asked the court to throw out the export report, Defendant asked to file an amended expert report to correct the fake citations

#### **AUTHENTICATION CHALLENGES**

- Court noted expert filed report "under penalty of perjury" which "is not a mere formality"
- Court excluded Hancock's testimony "trust is broken"
- Court reminded Defendant has a responsibility to "validate the truth and legal reasonableness of the papers filed," and suggested that in the future they should ask witnesses whether or not they used AI to produce any of their material

05

Al & Access to
Justice Discussion



## THANK YOU!