

TOP TIPS: NAVIGATING THE DIGITAL COURTROOM: ETHICAL USE OF AI, DIGITAL EVIDENCE, AND REMOTE PRACTICE TOOLS



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JUSTICE WILLHITE'S: TOP TIPS ON ETHICAL USE OF AI

HON. THOMAS WILLHITE (RET.)

Go beyond the advertising

- Before you use a generative AI platform, scrutinize the terms of use, learn the platform's limitations, and make reasonable inquiry into possible biases. Ethical traps lie in the use of the technology without this knowledge.

Do not trust generative AI output

- You must always use your knowledge, experience, and skill to critically evaluate it. Generative AI is only a starting point, never the final word.

Stay informed

- Be aware of developments in any generative AI technology you use, and stay abreast of the legal and ethical landscape regarding that technology.

TED LEVIN'S: TOP TIPS ON ESI, AND TECHNOLOGY IN VIRTUAL PROCEEDINGS

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Be Aware of Your Ethical Obligations as an Attorney

- Attorneys are required to have a basic understanding and competence in issues relating to eDiscovery. The level of requisite competence depends on the issues in the matter, and an ESI vendor with expertise should be utilized as appropriate.

Be "Surgical" in eDiscovery

- Consider appropriate limits on ESI requests, rather than simply asking for "any and all documents" regarding a matter/project. Be strategic, including assessing appropriate cost and time savings methods such as phased discovery/production, the format for the production, cost allocation, sampling, keyword searching and search term testing.

Utilize Technology Best Practices for Hearings and Mediations

- Test all systems / connections prior to every session. Be aware of security and related precautions, such as the use and sharing of meeting links, and recording of meetings. The same civility and related professional obligations apply to virtual proceedings as are required in "in person."

QUESTIONS? CONTACT US

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