

ChatGPT Ethics

Haynes Boone LLP

April 5, 2024



1

Write me a two sentence blurb on the ethics of ChatGPT for lawyers (that accounts for risks and pitfalls)

Using ChatGPT for legal purposes promises efficient information processing, yet raises ethical concerns including client confidentiality and the risk of providing inaccurate advice. It is paramount that attorneys ensure adequate supervision, maintain professional discretion, and stay vigilant about the tool's limitations to uphold their ethical obligations.

2

Agenda

ChatGPT's Implications on the Following Ethical Rules:

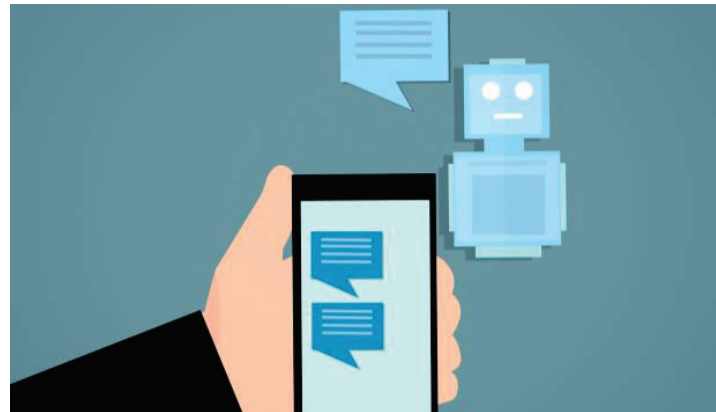
1. Ethical duty to stay updated on technology
2. Ethical duty to supervise
3. Ethical duty to maintain client confidentiality

Texas Disciplinary Rule 1.01

- **Rule 1.01:** Lawyers must maintain competent and diligent representation.
- **Comment 8:** “Because of the vital role of lawyers in the legal process, each lawyer should strive to become and remain proficient and competent in the practice of law, **including the benefits and risks associated with relevant technology.**”

ChatGPT

- ChatGPT is a generative AI interface capable of producing almost any kind of text and written output.
 - Stands for Chat “Generative Pre-trained Transformer” (GPT)
- Generative AI is artificial intelligence that responds to a prompt by generating new content in response.
- Outputs appear as if written by a human.
- ChatGPT functions that can be highly utilized in legal fields.



HAYNES BOONE

5

5

Generative AI

- Various algorithms process content (such as speech, actions, visual elements, etc.) that are represented as vectors through coding.
- AI then uses and refines “neural networks” to recognize patterns from content and those vectors.
 - i.e., the artificial intelligence “learns” from patterns
- Computational neural networks have been around since the 1950s.
- Big data and improvements in computer hardware have fueled the recent boom in advancements in AI.

Source: TechTarget, Enterprise AI,

<https://www.techtarget.com/searchenterpriseai/definition/generative-AI>

HAYNES BOONE

6

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: ChatGPT Ethics

Also available as part of the eCourse

[Answer Bar: Maximizing Technology in Your Law Practice](#)

First appeared as part of the conference materials for the
50th Annual Ernest E. Smith Oil, Gas and Mineral Law Institute session
"ChatGPT Ethics"