

## **The AI Paradox**

### **How the Biggest Critics of AI Are Best Poised to Use It**

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What I perceive to be a paradox in the use of AI by lawyers is that our most experienced lawyers, some of whom express the most hesitation when using AI, are ironically the best situated to use it. Let me explain.

I use AI to brainstorm many aspects of my case—what documents to request, what interrogatories to propound, what request for admissions to ask, what questions to ask in deposition, how to prepare clients for deposition, what arguments to raise at a hearing, what case themes and theories to rely upon, what questions to ask prospective jurors, what to say in the opening, what to argue in the closing, what to ask in directs and crosses, etc.

When I prompt AI on these topics, I rely on my experience to evaluate the output. For example, I will work with AI to prepare a deposition outline when deposing a product liability expert. I have deposed many product liability experts. That experience allowed me to evaluate the proposed topics, lines of questions, and styles of questions AI recommends. And that experience serves as a prism for me to accept or reject each portion of AI's output. For example, this is a good topic to address with the expert. This other one is not. This line of questioning is effective. This other one is not. This other line of questions has 10 good and two poor questions, so I'll only use the 10 useful ones. My experience enables me to make these distinctions. If you have experience with a given task, you can use AI to augment your approach to that task, and your experience will filter out the portions of the output that are not helpful, useful, or productive.

A less experienced lawyer may not appreciate the poor and useless portions of the prompt responses and may rely on them unknowingly, not appreciating that they don't help or, worse, hurt. Furthermore, they may not know what follow-up prompts to use to secure better outputs. I'll often use a series of prompts, sometimes several of them, to fine-tune the responses to assist me with the task at hand. I recently used over 10 consecutive refined prompts to develop an outline for voir dire.

So, if more experienced lawyers are best positioned to use AI, how should a firm adopt AI? Start with your most seasoned lawyers, teach them how to use it, and create a training loop where they teach less experienced lawyers how they used it, their output, and how they relied on their experience to use that output. Legal education and training must consider how experienced lawyers can teach young lawyers to appropriately use and rely upon AI. And that's where AI will support us lawyers, not replace us.

So, empower your seasoned lawyers to use AI, explain how their experience makes the output more useful, and teach them how to rely on their expertise to prompt and review prompt responses. Once they feel competent in AI usage, they can teach less experienced lawyers how to use it and provide guardrails to these young lawyers, so they do not rely too heavily on AI.

The goal of legal AI usage is not only to confirm that the output is accurate when it comes to legal or factual research, but also to appreciate, when using AI to brainstorm, whether the output is helpful and, just as importantly, discard what is useless, or worse, what undermines your case.