CHATGPT, I HAVE A LEGAL QUESTION? THE IMPACT OF GEN AI TOOLS ON LAW CLINICS AND ACCESS TO JUSTICE

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Abstract

The launch of ChatGPT in November 2022 will perhaps be come to be one of the defining moments in our relationship with technology. The rapid pace in which generative artificial intelligence (Gen AI) is developing and the rate in which it is being adopted, is transforming how we interact with technology, and poses new risks and challenges. As Gen AI tools such as ChatGPT are used by non-lawyers, this article explores the implications of Gen AI in the provision of legal advice. This research examines the performance of Gen AI tools in providing legal information and advice in response to commonly experienced legal problems and finds there are significant errors and mistakes with the responses it produces. There is a critical need to improve access to justice and this article explores the implications for non-lawyers in using Gen AI tools and considers the risks of reliance on Gen AI advice. The article goes on to examine the utility of Gen AI in clinical legal education to consider whether there is a role for responsible use of Gen AI in law clinics. It suggests the adoption of Gen AI tools has the potential to increase the capacity of law clinics, and enhance employability skills, but law schools need to be cognisant of the risks of Gen AI.

Introduction

Artificial Intelligence (AI) and Generative AI (Gen AI) systems are not a recent phenomenon but the impact of ChatGPT and high levels of media interest has led to an awareness and interest in the potential of Gen AI (Stahl et al 2024). Technology is already transforming the delivery of legal services and changing the practice of law (Susskind, 2023). Although there are challenges around the increased adoption of technological tools there seems little doubt that the emergence of Gen AI technologies will be used to solve legal problems (Simshaw, 2022). There are several ways Gen AI systems can be used in the legal domain: they are already being used to summarise documents, develop legal arguments, and draft and produce documents such as letters and court documents (Ray, 2023). However, their use by members of the public to solve legal problems is less clear, although the freely available nature of some of the tools suggests they will increasingly be used as an alternative to a general internet search.

The aim of this article is to consider the reliability and accuracy of Gen AI models in supporting access to justice. Due to the recent emergence of Gen AI models, there is limited academic literature on this topic, although we are seeing growing interest in this area. In the following section we set out how we evaluated Gen AI models to

consider their performance in providing legal information and then report on our findings. We then discuss the implications for litigants in person and law clinics.

Gen AI

ChatGPT, Google Bard and Bing Chat are at the forefront of a Gen AI revolution with huge implications for our society and the delivery of legal services. These tools are open-source large language models that are trained on vast amounts of internet text data and improve the more data they are exposed to (Bishop, 2023). ChatGPT 3 was launched in November 2022, followed by Bing Chat, ChatGPT 4 and Google Bard. The models work by predicting the next word in a sentence and produce sophisticated text. They can be used for a variety of different applications such as asking questions or information about a topic, producing human-like responses (Ray, 2023).

The difference between a response produced by ChatGPT compared with the answer from a search engine is that the source of the information is unknown. There are also differences between the models; ChatGPT and Bard produce text-based responses whereas Bing Chat provides links to websites. One of the issues with ChatGPT is the inability to interrogate or verify the sources of the information; requisite knowledge is required to determine the veracity of the information (Mohney, 2023). AI and in particular Gen AI models have sparked considerable interest, but fundamental to our legal system is the issue of trust and law. This requires correct and precise answers which is one of the major challenges of Gen AI (Guzman, 2023). While there is no

doubt that ChatGPT and similar tools are impressive, one of their limitations is their accuracy and reliability. Gen AI tools produce responses that are often wrong, and they 'hallucinate' (make things up). However, there are going to be individuals and community groups who want to use Gen AI tools to support them with their legal problem (Hagan 2023).

Gen AI tools have significant potential to address access to justice, which is a pressing issue because so many people cannot afford to pay for legal advice and representation, preventing them from accessing legal services (Granat, 2023). In 2020, the Legal Services Board[1] reported that 3.6 million adults a year had an unmet legal need, with even higher levels of unmet need in Black Asian Minority Ethnic (BAME) communities and among younger people, those on a low income or with low levels of education. The types of issues that people required assistance with were ranked, with the most common being problems with defective goods or services, behaviour of neighbours, buying or selling a property, wills, and employment. The findings from the report highlight that many people feel the civil justice system is too expensive and disadvantages poorer people.

The introduction of the Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO 2012) took out of scope most areas of civil law. In 2022, the Bar Council report

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[1] The-State-of-Legal-Services-Evidence-Compendium-FINAL.pdf (legalservicesboard.org.uk)

'Access Denied'[2] identified how cuts to legal aid were impacting on people's ability to get support for their legal issues. In 2022, LexisNexis produced 'The LexisNexis Legal Aid Deserts' report [3] which explored geographical regions of the country to find out the extent of legal aid provision. They looked at three areas of law: housing, family, and crime and found in each of those areas there were fifteen geographical locations with legal aid deserts.

There is a widening access to justice gap, not just in the UK, and there has been much discussion around how legal technologies could be leveraged to increase access to justice (Simshaw, 2022). Although AI is not a recent development, what is new is the emergence of open-sourced Gen AI tools that offer the potential for those who have access to the Internet to use solutions such as ChatGPT to support them to find legal information to resolve their legal problems (Pearlman, 2023). ChatGPT can answer legal questions and superficially the answers look very convincing, but it cannot verify the truth of the information it produces, and it does not have real-world understanding (Pearlman, 2023). Gen AI models such as ChatGPT have the potential to support access to justice but reliance on these models is problematic because of accuracy and trust issues. There is a need to consider how to educate people to

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[2] https://www.barcouncil.org.uk/resource/access-denied-november-2022.html

[3] The LexisNexis Legal Aid Deserts'

recognise the limitations of Gen AI and support them to use Gen AI appropriately (Simshaw, 2022).

Methodology

As Gen AI tools such as ChatGPT start to be used by litigants in person there is a pressing need to understand and evaluate the quality of the responses produced by Gen AI to legal questions. In this research we wanted to explore the performance of Gen AI tools in their provision of legal advice. To do this we reviewed queries brought to our pro bono legal advice clinic and identified six common areas of law, and then selected one generic query for each area. We phrased the questions to mirror the language used by an individual with no legal knowledge. The six areas of law were family law, employment law, consumer law, housing law, online contracts, and child maintenance.

Over two days in May 2023 we asked the first three questions of ChatGPT 3.5 (the free version), ChatGPT 4 (the paid for subscription version), Bing and Bard. Bing has three possible settings – creative, balanced, and precise; we used the 'balanced' mode as the middle one of three. The final three queries were entered into the same Gen AI models over one day in October 2023. If required, we used a follow up question: *Is there any English law which covers this problem?* We did not use any other prompts.

We wanted to consider whether the models produced accurate and reliable answers and explore what practical next steps were suggested and the clarity of those suggestions. The authors are both qualified lawyers and supervise cases in our law clinic. Once we had the answers from the Gen AI models, we then rated each of the responses and compared the answers across each of the models. The answers were rated using from 0 to 5, with zero being least accurate or clear and 5 being the most accurate and clear. This was done to enable a comparison between the different Gen AI and the different types of queries.

The evaluation criteria adopted was:

The accuracy of the legal advice

- Currency: whether the advice referred to the correct legislation currently in force in England and Wales

- Comprehensive: whether the description of the advice was comprehensive and correct

- Application: whether the advice was applied correctly to the scenario

- Prompts: Whether the advice was given with no additional prompts needed

- Audience: whether the advice was clear to a non-lawyer.

The clarity of practical next steps

- Practical: whether practical next steps were suggested

- ADR: whether the next steps included alternative dispute resolution as well as legal proceedings

- Links: whether links to appropriate websites for further information were provided

- Gaps: whether there were gaps in the next steps suggested

- Audience: whether it was clear to a non-lawyer what to do next.

Results

Family Law

We asked the question: *I am separated from my husband after finding out he was having an affair. How do I end our marriage?* We expected to receive responses referring to the no fault, separation-based divorce available through the Divorce Dissolution and Separation Act 2020, which came into force in April 2022. Practical suggestions would include discussing the divorce with the husband and issuing an application for divorce if they have been married for at least one year.

Large Language Model	Accuracy of Advice	Clarity of next steps	Total
ChatGPT3.5	1	2	3
ChatGPT4	4	3	7
Bing	1	3	4
Bard	1	2	3

Table 1: Scores for Family Law Query

ChatGPT 3.5 gave a very generic answer which was not based on any specific jurisdiction, stating that 'The exact steps and requirements for divorce may vary depending on the jurisdiction you are in, as divorce laws differ from country to country and even within different regions.' It gave general practical advice, such as discussing with the other party, but no indication of how to apply for a divorce.

ChatGPT 4 initially answered based on American law, but when prompted to look at English law it provided reliable and specific advice, accurately explaining the requirement to seek a no-fault divorce. However, it did not explain the need to be married for one year already. It did list the legal steps needed but did not provide any signposting to relevant forms or websites.

Bing initially provided two short paragraphs explaining that it was possible to apply for a no-fault divorce or a legal separation and provided helpful links to Citizens Advice website and the government website. Bing suggested several follow up questions, one of which was '*how to apply for a divorce.'* This went on to provide advice on completing the application for divorce, including the name of the form and links to relevant websites. However, when asked the follow up question about English law, Bing provided details of the previous divorce law under Matrimonial Causes Act 1973 alongside the more recent 2020 law, which potentially would be confusing for

individuals with no legal knowledge. Its references were also less reliable including Sky News and Wikipedia.

Bard initially responded to the query by refusing to provide any information: 'I'm designed solely to process and generate text, so I'm unable to assist you with that.' When asked to regenerate its answer, it provided generic advice similar ChatGPT 3.5. In response to the follow up question, it also referred to the old law under Matrimonial Causes Act 1973.

Employment Law

We asked the question*: I have lost my job last month due to being pregnant. I think this is unfair, can I challenge it?* We expected responses to refer to the right to claim automatic unfair dismissal. As there are very strict timescales for applying for unfair dismissal, we would have expected the three-month time limit to issue proceedings to be highlighted and the need to apply to ACAS (Advisory, Conciliation and Arbitration Service) for early conciliation before issuing proceedings.

Large Language Model	Accuracy of Advice	Clarity of next steps	Total
ChatGPT3.5	2	3	5
ChatGPT4	5	4	9

Bing	1	2	3
Bard	1	1	2

Table 2: Scores for Employment Law Query

ChatGPT 3.5 again provided a very generic answer, noting that there are different laws in different countries and jurisdictions and the need to conduct further research. It offered some practical steps but no reference to timescales or ACAS. ChatGPT 4 initially provided advice on unfair dismissal based on law from the United States. When prompted about whether there was any English law covering the problem, it then referred to unfair dismissal, recommended legal advice and went on to suggest contact with ACAS, the three-month time limit, and the need for early conciliation. However, it did not include links to relevant websites.

Bing suggested that it was illegal to discriminate against an employee due to pregnancy and suggested speaking with an 'attorney' and 'filing a lawsuit [for] pregnancy or motherhood discrimination.' Consistent with the American terminology used, three of the six references were American, with remaining three being UK based. Bing suggested a follow up question - *what are my rights as a pregnant employee* – and this provided information on maternity leave based on UK law. We then asked our standard follow up question about English law, and Bing referred to the right not to be discriminated against under Equality Act 2010. Similarly, Bard also answered the question based on American law. On being prompted about English law, it referred to the Equality Act 2010 and suggested a complaint to the employer and to the

Equality and Human Rights Commission (EHRC). Neither Bing nor Bard referred to automatic unfair dismissal, the timescales, or the need to involve ACAS.

Consumer law

We asked the question: *I bought a new washing machine a few weeks ago and it doesn't seem to be working- how do I get my money back?* and expected responses to explain the remedies available under Consumer Rights Act 2015 and a potential claim to the Small Claims Court. Practical next steps would include contacting the seller and a possible chargeback claim, if applicable, under s75 Consumer Credit Act 1975.

Large Language Model	Accuracy of Advice	Clarity of next steps	Total
ChatGPT3.5	4	4	8
ChatGPT4	4	4	8
Bing	3	3	6
Bard	3	3	6

Table 3: Scores for Consumer Law Query

ChatGPT 3.5 provided general advice including contacting the seller, but there was no reference to a chargeback claim. When prompted about English law it referred correctly to the remedies available under Consumer Rights Act 2015. ChatGPT 4 initially answered based on American law, but then provided a more generic response

which did refer to a small claims court claim and a chargeback claim. On being asked specifically whether there was any English law covering the problem it did list the various rights available under the 2015 Act.

Bing initially gave general suggestions, including a chargeback claim, based on references from Which Magazine, The Sun newspaper, and Moneysaving Expert website. On being asked the follow up question it referred correctly to the remedies available under the Consumer Rights Act 2015. It provided links to relevant websites including citizen's advice and gov.uk. Bard also provided what appeared to be generic advice but suggested filing a complaint with the Consumer Protection Agency (CPA), which is not an agency within the UK. On being asked about English law covering the problem it did refer to the rights available under Consumer Rights Act 2015 but again suggested filing a complaint with the CPA. There was no mention of a chargeback claim.

Housing law

We asked the question: M*y neighbour had a very loud party over the weekend and refused to turn down the music. What can I do to stop it happening again?* We expected the response to refer to the law on statutory and common law nuisance, the need for repeated incidents and suggestions to discuss with the neighbours, mediation, or other form of ADR and to contact the local authority if the events occur again.

Large Language Model	Accuracy of Advice	Clarity of next steps	Total
ChatGPT3.5	4	4	8
ChatGPT4	3	4	7
Bing	3	4	7
Bard	3	3	6

Table 4: Scores for Housing Law Query

ChatGPT3.5 provided generic, common-sense advice stressing the need to try and resolve issues amicably. It mentioned all the practical steps expected including contacting the landlord and offering a compromise. However, there was no specific legal advice included. On being asked about English law, it referred to statutory nuisance under Environmental Protection Act 1990 and common law nuisance. Although the description of the latter included reference to 'excessive and continuous noise,' it did not highlight this given the question's reference to *one* party.

ChatGPT4 offered the same general advice, without the reference to contacting the landlord, but also suggested soundproofing and contacting other neighbours. On being asked about English law, it referred to statutory nuisance but did not refer to common law nuisance or the need for excessive and repeated noise, which would be potentially misleading for those seeking advice.

Bing offered the same very good general advice and included referred to statutory nuisance in its first response, signposting to the gov.uk website. On being asked about English law it again referred to statutory notice and the websites of gov.uk and Shelter. However, there was no reference to common law nuisance or the need for excessive and repeated noise.

Bard offered general advice but did not mention contacting the Local Authority in its first answer. On being prompted about English law however it did refer to statutory nuisance and the role of the Local Authority, as well as highlighting the need for the noise to be excessive. However common law nuisance, nor the need for repeated incidents was not mentioned.

Online contract law

We asked the question: *I purchased an expensive necklace online last month, which was delivered the next day but is still unused. I have now realised I can get it cheaper elsewhere. The company is refusing to send me a refund, what can I do?* The expected response should refer to the Consumer Contracts Regulations and the right to cancel an online contract within 14 days of delivery of the item. Practical next steps would include contacting the seller and considering a chargeback claim.

Large Language Model	Accuracy of Advice	Clarity of next steps	Total
ChatGPT3.5	4	4	8
ChatGPT4	4	4	8
Bing	5	3	8
Bard	4	3	7

Table 5: Scores for Online Consumer Law Query

ChatGPT3.5 started by stating that it was not a lawyer but would offer some general advice. It also suggested specific laws would vary depending on location, and then offered general advice regarding contacting the seller and a chargeback claim. On being prompted about English law it referred to the Consumer Rights Act 2015 and did refer to the right to cancel within 14 days of delivery.

ChatGPT4 did not start with the same disclaimer about legal advice but did offer the same general advice as well as suggesting contacting the online platform, leaving a review and negotiation. It also suggested contacting the local consumer protection agency and referred to US and UK agencies, making it clear this was a generic response. On being asked about English law it referred to both the Consumer Rights Act 2015 and the Consumer Contracts Regulations, accurately explaining the right to cancel and return goods within 14 days of delivery.

Bing's initial answer referred immediately to the right to cancel and receive a refund within 14 days of delivery, and suggested a chargeback claim if unsuccessful, although it did not mention the names of the laws (Acts or regulations). It referred to the gov.uk website, Moneysaving.com and Which website.

Bard offered general advice including a chargeback claim, and on being prompted about English law referred to the Consumer Rights Act 2015 and the right to cancel within 14 days of delivery.

Child maintenance law

We asked the question: *I have an informal agreement with my ex-partner that he pays £500 per month as maintenance for our child. He has not paid this for the last two months; can I go to court to get the money?* The expected response should explain that child maintenance is now dealt with by the Child Maintenance Service (CMS), and it is not possible to enforce informal agreements through the courts. The enquirer will need to apply to the CMS who will reassess the maintenance payable according to their formula, and they will then assist in enforcing the maintenance (for a fee). The next steps should therefore be to try and negotiate with the other party and if this fails, to apply to CMS.

Large Language Model	Accuracy of Advice	Clarity of next steps	Total

ChatGPT3.5	2	2	4
ChatGPT4	2	2	4
Bing	2	2	4
Bard	2	1	3

Table 6: Scores for Child maintenance Law Query

Similar to the earlier question, ChatGPT3.5 started with a general disclaimer. It suggested communicating with the other party and negotiation and then referred to CMS, but wrongly stated they could enforce an existing agreement. It also suggested applying to court for a Child Maintenance Order, which is not possible (except in very limited circumstances). The legal advice was therefore confusing and / or wrong. ChatGPT4 started with the same general advice and then suggested the involvement of CMS who would assess the amount of maintenance to be paid. However, it wrongly stated that a 'consent order' could be enforced through the courts.

Bing suggested the parent should apply for a liability order from the courts, referring to the gov.uk website and citizen's advice. However, this was also wrong advice as CMS must apply for a liability order, not the other parent (as it stated in the websites it referred to). Bard wrongly referred to making an application for child maintenance to the courts. On being asked about English law it referred to the Child Support Act 1991 (which has been superseded by the Child Maintenance Act 2001) and went on to

repeat that the informal agreement was legally binding, and a court application should be made.

Comparison between the models

From the twenty-four initial queries, the first answer was too generic, and often based on the wrong jurisdiction or wrong in law.
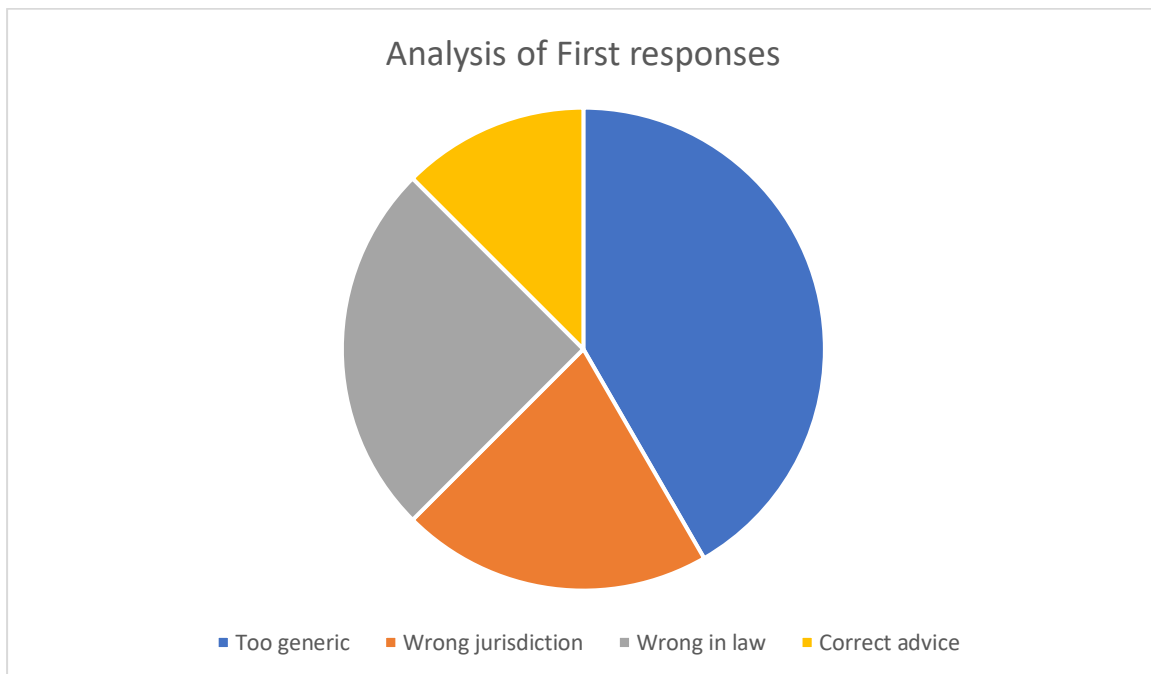
Analysis of First responses

- Too generic
- Wrong jurisdiction
- Wrong in law
- Correct advice

Table 7: Analysis of first responses

All four tools offered advice based on American law initially until prompted otherwise; in May around half of the queries defaulted automatically to American law. However, this was less common when the same tools were used in October, when both ChatGPT3.5 and ChatGPT4 stated that the law would depend on the country the enquirer lived in. Whilst this was an improvement, it was not consistently stated for

all queries and 21% of queries initially referred to the wrong jurisdiction, usually American law. Overall, most answers were too generic to be useful in explaining to someone what their legal rights were – 42% of responses were too general. A further 25% were simply wrong in law. As only 13% of the queries were initially answered correctly based on UK law, Gen AI tools offer a significant risk when relied on by a litigant in person. Whilst these tools could be useful for someone with some understanding of the law, who was able to review and ask appropriate follow up questions (such as jurisdiction), many litigants in person have limited legal knowledge and may not appreciate the need to check the jurisdiction or source of law.

Once the additional prompt about English law was included, the accuracy of the advice and clarity of the next steps did differ depending on the type of query.
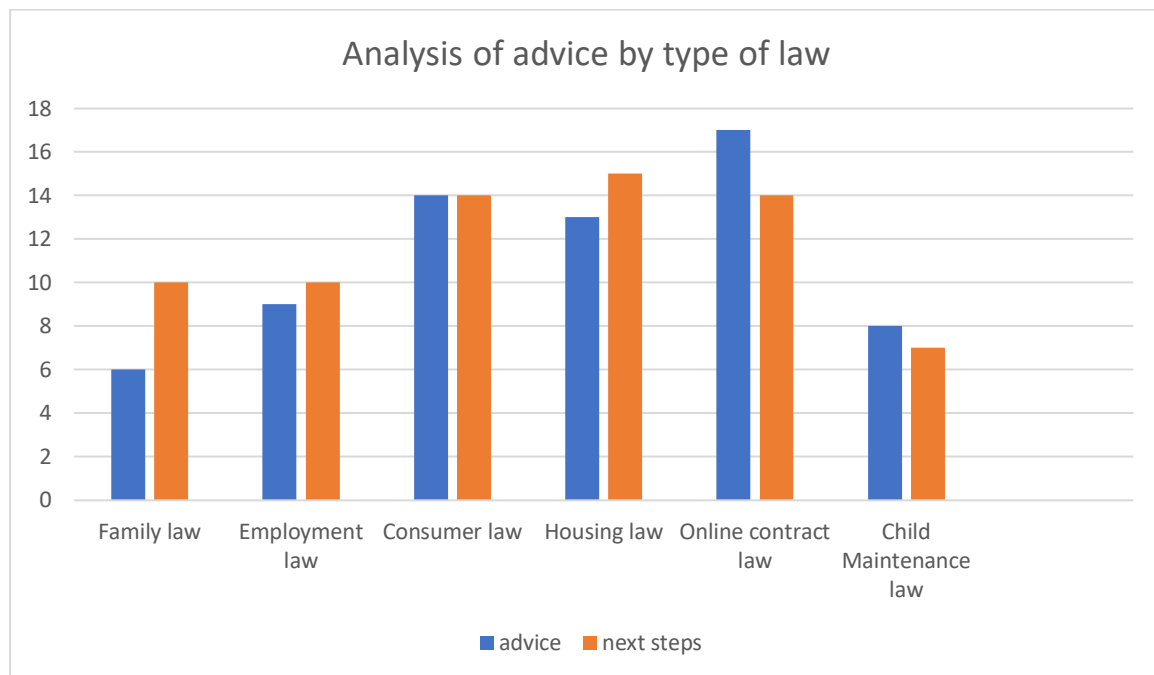

Table 8: Analysis of advice by type of law

The table above adds together the score of all four of the Gen AI tools, both in terms of accuracy of the advice and the clarity of the next steps. The maximum score for each was 20 (maximum score of 5 multiplied by the four tools). The answers to the two consumer law questions (consumer law and online contract law) and the housing law query were the most accurate and clearly answered. However, the queries based on family law, employment law and child maintenance were neither accurately answered nor clear about the next steps. Indeed, these answers were potentially misleading or even dangerous. They included out of date law (family law), omitted relevant information regarding timescales and the need to involved ACAS (employment law) and wrongly suggested a court application to enforce an informal agreement instead of the need for a reassessment of maintenance (child maintenance query). Reliance on these tools could have led to the enquirer not being able to rely on their legal rights and potentially being put in a worse position.

Finally, the accuracy of the advice and clarity about the next steps did differ depending on the Gen AI tool used.
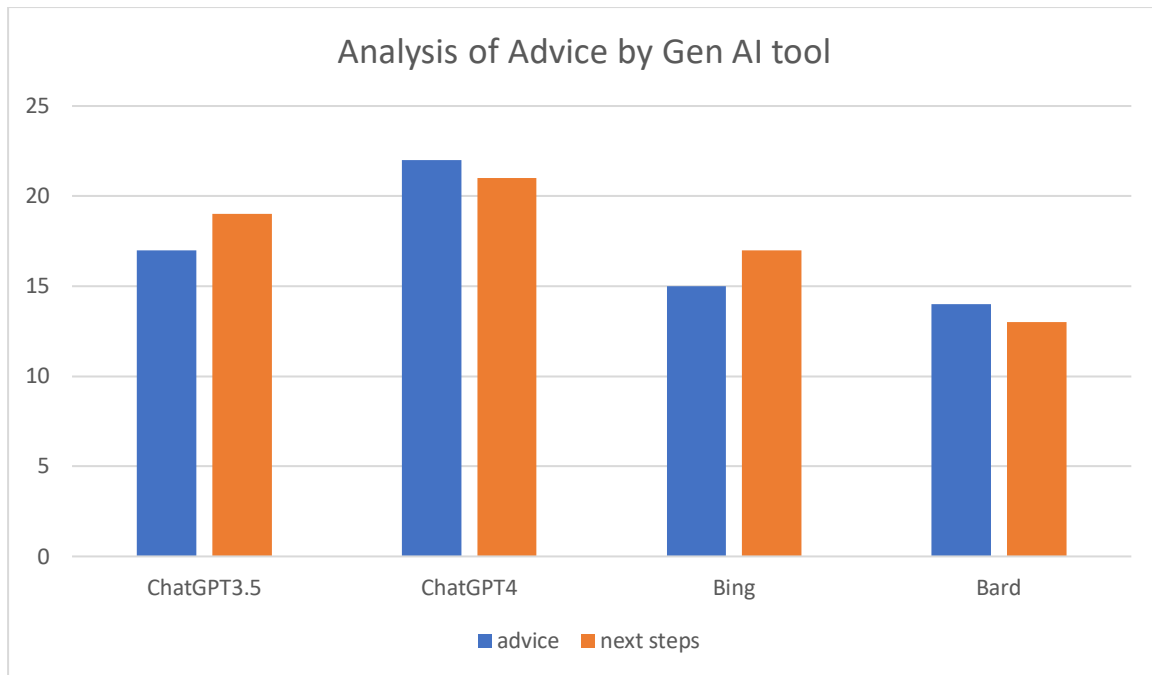
Table 9: Analysis of advice by Gen AI tool

The table above amalgamates all the scores for each Gen AI tool, divided between the accuracy of the advice and the clarity of the next steps. The maximum score for each was 30 (maximum score of five times six queries).

ChatGPT4, the only subscription model, was clearly more accurate in terms of legal advice with a score of 73%, compared to the free versions (57% for ChatGPT3.5, 50% for Bing and 47% for Bard). In terms of the clarity of next steps, ChatGPT4 was also ahead at 70%, followed closely by ChatGPT3.5 at 63%, Bing at 57% and Bard at 43%. ChatGPT3.5 and Bing scored more highly for next steps than the advice, with ChatGPT4 and Bard being one point higher for the legal advice. These scores mask differences between the models: ChatGPT3.5 and ChatGPT4 gave often very detailed practical advice; while Bard and Bing were usually shorter answers. Bing was the only

Gen AI tool which signposted in its answers other websites including gov.uk and citizens advice.

Discussion

Implications for litigants in person

All the models warn users that it is not their function to provide legal advice and recommend obtaining professional legal advice. In May 2023, and again in October 2023, when asked if they give legal advice, all four models replied that they did not offer legal advice. However, it was necessary to ask them this question, and litigants in person may presume that this is advice upon which they can rely.

Several concerns were highlighted through our research, including confusion around jurisdiction, problems with generic advice, the risk of incorrect advice and the potential inequalities caused by subscription models. It is important to recognise the models are not trained (yet) to 'think like a lawyer' so they are not able to apply logical analysis to consider the credibility and relevance of the information produced (Bishop, 2023). The difficulty for litigants in person is they are not able to critically evaluate whether the Gen AI models have understood and applied the legal principles correctly. This is particularly relevant when the answer produced appears to be 'convincing', there is a significant risk that a litigant in person will rely on that

information and use it as part of their case.[4] This is not to say that these tools cannot be of use as the findings suggest for some areas of law their responses are more accurate. One area where these models can be helpful is in interpreting statutes and providing a clear summary of a statute in plain English (Bishop, 2023).

The models often default to American law, and our findings suggest that it is not always explicit that the advice is based on American law, or that the law would differ depending on which country you live in. In five of the six queries, ChatGPT3.5 was clearer, referring to the law being different depending on where you lived or your jurisdiction. ChatGPT4 referred to this once, and Bard once. However, the significance of this was not always clear, as it was part of a longer text suggesting ways to resolve the issue. This means that without some initial legal knowledge litigants in person may not appreciate that this affects the advice being offered.

When providing answers, the models sometimes used the phrase 'the law of the UK,' both initially and when prompted to respond based on English law. This occurred in five of the six answers by ChatGPT4, three of the answers by ChatGPT3.5 and two of answers given by Bard. In four cases this phrase was used following the additional prompt asking about English law. Litigants in person are unlikely to understand that

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[4] It is not just litigants in person, two New York lawyers were sanctioned for using ChatGPT in their submission for citing non-existent cases. ChatGPT: US lawyer admits using AI for case research - BBC News

Scottish law may be different to the law in England and Wales, being a separate jurisdiction, and consider that the phrase 'the U.K.' refers to all the countries within the Union. For example, the law on divorce differs in Scotland although ChatGPT4 gave its answer based on 'the law of the UK'. This may lead to incorrect advice being provided for enquiries living in Scotland, or for some queries for those living in Wales and Northern Ireland (if devolved legislation applies to the area of law in question).

Most advice was too generic to enable litigants in person to be able to identify their legal right, its source and how to enforce it. Forty-two percent of initial queries were too general, and even after being prompted about English law insufficient information was often given. The models were much better at giving practical non-legal advice, and whilst this is important it does mean that a litigant in person might be unable to articulate clearly what their rights are and what remedy they are therefore seeking. They might also have difficulty in drafting a claim, for example to the employment tribunal or small claims court.

Even where jurisdiction is not an issue, Gen AI can (and does) produce incorrect or misleading advice. Initially 25% of its answers were wrong. There is a concern that there is a presumption these tools work in an equivalent way to internet search engines; there is a lack of awareness amongst the public of the limitations of Gen AI tools and the significant risk of errors and misleading information. Although we did not see evidence of fabrication or hallucination, it did rely on outdated law (family

law query), omit highly relevant information (employment law query), and wrongly summarise the law (child maintenance law). Without basic legal knowledge to identify such errors, this puts litigants in person at significant risk of relying on incorrect and misleading advice, potentially to their detriment.

Finally, ChatGPT4 which is the subscription version is more accurate overall than the free versions (ChatGPT3.5, Bing, and Bard), but requires a monthly fee, which at the time of writing is $20 a month. This means that the ability to pay directly correlates with the access to the benefits of the superior version of the technology (Kanu, 2023). The reality is that most people who are likely to use these tools cannot afford to pay for legal advice and are more likely to be dependent on less reliable free versions of these tools. Sandefur's (2019) research demonstrates that access to justice is not equal, and that technology does not always solve the problem because people on low incomes are less able to benefit from technology because of cost, internet access, digital literacy, and lack of human centred design. We need to recognise that some people will be unable to access any benefits that may derive from Gen AI tools and will lack the necessary skills and resources to leverage any of the potential benefits of technology (Telang, 2023). There is a need to think carefully and realistically about the extent to which technology can support access to justice (Poppe, 2019).

One of the interesting areas of development is the potential to co-develop Gen AI technology to create bespoke and more reliable legal solutions, as evidenced by

Harvey, which is the customised AI technology being integrated into the law firm-Allen & Overy. However, free advice organisations are unlikely to have the funds to support the creation of tailored solutions (Kanu, 2023). There is a power imbalance between large law firms and individuals in unlocking the potential of Gen AI (Telang, 2023). This means that there are significant risks that only those with resources will be able to leverage the benefits of Gen AI and this will only serve to further exacerbate existing inequalities (Simshaw, 2022).

There are other reliable sources of help for litigant in persons such as Advicenow, Citizens Advice, and pro bono law clinics, However, there is often a lack of awareness of these organisations can mean that members of the public turn to other sources of assistance. The adoption rate, and the amount of online noise around Gen AI, increases the risk of more people turning to Gen AI for legal advice when they experience a problem. This happened in May 2023, in a case in Manchester County Court where a litigant in person used ChatGPT for their legal research. They referred to four cases: one, was fabricated, the other three were actual cases, but the passages quoted by ChatGPT did not reflect the actual judgments in the cases.[5]

The issues relating to access to justice reflect structural inequalities that are not simply solved by technology (Poppe, 2019, Sandefur, 2019, Kanu, 2023). It is therefore

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[5] LiP presents false citations to court after asking ChatGPT | News | Law Gazette

important that we are cognisant to the risks and limitations of Gen AI solutions in democratising access to legal information and advice. There is a pressing need to explore how law schools can work together with the legal profession to create a public legal education campaign to ensure there is increased public awareness of the limitations of these tools and to highlight the risks to users if they are being used for obtaining legal advice (Hagan, 2023).

Implications for law clinics

There is a separate discussion outside of this article around the implications of ChatGPT in education, but all universities are aware that many of their students are using these technologies in their studies (Ajevski et al 2023). Most users of ChatGPT are aged between 18 to 34[6] and increasingly law clinics may find their students using, or wanting to use, Gen AI. There are several issues to consider when faced with this scenario – both positive and negative. Given the reputational and legal risks to clinics through the potential use of Gen AI, we first outline the potential risks and solutions before considering the benefits.

If law students use Gen AI tools without understanding their limitations and risks, similar concerns will arise as detailed above for litigants in person. Students need to

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[6] 28.04% of 18 to 24 years old, and 33.52% of 25 to 34 year old using ChatGPT [100+ Incredible ChatGPT Statistics & Facts in 2023 | Notta](#)

be aware of the problems caused by hallucinations and errors, jurisdiction issues and changes in the law that are not being identified by the tools. However law students, particularly towards the end of the law degree, should have the foundational knowledge and skills required to fact check the output of Gen AI and be better able to identify these problems when they occur.

There are other ethical and data protection issues law clinics should be aware of. Whilst the output of Gen AI appears superficially very convincing, with excellent written English in plain language, as discussed above the advice is often too generic and lacks depth. As well as checking for errors, students will also need to be able to recognise where further research is needed, whether through using the Gen AI tools or in more traditional ways.

Gen AI models are trained on data sets drawn from the world wide web and this has raised ethical concerns around the accountability and transparency of these models (Stahl et al 2024). Open AI who developed ChatGPT relied on low paid workers from Kenya, Uganda, and India to process and filter data from the dark web (Perrigo, 2023). Concerns have been raised about these practices and the potential for bias. This is particularly important in clinic setting where queries may involve those from a traditionally disadvantaged background, whether by ethnicity, gender, or disability. Care will need to be taken that the advice given is appropriate to the context rather than replicating inherent biases within the models (Stahl et al 2024).

Confidentiality is another important risk to highlight. Any text entered into a Gen AI model, such as ChatGPT can subsequently become part of the model's training data. Whilst it is possible to use some of the models in 'private mode' and refuse consent to share any information, it is not clear how this works given the novelty of the technology. Law clinics have a duty of confidentiality to their client and often deal with sensitive data. It is therefore important that law clinics have systems in place to remind students about the data protection and confidentiality risks. If students are permitted to use Gen AI, they should ensure that any research conducted is in the private mode and on an anonymous basis and no client details are entered into the tool, either explicitly or in a way which could lead to a client being identified.

There is a similar risk for law clinics around copyrighted materials that are inputted into the Gen AI models, such as clinic templates or precedents, as they may become part of the training materials and copyright is effectively lost. Clinics permitting the use of Gen AI must decide the extent to which they are happy for their documentation to be put into the tool and ensure that students are aware of the rules surrounding this.

All the above concerns can be potentially mitigated by appropriate training of students and supervisors around the nature of Gen AI tools, the risks that they pose and how to address them. Given the risks, law clinics may question why they should

permit students to use Gen AI. As posited at the start of this article, technology is changing the delivery of legal services and the administration of justice (Poppe, 2019). There is an opportunity for law schools to enhance their students' employability skills and prepare them for future practice. The QAA Subject Benchmark Statement: Law[7] at 1.18 invites law schools as part of entrepreneurship and enterprise education to explore the use of AI software and tools to consider the emerging ethical issues. The underpinning pedagogy of clinical legal education is 'learning by doing' and encouraging students to learn from real world problems (Bloch, 1982, Giddings, 2014). There can be no doubt that understanding the opportunities, limitations and risks posed by Gen AI is a 'real world' problem that students will face if they move into legal practice (Ajevski et al 2023). It is recognised that engagement in clinical legal education supports the development of graduate employability skills (Cantatore et al 2021). Exploring the use of Gen AI tools in law clinics supports students to understand the application of these tools in 'real world' situations to create context awareness and support the development of graduate employability skills that are going to be critical for legal practice. New roles are emerging as result of the increased use and interest in Gen AI. In the short term, positions such as prompt engineers will be required (Mohney, 2023). The creation of appropriate prompts will be key to refining the models, giving law students the opportunity to use these tools at law school may help prepare them for the realities of the transforming world of work (Ajevski et al 2023).

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[7] Subject Benchmark Statement: Law (qaa.ac.uk)

AI systems will not replace lawyers, but they will increase the efficiency and productivity of lawyers (Simshaw, 2022). Similarly, law clinics can harness the benefits of AI and use these tools to operate as AI assistants. Encouraging law students to work in partnership with Gen AI has the potential to increase efficiency and this can allow students to spend more time on the human aspects of the work (Simshaw, 2022, Mohney, 2023). There is a race to capitalise on the benefits of Gen AI and this is leading to the development of new tools, one example which is particularly relevant for law clinics is Lexis + AI[8]. Lexis + AI harnesses the power of Gen AI and allows for conversational searching of Lexis Databases. This enables users to ask legal questions, which it will provide an answer to limited to jurisdiction and cite case law. It supports the drafting of legal documents, and it can already draft a memo, letter, email, and a contract clause. It can summarise cases, providing a one paragraph summary of a case when a citation is entered. It allows the users to input up to ten documents that it will summarise, and then the user can ask questions about the documents. Lexis + AI state that it provides 'hallucination' free legal citations. It is currently being trialled in the US. At the time of writing, it is not clear when it will be available in the UK and whether it will be included as part of a university LexisNexis subscription. If law schools can access Lexis + AI, then there will be significant benefits in incorporating it within clinical work rather than using other Gen AI models such as ChatGPT.

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[8] **Lexis+ AI™ on Vimeo**

Another way these tools could be useful is to generate legal documents from user prompts (Granat, 2023). As our research demonstrates, Gen AI performs more strongly at providing clear, practical next steps for clients. In our experience this is something which students often struggle with, particularly when they start working in law clinics, preferring to focus on legal rights and legal solutions (even where this may not be practicable). Using these models as a research tool to suggest practical next steps in the disputes, such as ADR, may help students to understand all the options available and improve the quality of advice offered to clients. The use of a tool such as Bing would also enable students to easily find reliable and authoritative websites to refer clients to for further information, such as citizens advice or gov.uk.

Some students may not have English as their first language or may struggle with written communication due to a disability such as dyslexia. Text generated by AI is generally of a high standard of written English, so allowing the use of this technology to assist in writing can reduce the time and resource required to review and amend written communications such as letters of advice. [9] Writing tools are not new: we have spell check, Grammarly, and predictive texting. What is different is that Gen AI can go beyond editing and generate the entirety of the text (Kane, 2023). This is going to become more common place - Microsoft have launched Microsoft Co-pilot[10] which

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[9] Lord Justice Birss used ChatGPT to help him summarise the law as part of his judgment, he referred to it 'as jolly useful' Court of appeal judge praises 'jolly useful' ChatGPT after asking it for legal summary | Artificial intelligence (AI) | The Guardian
[10] Microsoft Copilot – Microsoft Adoption

incorporates the use of a large language model and works alongside apps such as Word, Excel, and PowerPoint to automate tasks and draft content. At the time of writing Microsoft Co-pilot is a premium service but it is likely to become standard in due course.[11] AI's writing ability is impressive, but we also need to be cognisant of the risks of students losing writing skills if we allow them to become over reliant of these tools (Kane, 2023).

Finally, law clinics often have too many cases and clients, and too few students and supervisors. If students use Gen AI appropriately and understand how to use it responsibly and ethically, it can speed up the research process and reduce the time required for writing and reviewing the advice. This could potentially allow clinics to see more clients. Whether clinics decide to allow students to use Gen AI or prohibit it, it is important that all clinics have a Gen AI policy setting out what is (and is not) permitted within the clinic setting.

Limitations

There are limitations with this study, one of the features of Gen AI tools is that they do not reproduce the same response to the same question. Although the methods taken in generating responses to these questions could be replicated, it is not possible to replicate the same answers. It is also recognised that the interpretation of the

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[11] What is Microsoft Copilot? Here's everything you need to know | ZDNET

responses is based on the author's assessments, and it is possible for others to have different insights. The significance of inputting these questions into the Gen AI models is not so much in the substance of the responses as in demonstrating the capabilities (or lack thereof) of these models allowing for a broader discussion of Gen AI in supporting access to justice. By undertaking this analysis, we have a deeper understanding of the issues of Gen AI and how they should be framed in the discussions around technology and access to justice.

Conclusion

There is no doubt that this technology is a disrupter, and there will be implications for the practice of law and access to justice. We should not underestimate the significance of ChatGPT and other Gen AI tools on access to justice; there are serious concerns about the quality of information produced by Gen AI responses as well as the potential impact on non-lawyers. Although, new forms of technology are emerging, it is important to recognise they are still in the development and early adoption by users is problematic. Although Gen AI offers future possibilities there are real concerns now around how we ensure that the benefits of AI are available equitably to everyone. There is an urgent need for a public legal education campaign and resources to manage the expectations of Gen AI and consider how we mitigate the reliance on poorer performing versions of the technology. We would also encourage law clinics to consider their approach to Gen AI and draft policies that address Gen AI in their clinical legal education work.

References

Ajevski, M., Barker, K., Gilbert, A., Hardie, L., & Ryan, F.(2023) 'ChatGPT and the future of legal education and practice', *The Law Teacher*, DOI: [10.1080/03069400.2023.2207426](#)

Armstrong, K. (2023) ChatGPT: US lawyers admits using AI for case research, *BBC News*, Available (online) [ChatGPT: US lawyer admits using AI for case research - BBC News](#) (accessed 23 October 2023).

Bishop, L. (2023) 'Can ChatGPT 'Think Like a Lawyer?' *A Socratic Dialogue* Available at SSRN: https://ssrn.com/abstract=4338995 or http://dx.doi.org/10.2139/ssrn.4338995

Bloch, F. (1982) 'The Andragogical Basis of Clinical Legal Education', 35 *Vanderbilt Law Review*, 321 Available at: https://scholarship.law.vanderbilt.edu/vlr/vol35/iss2/2

Cantatore, F., McQuoid-Mason, D., Geldres-Weiss, V., & Guajardo-Puga, J.C. (2021) 'A comparative study into legal education and graduate employability skills in law students through pro bono law clinics', *The Law Teacher*, 55:3, 314-336, DOI: 10.1080/03069400.2020.181846

Farah, H. (2023) Court of Appeal judge praises 'jolly useful' ChatGPT after asking it for a legal summary, *The Guardian*, Available (online) at [Court of appeal judge praises 'jolly useful' ChatGPT after asking it for legal summary | Artificial intelligence (AI) | The Guardian](#) (accessed 26 October 2023).

Giddings, J (2014) 'Clinical Legal Education in Australia: A Historical Perspective' (2014) 3 *International Journal of Clinical Legal Education* 8.

Granat, R. (2023). 'ChatGPT, Access to Justice, and UPL.' Available (online) https://www.lawproductmakers.com/2023/03/chatgtp-access-to-justice-and-upl/ (accessed 26 October 2023).

Guzman, H. (2023) 'AI's "Hallucinations" Add to Risks of Widespread Adoption'. Available (online) https://www.law.com/corpcounsel/2023/03/23/ais-hallucinations-add-to-risks-of-widespread-adoption/?slreturn=20230519164801 (accessed 25 October 2023)

Hagan, M. D. (2023) Towards Human-Centered Standards for Legal Help AI.' *Philosophical Transactions of the Royal Society A*. (Forthcoming)

Hyde, J. (2023) LiP presents false citations to court after asking ChatGPT, *Law Society Gazette*, Available (online) LiP presents false citations to court after asking ChatGPT | News | Law Gazette (accessed 25 October 2023).

Kane, B. (2023) 'What Humans Lose When AI Writes For Us', *Scientific American*, Available at: https://www.scientificamerican.com/article/what-humans-lose-when-ai-writes-for-us/?amp=true (accessed 2 November 2023).

Kanu, H. (2023). 'Artificial intelligence poised to hinder, not help, access to justice.' *Reuters*.   Available   (online) https://www.reuters.com/legal/transactional/artificial-intelligence-poised-hinder-not-help-access-justice-2023-04-25/ (accessed 25 October 2023).

Legal Services Board (2020) The State of Legal Services 2020, Available (online) The-State-of-Legal-Services-Evidence-Compendium-FINAL.pdf (legalservicesboard.org.uk) (accessed 20 October 2023).

LexisNexis (2023), The LexisNexis Legal Aid Deserts Report, Available (online) The LexisNexis Legal Aid Deserts report (accessed 23 October 2023).

Mahajan, V. (2023) 101 + Incredible ChatGPT statistics and facts in 2023, *Notta*, Available (online) 100+ Incredible ChatGPT Statistics & Facts in 2023 | Notta (accessed 25 October 2023).

Mohney, M. (2023) 'How ChatGPT could impact law and legal services delivery', *Northwestern Engineering News*, Available (online) How ChatGPT Could Impact Law and Legal Services Delivery | News | Northwestern Engineering (accessed 25 October 2023).

Ortiz, S. (2023) Microsoft 365 Copilot is available to purchase. Here is what you need to know, *Zdnet Innovation*, Available (online) What is Microsoft Copilot? Here's everything you need to know | ZDNET (accessed 25 October 2023).

Perlman, A. (2023). 5'The Implications of ChatGPT for Legal Services and Society'. *The Practice*. Cambridge, MA. Available at: from https://clp.law.harvard.edu/knowledge-hub/magazine/issues/generative-ai-in-the-legal-profession/the-implications-of-chatgpt-for-legal-services-and-society/ (accessed 25 October 2023).

Perrigo, B. (2023). 'Exclusive: The $2 Per Hour Workers Who Made ChatGPT Safer'. Time.   https://time.com/6247678/openai-chatgpt-kenya-workers/.   (Accessed   26 October 2023).

Poppe, E. T. (2019). 'The Future Is Bright Complicated: AI, Apps & Access to Justice.' *Oklahoma   Law   Review*, 72(1).   Available   at: https://digitalcommons.law.ou.edu/olr/vol72/iss1/8

QAA (2023) Subject Benchmark Statement: Law, available at Subject Benchmark Statement: Law (qaa.ac.uk) (accessed 10 November 2023).

Ray, P. (2023) 'ChatGPT: A comprehensive review on background, applications, key challenges, bias, ethics, limitations and future scope', *Internet of Things and Cyber-Physical Systems*, Volume 3, Pages 121-154, https://doi.org/10.1016/j.iotcps.2023.04.003.

Sandefur, R. (2019). 'Access to What?' *Daedalus*. Volume 148 (1). 49-55. https://doi.org/10.1162/daed_a_00534

Simshaw, D, (2022). 'Access to AI Justice: Avoiding an Inequitable Two-Tiered System of Legal Services,' *Yale J.L. & Tech* 24:150. Available at SSRN: https://ssrn.com/abstract=4090984

Stahl, B. C. and Eke, D. (2024). 'The ethics of ChatGPT – Exploring the ethical issues of an emerging technology', *International Journal of Information Management*, Volume 74, The ethics of ChatGPT – Exploring the ethical issues of an emerging technology - ScienceDirect

Susskind, R. (2023) *'Tomorrow's Lawyers: An introduction to your Future'*, Oxford University Press.

Telang, A. (2023). 'The Promise and Peril of AI Legal Services to Equalize Justice.' *Harvard Journal of Law & Technology*. Available at: https://jolt.law.harvard.edu/digest/the-promise-and-peril-of-ai-legal-services-to-equalize-justice

The Bar Council, (2022) Access Denied: The state of the justice system in England and

Wales in 2022, Available (online) <u>Access Denied: The state of the justice system in</u>

<u>England and Wales in 2022 (barcouncil.org.uk)</u> (accessed 10 October 2023).