

# Why I Use ChatGPT To Tell Me Things I Already Know

By **Robert Plotkin** (November 6, 2023)

Despite the meteoric rise of ChatGPT, the legal profession is among the most hesitant to adopt it, primarily because of its proclivity to hallucinate, or to provide false information as if it were true.

A New York lawyer already has become infamous for submitting a brief that cited fake court cases generated by ChatGPT, and no one wants to become the next "ChatGPT lawyer."

Nevertheless, ChatGPT can perform a wide variety of useful functions for lawyers.



Robert Plotkin

## **I Know That I Know That — But What Is It?**

I use ChatGPT to tell me things I already know.

Why? Among the many reasons are that, even when I know something, I can't often recall it easily, quickly, accurately, completely, clearly, concisely, or in a well-organized form.

If you've ever struggled to quickly recall a specific legal principle in your field of expertise, then you understand the gap between knowing something and articulating it swiftly and precisely.

So it shouldn't be surprising that a tool like ChatGPT, which can not only effectively search for information but also synthesize information from multiple sources and describe the results of that synthesis in easily understandable natural language, would also be useful as a memory enhancer.

When ChatGPT is used in this manner, as a means rather than an end unto itself, it can be an effective tool in the process of generating high-quality content efficiently.

## **The Misleading Allure of Total Accuracy**

It's valuable to recognize the value of ChatGPT as a memory aid because doing so makes clear why the widespread critiques of ChatGPT's hallucinations aren't as generally applicable as they claim to be. The unstated premise behind many of these critiques is that ChatGPT isn't useful, and possibly shouldn't even be used at all, if its output isn't 100% accurate.

I've heard many lawyers proclaim proudly that they would never use ChatGPT for any purpose because they heard of an example in which it produced a response that contained a single error.

This hyperfocus on perfect accuracy obscures the fact that, in many of the situations in which lawyers seek to recall information, we don't need 100% accuracy or anything close to it.

Instead, what we need is a good enough memory jogger — something that tells us the gist of what we already know in a way that is clear, concise and provided quickly enough, that it refreshes our memory and enables us to proceed with the task at hand more easily and quickly than if we had attempted to remember the same information using our unaided minds alone.

This is especially true when doing work in your field of legal expertise, for reasons I'll now describe.

### **The Sliding Accuracy Scale**

Criticisms of ChatGPT often highlight its use in legal and medical contexts, where even small inaccuracies can result in severe consequences. In such settings, relying solely on an answer from ChatGPT definitely isn't prudent.

But not all situations require citing accurately to a specific court opinion or quoting verbatim from a statute. In a wide variety of situations, we can tolerate information that is only in the right ballpark.

Examples of tasks that ChatGPT often can perform extremely well, and which don't require perfect accuracy or citations to sources, are: rephrasing existing text for a different audience, e.g., explaining legal concepts in lay terms; coming up with real-world examples of legal concepts; and suggesting wording improvements.

The widespread concern about inaccuracy isn't particularly applicable in these examples because ChatGPT isn't being tasked with performing the kind of legal research where perfect accuracy is required. Furthermore, it's safest to use ChatGPT to perform tasks relating to topics that you know well enough to be confident that you will spot significant errors and omissions in ChatGPT's output.

This is similar to how you would treat an answer from a legal intern whom you task with the same assignments.

I'm generally comfortable asking ChatGPT about topics that were widely documented on the internet as of ChatGPT's training date, because this gives me confidence that ChatGPT's answers to questions on those topics will be well informed. I have much less confidence in ChatGPT's answers about topics that are generally obscure or that aren't widely described on the public internet.

Furthermore, the required degree of accuracy will ratchet up depending on the purpose of your inquiry. If you're asking just to refresh your memory about a legal principle out of curiosity, then a higher error rate is tolerable than if you're asking for citations to precedent that you will rely on in a legal brief.

Many of the arguments that ChatGPT's inaccuracies should render it unusable by lawyers seem to assume that lawyers who receive that output won't have the ability or the inclination to spot and fix errors in that output. Although that argument is fair enough, it applies just as much to the use of existing search engines and to other sources of information, including books.

The main differences with ChatGPT are that it doesn't cite its sources, and it makes even blatantly false statements with the same utter confidence as true statements.

That means that we need to be particularly careful when reviewing and relying on the answers we get from ChatGPT. And note that requesting citations to ChatGPT's sources, such as URLs and citations to legal cases, is known to frequently produce completely false hallucinations.

### **Responsible Large Language Model Use**

What these examples make clear is that we must use ChatGPT mindfully and responsibly.

The situations I have in mind are for refreshing your memory, about topics you know well enough to spot basic errors, and in situations where errors will not do harm to you or your clients.

This does require you to read whatever ChatGPT writes with a critical eye — the intellectual equivalent of defensive driving. Think of it as applying the adage, "trust, but verify." If we do this, the concerns about accuracy are largely addressed. The same has always been true when turning to any external memory aid, whether human, written or machine.

Furthermore, the potential for inaccuracy shouldn't amount to an all-or-nothing approach to the technology. To use an analogy, a car is great at driving on roads, but you wouldn't use it to get you from one room in your house to another. That doesn't cause you to stop driving your car. It just means that you know not to try driving it through your house.

### **A More Balanced Approach**

Critiques of ChatGPT that focus solely on its accuracy fail to recognize that we are often engaged in a kind of multiobjective optimization when we seek information, whether we are aware of it or not.

Those objectives include accuracy of information retrieved; relevance of information retrieved to our query; clarity of the retrieved information; concision of the retrieved information; the speed of retrieval; and the cost of retrieval.

It's often rational to assign various weights to the objectives above, and different combinations of weights make sense in different situations.

For example, if all I want is a brief refresher on a topic I know well, five minutes before a meeting, then I might assign a much higher weight to speed than to accuracy. If I'm looking to produce text for a marketing email, I might assign very high weights to clarity, concision and persuasiveness, and a lower weight to speed.

Viewing ChatGPT in this way makes clearer how it can be very valuable even if it only does a pretty good job at helping you to remember information that you already know.

And I'll make an even more radical claim: Even if you assign a lower weight to the accuracy of ChatGPT's output, wise use of ChatGPT as a tool can enable the final output that you produce to be just as accurate — if not more accurate — than the output you could have produced on your own.

For example, assume writing a document on a particular topic with 95% accuracy entirely manually takes you one hour.

So, instead, you use ChatGPT to produce a draft with 80% accuracy in two minutes and spend 20 minutes revising the document to 95% accuracy, resulting in 22 minutes spent producing a document with 95% accuracy.

Or, you use ChatGPT to produce a draft with 80% accuracy in two minutes and spend 58 minutes revising the document to 98% accuracy, resulting in 60 minutes spent producing a document with 98% accuracy.

In one case, you spent less time to produce a document that was as accurate as you could have produced by yourself without ChatGPT. In the other case, you spent the same time to

produce a document that was more accurate than the one you produced yourself without ChatGPT.

None of this should be too surprising — we do the same thing when we collaborate with other humans to perform tasks such as performing research and writing memos.

We all acknowledge that such a process, when it solely involves humans, can result in us saving time without sacrificing accuracy — or even while increasing accuracy — even if the inputs we receive from other people contain errors. Why would we think we couldn't achieve the same benefits when using less-than-perfect software?

### **Don't Believe the Counter-Hype**

Much has been said about the hype behind artificial intelligence and ChatGPT in general. The red flags being raised about the current AI hype cycle are valid.

However, I think that many of the common criticisms of ChatGPT are themselves hype — remember that "hype" stems from "hyperbole" — because they exaggerate valid concerns, such as concerns about accuracy and novelty. That hyperbole then elicits a reaction, resulting in a mode of dialogue in which both sides try to counter each other. The unstated premise of these debates is that the value of a tool such as ChatGPT hinges on which side of the debate is correct.

What I've tried to point out is that a tool such as ChatGPT can have significant value for lawyers regardless of the outcome of the debate over accuracy.

For example, even if I concede that ChatGPT's output can contain factual errors, that doesn't affect the value of ChatGPT as a memory-jogging and suggestion-generating tool as long as the nature and extent of its errors stays within reasonable bounds in light of the purpose for which ChatGPT is being used.

To get the maximum benefit out of ChatGPT, we need to be aware of the tool's strengths and weaknesses and, just as importantly, our own goals for using ChatGPT in a particular case and the importance that we assign to each of those goals. Then we need to evaluate ChatGPT's output in light of those weighted goals.

If we do this, and stay mindful and flexible in making strategic use of ChatGPT as a tool in those circumstances in which it can add value, we'll avoid being sucked into the hype/counter-hype cycle and reap some real rewards, both for ourselves and our clients, from this incredible tool.

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