

## § 9.10

## Artificial Intelligence for Legal Analysis

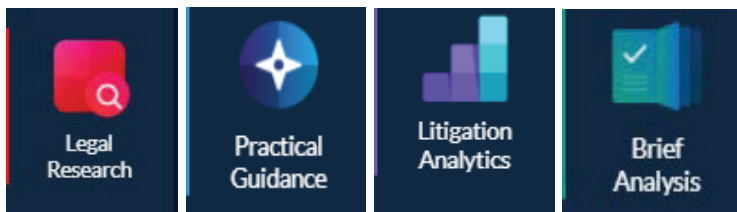
### *New Legal Analysis Tools*

Artificial Intelligence (AI) is one of the fastest growing tools used in software and Internet programming. It was only a matter of time before AI was used to help lawyers and paralegals. AI is now part of what powers many search engines, including search engines on both *Westlaw* and *Lexis*. But the typical user is not aware of its presence. It is just part of the underlying system used to deliver better search results. The user never stops to think, “Oh, that must be using AI.”

However, *Westlaw* and *Lexis* have developed tools that bring this technology out in the open, and it is a great asset for paralegals (and lawyers).

### LEXIS LITIGATION SUPPORT TOOLS

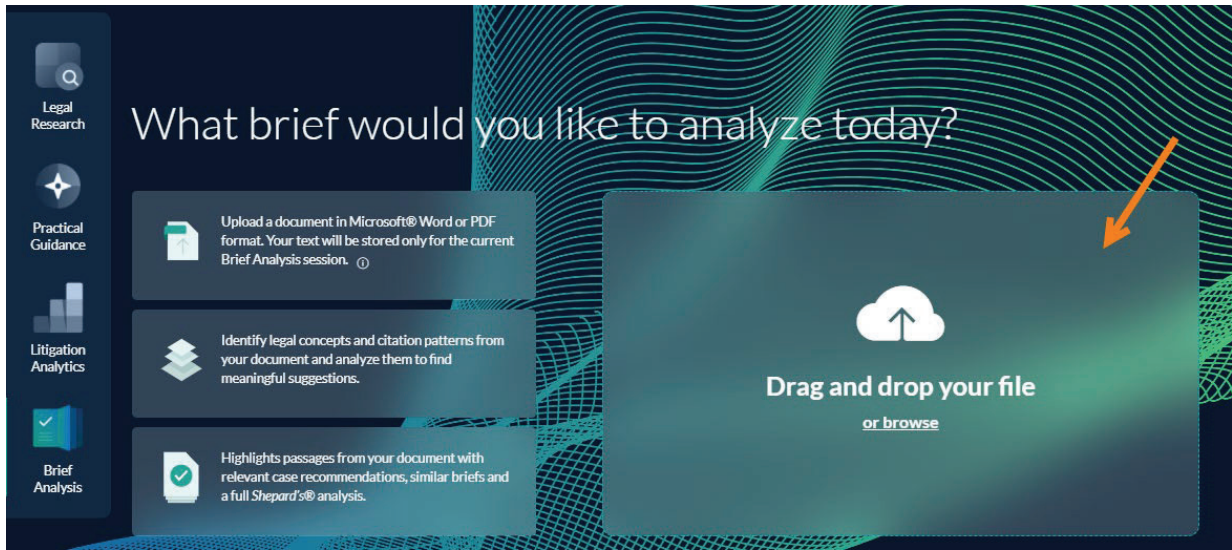
On the home page of *Lexis+* you will see a column on the left side of the screen. This box provides shortcuts to four litigation tools at the heart of *Lexis*. They are:



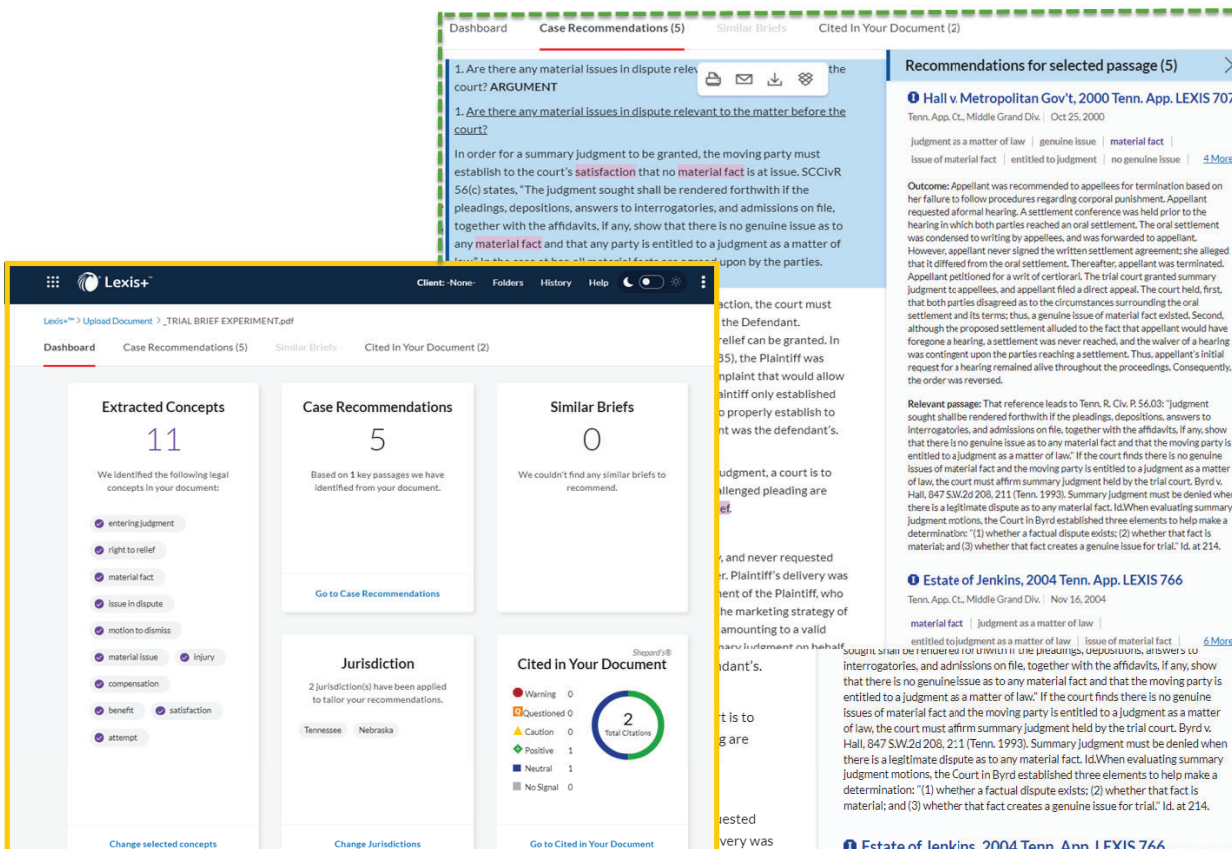
**Legal Research** is where you will spend most of your time when using *Lexis*. It is the default page when opening *Lexis*. This is likely the part of *Lexis* in which you have spent time in already. **Practical Guidance** is basically the same structure as the legal research system, but focused on looking for forms, checklists, drafting tools, and more. **Litigation Analytics** analyzes the track record of courts, judges, and attorneys.

**Brief Analysis** is where things get interesting. This tool will not write your brief for you, but it will help improve your analysis and provide authority and references to similar briefs, if they exist, that may help your analysis or anticipate opposing arguments. Follow these steps:

1. Prepare your trial brief first, or at least your legal analysis.
2. It is best to create a Word or PDF document that only contains the legal analysis or argument. That is what the AI engine will be looking for. (PDF is recommended, if possible.)
3. After clicking on the *Brief Analysis* icon, submit your brief by dragging and dropping it to the *Drop Box* on screen, or click *browse* to navigate to the desired document. Click the *Upload* button when it appears.

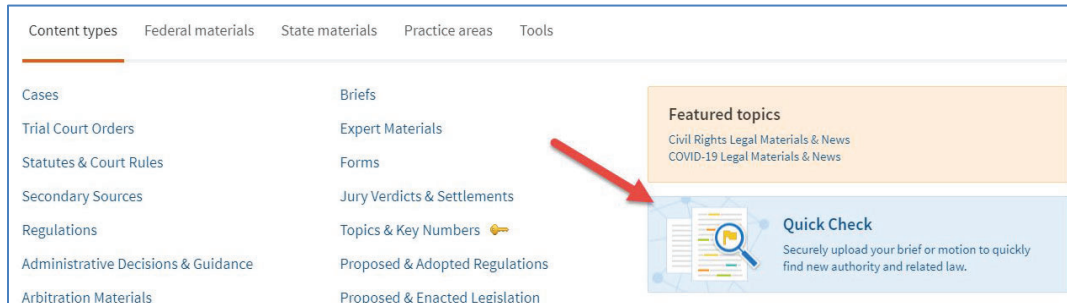


4. That's it. In a few moments a report will be generated. The report may include *Extracted Concepts*, *Case Recommendations*, *Similar Briefs*, and validation of authority cited within your brief. You will not use all of the elements of the report, but even a couple of suggested improvements that you decide to use make this tool worth considering.



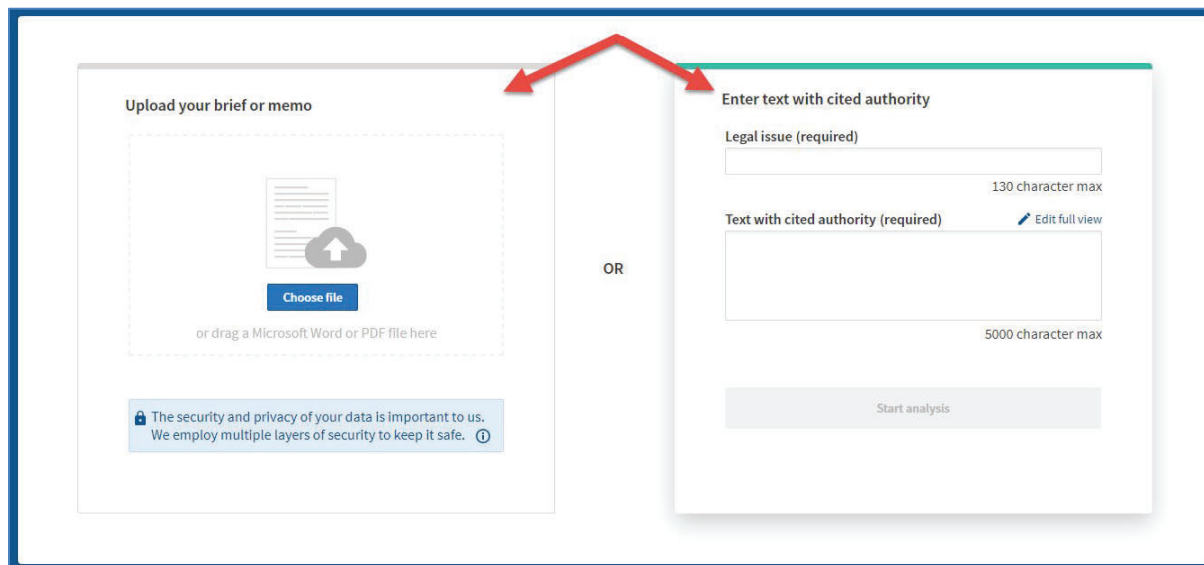
## WESTLAW QUICK CHECK

This tool allows the user to upload a brief to find new authority, related primary authority, and even analyze your brief or your opponent's brief to discover contrary authority. You will find a link to *Quick Check* in the main window of the *Westlaw* home page.



There are two ways to use *Quick Check*.

1. After creating a brief or memorandum, save the file, then drag-and-drop the document into the "Upload your brief or memo" box in *Quick Check*.
2. You can also simply paste text from a part of your brief or memo, such as a single legal issue with supporting analysis. Use the "Enter text with cited authority" tool in *Quick Check*. (Note: You are required to provide the relevant legal issue, and your text must include one or more citations for the tool to work.)



**Separate yourself.** Not every lawyer is going to use these tools. Nor every paralegal. Nor even most students. But it is strongly recommended that you experiment with both *Legal Brief Analysis* and *Quick Check*. These are cutting edge, artificial intelligence tools. Remember, anything you use that other researchers do not puts you at a greater advantage.

## ASSIGNMENT § 9.10 | MOTION, NOTICE, AND TRIAL BRIEF

Each student will prepare:

- **a motion**  
(a *motion for summary judgment* or a *motion to dismiss* are recommended, but any motion mentioned in § 9.1 is acceptable)
- **a notice** (set a response date at least ten days after the due date of the assignment)
- **a trial brief in support** (also called a *trial memorandum* or *points and authorities*)

Students will prepare a brief using the facts and issues that they have researched for their assigned clients. The documents may be combined, or they may be separate documents. If the documents are separate, they should be stapled together with the motion on top. A paralegal would normally attach copies of the authorities being relied upon. Unless your instructor requires it, however, you are not required to do so for this assignment.

Students should feel free to use any relevant and valid previously located authorities.

Following are requirements for this assignment:

- ✓ *Three authorities required:*  
Rely upon at least three authorities (statutes, cases, etc.) in your Trial Brief. Students may use any combination of authorities, such as three cases, two cases and a statute, or whatever you prefer.
- ✓ *Validate:*  
*Shepardize* or *KeyCite* all cited material to ensure each relied upon authority is still good law.
- ✓ *Attach time sheet:*  
Keep track of your billable hours while researching and writing. Staple your time sheet to the back of the assignment or attach it if you are submitting electronically.
- ✓ *Turn in your client file:*  
Unless otherwise instructed, turn in your entire client file with the notice, motion, and brief properly filed in the pleading panel.

## § 9.11

**Social Media***Citing Online Sources*

It was not long ago that it was considered bad form to cite online sources (other than primary authority found on *Westlaw* or *Lexis*). Now it is not only acceptable, if used in support of primary sources the author can create powerful, hard-to-defend arguments.

**CITING AN ENTIRE WEBSITE**

In this case you do not need to include the citation in any list of references or *Table of Authorities* (although it is not forbidden). Just include the name of the website and its address within the text.

**Example:**

The question of a property owner having the right to require that customers wear facemasks is not as clear cut as it might first appear. Courts have diverged on the issue. The *Centers for Disease Control* has, with increasing assurance, declared that wearing facemasks protects against the spread of a virus more than it protects the wearer of the mask. (<https://www.cdc.gov/>)

**CITING A SPECIFIC QUOTE FROM A WEBSITE**

When including a specific quote from an online source, while not required, it is recommended to include the citation in your list of references or *Table of Authorities*. Include the name of the website and its address. Use a hanging indent of ½ inch or 5 spaces if used in a list of references, such as a *Table of Authorities*.

**Initially Cite the Quote Within the Document:**

According to the Centers for Disease Control, one should “Wear a Mask to Protect Others in case you’re infected with COVID-19 but don’t have symptoms.” (<https://www.cdc.gov/>)

**Then Provide the Full Citation in the Table of Authorities:**

Centers for Disease Control (2019) *Wear a Mask to Protect Others* (<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-wear-cloth-face-coverings.html>)

## § 9.12

## Remote Working

### *Getting Feedback*

#### ON THE RIGHT TRACK?

When working in a law office it is a simple matter to pop into the attorney's office to show him or her a work in progress. When working remotely, however, it is not quite so simple. Here are a few suggestions:

**Use examples and forms from the attorney**, especially if this is the first time you are creating a specific type of document (such as a Motion to Expand, or a Motion to Exclude). This will act as feedback as you compare your new document to the example.

**Get feedback** along the way. After drafting part of the assignment, ask your attorney if he or she will check it to make sure you are on the right track.

**Use a video conference to request feedback**, if possible. This way you can provide more information about where you are on the project as well as answering any questions the attorney might have.

**Start early.** Plan to finish the project ahead of schedule. This way you can get feedback, long before the due date, for a partially completed document, and you can get the finished product to the attorney early. This will also help if there end up being needed revisions.

**Learn from your mistakes.** If the attorney points out errors, or even just things that he or she prefers to be done differently, make a note of them and do your best to remember those suggestions in future assignments.

## CHAPTER 9

## Wrap-Up

#### WHAT YOU SHOULD KNOW

After reading this chapter you should know the following:

- A general familiarity with various motions
- The function of a *Motion*
- The function of a *Notice*
- The function of a *Brief*
- The structure of a combined *Motion, Notice, and Brief*
- The structure of separate *Motions, Notices, and Briefs*
- The structure and purpose of a *Table of Authorities*

#### ASSIGNMENTS

- Assignment § 9.9** Due Date:    /    /  
Using the results of your research on behalf of your client, prepare a *Motion for Summary Judgment, Notice, and Trial Brief*.

*Remember to keep track of your billable hours as you work on these projects. Turn in your time sheet with your finished assignments.*

*Unless you are instructed otherwise, turn the above assignment in as part of your Client File Folder, including all previous documents and indexes.*