

Good afternoon, everyone.

There has been a lot of discussion about how machine learning introduces or consolidates bias in AI due to its reliance on historical data. People across every walk of life may use machine learning, the method behind the current revolution in AI, for a vast range of purposes and, in professional contexts, to undertake a vast range of shortcuts. In many ways, the revolution of machine learning, which has placed computing on the path to artificial intelligence, and the revolution in thinking about the law, go hand in hand. Both are guided by prediction based on historical datasets. For us as barristers, we use statutes, case law, and legal doctrines as our historical datasets to guide our predictions, offer advice, and build our cases. Our datasets and precedents have been crafted and built upon by some of the greatest experts in the legal field for over a century. Core Duty 1 stipulates that barristers must observe their duty to the court in the administration of justice. This overrides all other Core Duties. Barristers must not mislead the court, and the court must be able to trust a barrister's submission.

What barristers ought to consider if they decide to use ChatGPT or any similar LLM software is that the historical data it is using to create its answers is based on pre-trained data and the World Wide Web. This means barristers would risk relying on information sourced from Wikipedia, Reddit, and other informal sources, in an attempt to take a shortcut from the work developed over the last century to form the answer that the legal world deserves.

Barristers' core duties are clear. Core Duty 3 – We must act with honesty and with integrity. Core Duty 4 – We must maintain our independence. Core Duty 5 – We must not behave in a way likely to diminish trust and confidence in the profession. It is unclear whether programmes using artificial intelligence, such as ChatGPT, are using the data people are giving them to continue their machine learning or whether it is being sold to private companies; however, if that is the case, Core Duty 6 would also be breached because it would mean that the affairs of the client are no longer confidential. Further, inputting confidential client material into a public AI system, if the model does use the data for further training, breaches the Data Protection Act 2018. The public has also witnessed cases of several

barristers being barred for using AI to prepare their research and write their cases, with one judge last month noting that a barrister who used AI in a tribunal hearing was citing cases that were “entirely fictitious” or “wholly irrelevant”. This also violates Core Duty 7, which requires us to provide a competent standard of work.

To conclude, generative AI introduce serious ethical risks due to issues surrounding confidentiality, accuracy, and accountability. It highlights laziness and lack of intellectual prowess and moral compass in a field which thrives on the contrary.