Delaware Bar Foundation AI Summit

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Thurgood Marshall State Law Library
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QR code for slides



Background

- Manage People's Law Library legal information website
 - Maryland's version of <u>Delaware Legal Help Link</u>
- Co-Chair, MSBA AI & Legal Technology Task Force
- Member, MD Judiciary Al Workgroup

Disclaimer

• The views, opinions, and information I share in this presentation are solely my own. They do not reflect the views, positions, or policies of my employer or any organization with which I am affiliated. Nothing presented should be taken as representing official statements on their behalf. Information about Maryland Judiciary projects is shared with permission.

Outline

- MD Judiciary pilot projects under way
 - Redaction
 - Transcripts
 - Chatbot
- MD Judiciary Al use policy
- MSBA workgroup
 - Ethics considerations
 - Firm templates
- SRL's use of GenAl

MD Judiciary Pilot Projects - Redaction

- Purpose: identify specific words that should no longer be publicly accessible
- **Pilot**: redacting cannabis related charges from court documents where a pardon has been issued
- **Tech solution**: <u>Tyler Technologies Document Automation</u> software
 - Formerly CSI Intellidact, purchased in 2023

MD Judiciary Pilot Projects - Transcripts

- Purpose: reduce cost of court transcripts
- **Pilot**: testing AI powered transcript generation in subset of family law cases involving custody determinations
- Tech solution: Courtsmart

MD Judiciary Pilot Projects - AIDA

- Artificial Intelligence Digital Assistant AIDA
 - Sidenote: stop anthropomorphizing Al!

Features

- Improved search of data repositories
- Typical chatbot features of summarization, rewriting, coding, etc.

Tech details

- Chatbot integrated into Teams
- Azure Al Foundry
- 32,000 token context window (~40 page PDF; same as ChatGPT Plus)
- Currently using GPT 4 (no reasoning capabilities)



Overview Permissions

Internal chatbot for use by judiciary employees to improve productivity.

AIDA uses information it finds on MDCourts, CourtNet, and WestLaw. It does not pull any information from the internet to respond to your questions. While chatbots like AIDA are powerful and can generate impressive results, they are not perfect and will make mistakes. To learn more about generative AI, please refer to the

X

Guidelines for the Acceptable Use of Artificial Intelligence (AI) Tools and Platforms.

App features

Bots

Complete tasks, find info, and chat using prompts

Created by: <u>Judicial Information Systems</u>

Version 1.0.4

Permissions Expand All

This ann will have permission to read and access





Q ...

1:49 PM

what are your sources of data?

AIDA 1:49 PM



My sources of data are the set of documents provided to me covering a broad range of topics regarding legal and government matters in the state of Maryland. These include Maryland statutes, judicial council meeting minutes, court technology committee reports, policy documents, employee handbooks, and other official records related to

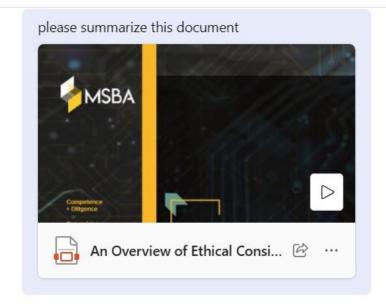








Q E ...



Last read

AIDA 1:59 PM



This document provides guidance for Maryland attorneys on the ethical use of Generative Artificial Intelligence (GAI) in legal practice. It emphasizes attorneys' duties under the Maryland Attorneys' Rules of Professional Conduct, including competence, diligence, confidentiality, candor, and supervision when using GAI tools. Attorneys must understand GAI's capabilities and limitations, verify AI-generated outputs, and maintain client confidentiality by vetting AI vendors and securing client consent when appropriate. Supervisory attorneys should establish firm-wide AI policies and training. Fee adjustments should reflect efficiencies gained from GAI use. Attorneys must ensure AI-generated marketing and legal content is accurate and not misleading, avoiding bias and false information. The document stresses that GAI should assist, not replace, professional judgment, and encourages ongoing education to address evolving AI ethical challenges.





tell me about child custody and how to get custody of my kid in a divorce

AIDA 2:03 PM



In Maryland, child custody in a divorce involves two main types: physical custody (parenting time) which determines when and where the child spends time with each parent, and legal custody (decision-making authority) which covers major decisions about the child's welfare such as education, health, and religion. Parents can create a parenting plan (custody agreement) outlining these arrangements, which can be filed with the divorce complaint or later. If parents cannot agree, the court will decide based on the best interests of the child, considering factors like the child's needs, each parent's situation, and family circumstances.

To seek custody, a parent files a Complaint for Custody (form CC-DR-004) in the Circuit Court where the child or parent lives, pays a filing fee (which may be waived if unaffordable), and serves the other parent with the complaint. Temporary custody (pendente lite custody) can be requested during the case to provide care arrangements while the court process is ongoing. Emergency custody orders may be granted in urgent situations involving immediate risk to the child.

The court may refer parents to family services such as mediation, evaluations, and co-parenting education to help resolve disputes. If custody arrangements need to be changed after the divorce, a formal petition to modify custody can be filed, requiring proof of a substantial change in circumstances.

Maryland law presumes both parents are natural custodians, with no preference for mother or father, and focuses on the child's best interests in all custody decisions. Parents are encouraged to put agreements in writing to avoid future conflicts, and contested custody cases are heard by a judge or magistrate.

For more detailed guidance, forms, and resources, parents can visit mdcourts.gov/custody and related Maryland Judiciary websites.

If you want, I can provide specific forms or detailed steps for filing custody or creating a parenting plan.

what are your sources?

9

AIDA 2:04 PM



Here are the sources I used to provide information about child custody and how to get custody of your child in a divorce in Maryland:

1. Maryland Courts Legal Help - Divorce and Children:

This source explains that a divorce decree can address child custody (parenting time and decision-making authority) and child support. Parents can create a written parenting plan to file during divorce. If parents cannot agree, the court decides based on the best interests of the child. It also describes forms like the Joint Statement of the Parties Concerning Decision-Making Authority and Parent Time (CC-DR-110) used when parents disagree. The court may refer parents to family services such as mediation and evaluations. Custody arrangements can be modified later if circumstances change.

Source: http://www.mdcourts.gov/legalhelp/family/divorce

2. Maryland Courts Video Transcript on Divorce and Children:

This document discusses custody terms, parenting plans, filing procedures, and court involvement if parents cannot agree. It emphasizes the best interests of the child standard and the possibility of modifying custody orders.

Source: http://www.mdcourts.gov/sites/default/files/import/video/transcript/divorcechildren.pdf

3. Maryland Courts Family Fact Sheet on Divorce:

This fact sheet covers child support and custody in divorce, including financial statements required based on income, parenting plans, and court decisions when parents disagree.

Source: https://www.mdcourts.gov/sites/default/files/import/family/pdfs/familyfactsheetdivorce.pdf

4. People's Law Library of Maryland - Child Custody:

This source explains the process of filing for custody, the court's jurisdiction, types of custody (legal, physical, joint, sole, temporary), pendente lite (temporary) custody, emergency custody, and the best interests of the child standard. It also discusses custody rights of non-parents like grandparents and the importance of parenting plans.

Source: https://www.peoples-law.org/child-custody-maryland

5. Maryland Court of Special Appeals Decision on Custody:

This case discusses joint legal custody arrangements, parental cooperation, and the best interests of the child standard in custody decisions.

Source: https://www.mdcourts.gov/data/opinions/cosa/2004/2349s03.pdf

These sources collectively provide detailed guidance on child custody in Maryland divorce cases, including how to seek custody, the types of custody, the court's role, and the importance of parenting plans and the child's best interests. If you want, I can help you find specific forms or detailed steps for filing custody or creating a parenting plan.

MD Judiciary Employee Al Use Policy

- Use only approved platforms
- Must have supervisor approval to use GenAl
- Don't input confidential data assume all prompts become public
- Verify output
 - Check for confabulations (hallucinations)
 - Be aware of bias

MSBA Al Workgroup

April 2025: published <u>An</u>
 Overview of Ethical
 Considerations for Attorney
 Use of Generative Artificial
 Intelligence Technologies

- Competence + Diligence
- Supervision + Responsibilities
- Confidentiality + GAI Risks
- Scope of Representation,
 Communication, + Fees
- Advertising + GAI-Generated Content
- Candor, Misrepresentation,+
 GAI

GenAl Policy – Competence & Diligence

- Approach legal research with GenAl with caution
- Check the citations carefully
- Especially check other people's citations

GenAl Policy – Supervision & Responsibilities

- Have a GenAl policy
- Talk about it, train staff about it, enforce it
- Update when needed you'll encounter new situations at first that you didn't think about

GenAl Policy – Early access

A draft is available on the webpage

- SRLs are using GenAl already
 - Legal research
 - Drafting documents

• Example: SRL in Missouri sanctioned \$10,000, in part, for submitting fake citations.

 "Appellant's actions in pursuing this appeal have required Respondent to expend more resources than necessary to decipher the record and arguments as well as to identify the fictitious cases Appellant wrongly presented to this Court."

Hallucination tracker

 General chatbots, like ChatGPT, should not be used by SRLs for legal research or drafting

Some amount of expert knowledge is critical

• Microsoft study: [L]ower self-confidence may lead users to rely more on AI, potentially diminishing their critical engagement and independent problem solving skills. This reliance on AI can be seen as a form of cognitive offloading, where users depend on AI to perform tasks they feel less confident in handling themselves.

Chatbots and Unauthorized Practice of Law

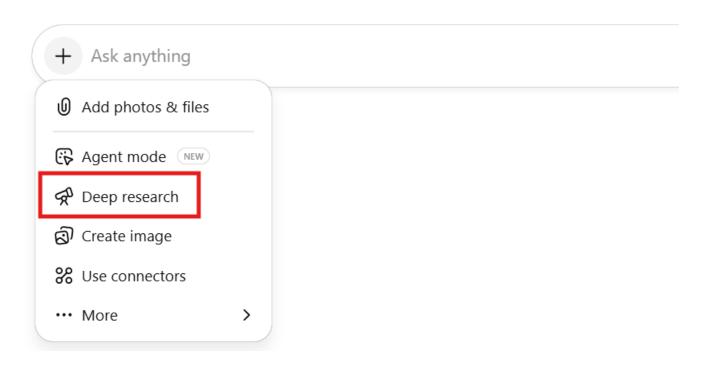
- Many, Many practical roadblocks
 - How to "certify" a chatbot?
 - How to get users?
 - How to fund?
 - Private attorney use?
- Further reading
 - National Center for State Courts <u>Modernizing unauthorized practice of law regulations to embrace technology, improve access to justice</u>
 - <u>Certifying Legal AI Assistants for Unrepresented Litigants: A Global Survey of Access to Civil Justice, Unauthorized Practice of Law, and AI</u>

Further discussion topics

Legal research

Writing

Hey, Leland. Ready to dive in?



I am looking for early Maryland authorities (pre-19th century preferred, but anything before 1850 or so is helpful) concerning the law of self-defense. Self defense may also be spelled "self defence." Additionally, self defense may be discussed in the context of homicide or murder. Sources could include court opinions, legal treatises, practice guides, etc. Any help you can provide would be greatly appreciated.

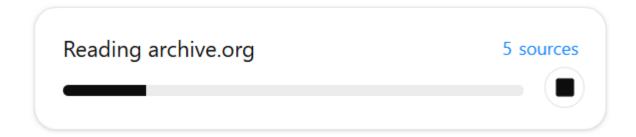
To help find early Maryland authorities on self-defense law, could you please clarify the following:

- **1.** Are you looking specifically for *Maryland* sources only, or are regional or influential national sources also acceptable if they were cited or used in Maryland courts?
- 2. Would you like me to include both published and manuscript decisions (e.g., if early court records or archives are available)?
- **3.** Do you have access to subscription-based legal databases (e.g., HeinOnline, Lexis, Westlaw), or do you prefer publicly accessible sources?

Let me know so I can tailor the research more precisely.

Thank you. I'll compile a list of early Maryland authorities (pre-1850 preferred) that address the law of self-defense, including variant spellings like "self-defence," especially in the context of homicide or murder. This will include citations to court opinions, early treatises, and practice guides from Maryland, with relevant regional or national sources if influential in Maryland jurisprudence. I'll prioritize sources with accessible citations, particularly from HeinOnline or Westlaw where available.

I'll let you know once the research is complete.



Research completed in 8m · 36 sources · 271 searches



Early Maryland Authorities on Self-Defense Law

Common-Law Foundations of Self-Defense (17th–18th Century)

Maryland's early law of self-defense was rooted firmly in English common law principles enwikipedia.org. Under the common law, killings fell into categories of justifiable homicide (completely lawful killings) or excusable homicide (killings done in self-defense or by accident, which were partially excused) caselaw.findlaw.com. Sir William Blackstone explained that homicide in necessary self-defence (se defendendo)—committed to save one's own life or to prevent a forcible felony—was d \downarrow ed excusable rather than murder caselaw.findlaw.com.

X Preview
PDF Document (.pdf)
Early Maryland Authorities on Self-Defer
Microsoft Word Document (.docx)

can you include citations to print resources in addition to the electronic resources?

Thanks for your request. To tailor the citations accurately, could you please clarify:

- 1. Do you have access to any specific libraries (e.g., university law library, Maryland State Law Library) where print resources should ideally be held?
- **2.** Would you like full bibliographic citations (publisher, year, edition) for print treatises and court reporters?
- **3.** Should I prioritize locating early Maryland case law in print volumes like Harris & McHenry, Harris & Johnson, etc., or focus more broadly on treatises and legal commentary?

Hello, Leland

I am looking for early Maryland authorities (pre-19th century preferred, but anything before 1850 or so is helpful) concerning the law of self-defense. Self defense may also be spelled "self defence." Additionally, self defense may be discussed in the context of homicide or murder. Sources could include court opinions, legal treatises, practice guides, etc. Any help you can provide would be greatly appreciated.

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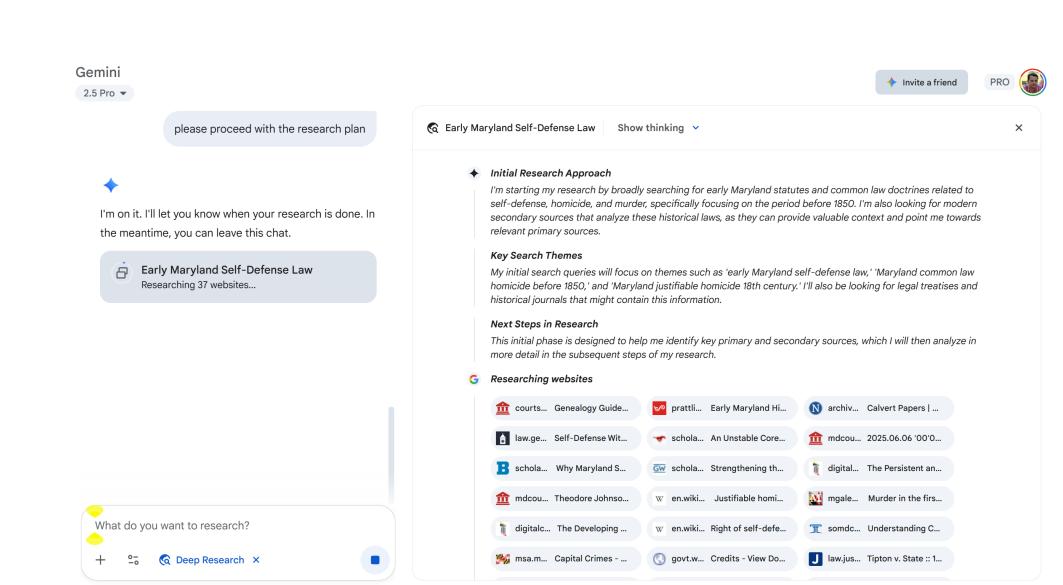


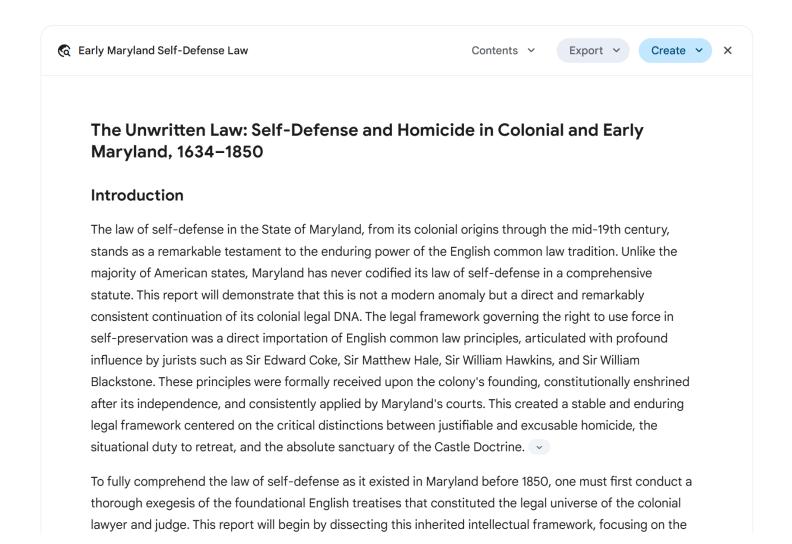


I've put together a research plan. If you need to update it in any way, let me know.

Early Maryland Self-Defense Law Research Websites (1) Search for Maryland statutes and common law doctrines concerning self-defense, homicide, and murder that were established before 1850. (2) Identify and analyze Maryland court opinions and judicial records from the pre-1850 period that interpret and apply the law of self-defense. (3) Locate legal treatises, practice guides, and other scholarly legal texts published in or about Maryland before 1850 that discuss criminal law, focusing on justifications for homicide such as sel... More **Analyze Results Create Report** Ready in a few mins Edit plan Start research

- (1) Search for Maryland statutes and common law doctrines concerning self-defense, homicide, and murder that were established before 1850.
- (2) Identify and analyze Maryland court opinions and judicial records from the pre-1850 period that interpret and apply the law of self-defense.
- (3) Locate legal treatises, practice guides, and other scholarly legal texts published in or about Maryland before 1850 that discuss criminal law, focusing on justifications for homicide such as self-defense.
- (4) Investigate modern secondary sources, such as law review articles and historical journals, for analysis and citation of primary Maryland legal authorities on pre-1850 self-defense law.
- (5) Synthesize the collected information to outline the key elements required for a successful self-defense claim in early Maryland law, including:
- (a) The duty to retreat
- (b) The imminence and nature of the threat
- (c) The principle of proportional force
- (d) The distinction between justifiable and excusable homicide
- (6) Compare Maryland's early self-defense doctrines with the prevailing English common law principles of the same era to identify any unique local interpretations or developments.





Gemini for Legal Research

1.1 The Spectrum of Homicide: Justifiable, Excusable, and Felonious

The common law did not treat all killing as a single offense. Instead, it meticulously categorized homicide into three distinct branches: justifiable, excusable, and felonious. Justifiable homicide carried no legal guilt whatsoever and resulted in a complete acquittal. Excusable homicide, while not criminal, implied a minor degree of fault and, in the early common law, carried the penalty of forfeiture of goods, requiring a royal pardon for full absolution. Felonious homicide was the category for culpable killings and was itself subdivided into murder and manslaughter.

Blackstone's Commentaries on the Laws of England ... - Avalon Project

Blackstone's Commentaries on the Laws of England ... - Avalon Project

3-4 December 1770 - Founders...



avalon.law.yale.edu/18th_c...

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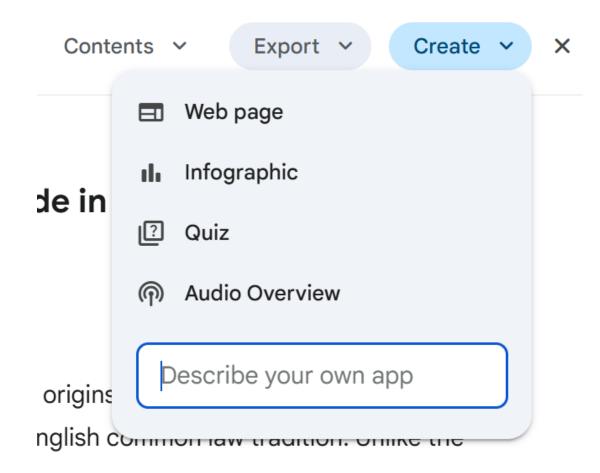
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founders.archives.gov/doc...

Adams' Argument for the Defense:

Gemini for Legal Research



ChatGPT vs. Gemini for Legal Research

- DO NOT USE AS A SOURCE OF TRUTH
- Best for topics with public domain sources
 - o Pre 1930
- Identify secondary or primary sources
- ChatGPT has better annotated citations
- ChatGPT's substantive summary generally more helpful
- Gemini's responses are longer and more superficial
- Gemini's citations are voluminous, but terser and harder to locate

ChatGPT vs. Gemini

- Locate secondary sources
 - Particularly in unfamiliar areas of law

Responses on webpage

- Analysis and research
- Summarize and query many large documents
- Learn about a topic
- Create outlines
- Quickly check citations

PDFs, websites, audio files, and Google docs

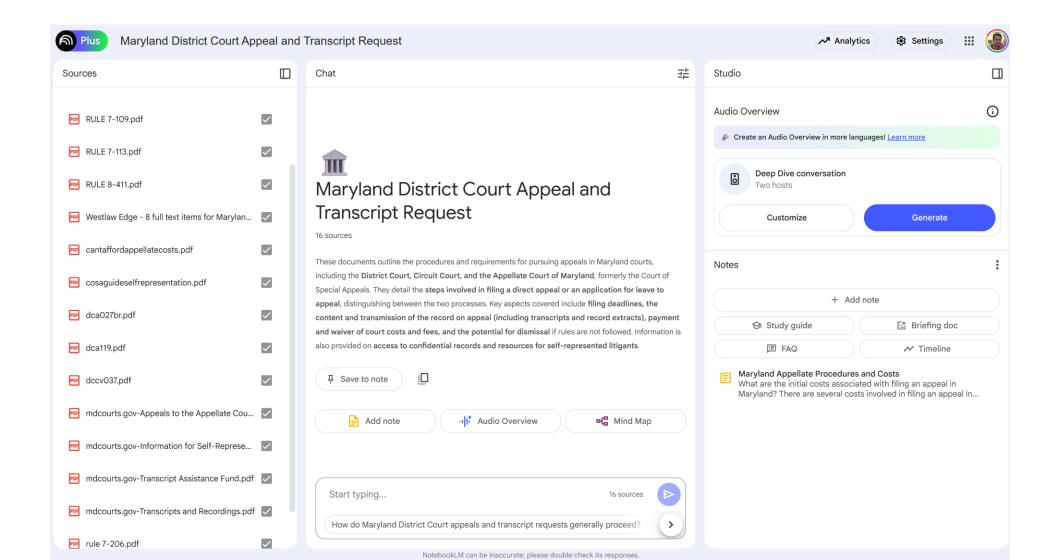
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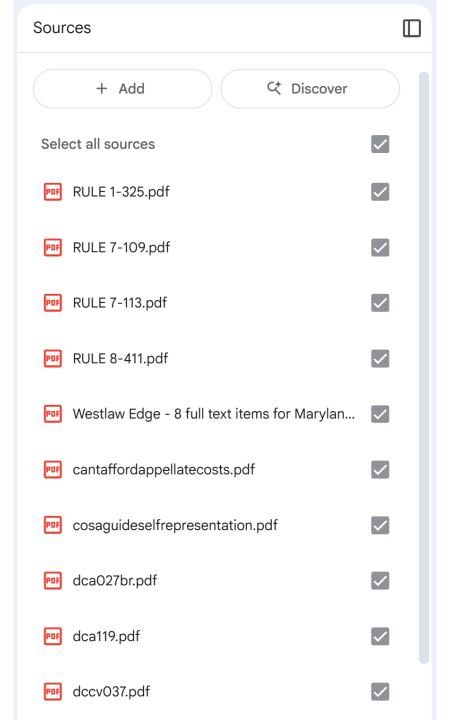




Welcome to NotebookLM Plus





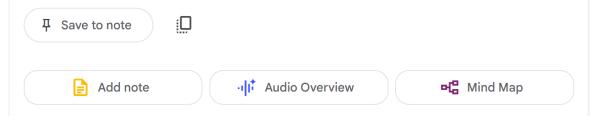






16 sources

These documents outline the procedures and requirements for pursuing appeals in Maryland courts, including the District Court, Circuit Court, and the Appellate Court of Maryland, formerly the Court of Special Appeals. They detail the steps involved in filing a direct appeal or an application for leave to appeal, distinguishing between the two processes. Key aspects covered include filing deadlines, the content and transmission of the record on appeal (including transcripts and record extracts), payment and waiver of court costs and fees, and the potential for dismissal if rules are not followed. Information is also provided on access to confidential records and resources for self-represented litigants.



Start typing...

16 sources

How do Maryland District Court appeals and transcript requests generally proceed?

Configure Chat

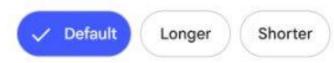
Notebooks can be customized to work as a virtual research assistant, a personal tutor, a shared knowledge-base/help center, and more.

Define your conversational style



Best for general purpose research and brainstorming tasks.

Choose your response length



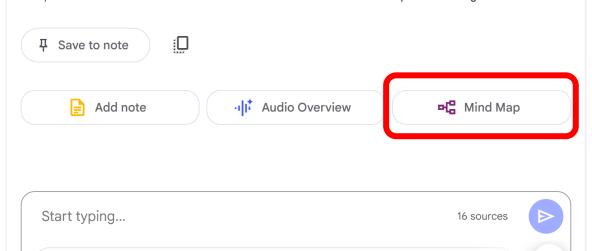
Chat



Maryland District Court Appeal and Transcript Request

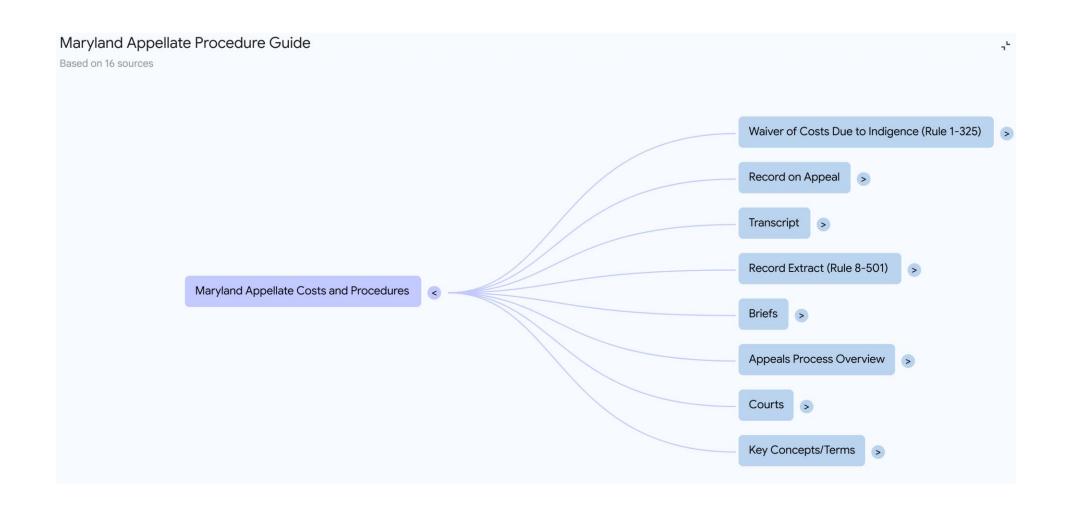
16 sources

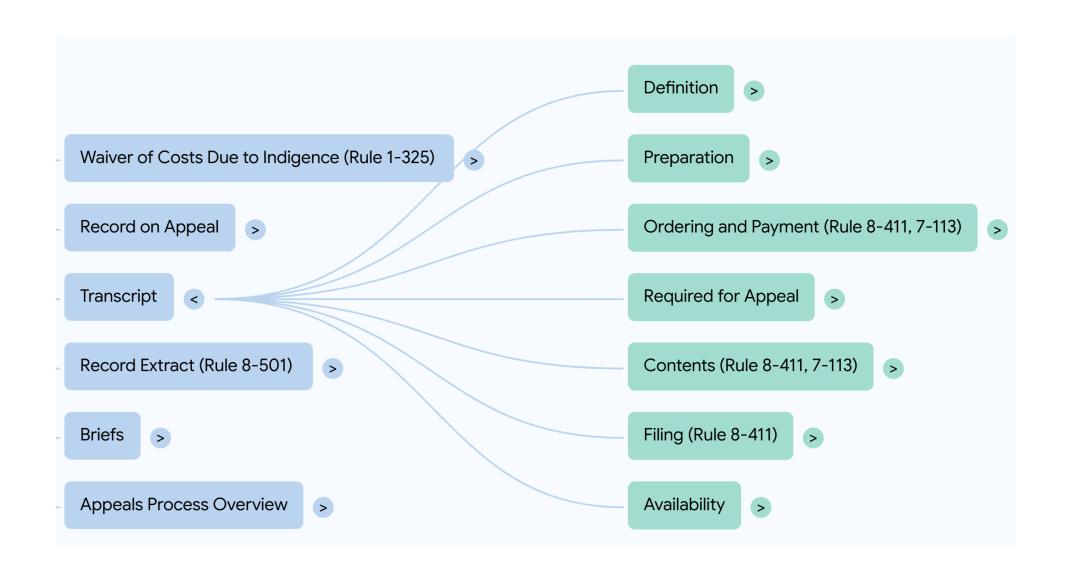
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How do Maryland District Court appeals and transcript requests generally proceed?

>





Discuss what these sources say about Preparation, in the larger context of Transcript.

Based on the sources provided, the concept of "Preparation" in the context of a Transcript in Maryland Appellate Costs and Procedures primarily refers to the process of creating the written document from the original recording of lower court proceedings, the associated costs, and the responsibilities for ensuring this preparation and its inclusion in the record.

Here's what the sources say about Transcript Preparation:

1. What is Prepared?

- A transcript is the **written version** of everything that was said during the trial or hearings in the lower court 1
- Specifically, it involves the **transcription** of testimony 1 ..., or that part of the testimony the parties agree is necessary 3

1. What is Prepared?

- A transcript is the **written version** of everything that was said during the trial or hearings in the lower court 1
- Specifically, it involves the t testimony the parties agree
- It also includes a **transcript** recorded 1
- For recordings made by videntless the appellate court complete and accurate real

A Civil Appeal Information Report is not required in criminal cases, juvenile causes, appeals from guardianships terminating parental rights, appeals from actions for a writ of error coram nobis, and

applications and appeals by prisoners seeking relief related to confinement or conditions of confinement.

Review Md. Rules 8-205 & 8-206.

cosaguideselfrepresentation.pdf



Review Md. Rule 8-205(c) for the precise due date.

The Civil Appeal Information Report is filed with the Clerk of the Court of Special Appeals. If you are the appellant, be sure to complete the form and the Certificate of Service on the last page. Also, attach a copy of the Notice of Appeal and a copy of the written order or judgment of the circuit court.

Failure to file the Civil Appeal Information Report on time may result in the dismissal of the appeal.

Sometime after the filing of the Civil Appeal Information Report, the Court of Special Appeals will enter an order directing the case to proceed without a pre-hearing or scheduling conference or directing the parties to appear for a pre-hearing or scheduling conference. Most cases will proceed without a pre-hearing or scheduling conference.

A Civil Appeal Information Report is not required in criminal cases, juvenile causes, appeals from guardianships terminating parental rights, appeals from actions for a writ of error coram nobis, and

applications and appeals by prisoners seeking relief related to confinement or conditions of confinement.

Review Md. Rules 8-205 & 8-206.

4. Transcripts The appellant must timely order and pay for all

transcripts of the lower court proceedings that are relevant to the Court of Special Appeals' review of the case on appeal. A transcript is the written record of everything that was said in the lower court during the trial or hearing. Rule 8-411(a) specifies what transcripts are required.

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◆ Source guide

Summary

This guide from the Maryland Court of Special Appeals provides essential information for non-lawyers navigating the appellate process in Maryland. It clearly distinguishes between a direct appeal and an application for leave to appeal, explaining when each is required and the strict deadlines and filing requirements associated with both. The document outlines the steps involved in pursuing an appeal, from filing the initial notice or application to preparing necessary documents like the record extract and briefs, and understanding the court's decision and mandate. It also includes helpful resources such as a glossary, fee schedules, and sample forms to aid those representing themselves.

Key Topics

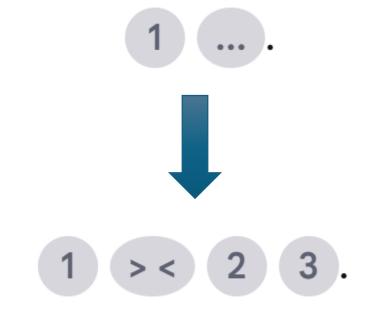
Self-Representation G...

Appellate Court Revi...

Notice of App...

Application for Le...

Filing Requireme...



please distinguish the difference between preparation of transcripts when appealing from district court to circuit court, versus appealing from the circuit court to the appellate court

Based on the provided sources, there are notable differences in the preparation and handling of transcripts when appealing from the District Court to the Circuit Court compared to appealing from the Circuit Court to the Appellate Court (formerly the Court of Special Appeals) 1

Here's a breakdown of the distinctions:

1. Appeals from District Court to Circuit Court:

• When Required: A transcript of the District Court proceeding is a required component of the record *only* for appeals in a civil action where the amount in controversy exceeds \$5,000 (or \$2,500 if the case was filed prior to October 1, 2003), *if* the appeal is heard on the record 5 Not all appeals from District Court to Circuit Court require a transcript; this requirement is specific to certain civil cases heard on the record above a monetary threshold 5

What I use it for

- New article drafting
 - Learning about and synthesizing a new topic quickly
 - Preparing an outline
- Searching for a citation
- Podcast feature is useful if topic is boring

Demo using opinion mentioned earlier

Other uses

Compare different positions on a topic

 Compare specific clauses or terms in multiple contracts

Brainstorm questions for discovery, witnesses, etc.

Observations

- Lots of sources is important
- Statements can come from the wrong context
- Remembering a project
 - ONLY USE PUBLIC DATA!!

Cost

- Free to use
 - Up to 50 sources per notebook
 - o 500,000 words or up to 200MB for uploaded files
 - Share a notebook
- \$20 per month
 - Up to 300 sources per notebook
 - Share notebooks
 - Sharing controls (for example share only the chat)