

# Law Related Education

The newsletter of the Illinois State Bar Association's Committee on Law Related Education

## 'Our Jobs are Doomed': The Rise of the Use of AI- Based Programming Within the Professional World

BY BRITTANY J. SHAW

Recently, the use of Artificial Intelligence or "AI" has become a topic of conversation at the workplace, dinner table, and even the beauty salon. While it has always been understood (and begrudgingly accepted) that technological advances result in less need for skilled laborers, the use of AI has brought on a whole new fear: the loss of the

need for human assistance in general.

While this seems like an impending disaster, I am here to tell you that it will be a while before AI takes over the world.

In its current stage of development, many companies who specialize in machine learning and/or data analysis are hiring

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## Preferential Treatment at Harvard

BY MADONNA T. LECHNER

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color and national origin by postsecondary educational institutions that receive federal financial assistance. The regulations implementing the Act prohibit a recipient of federal funds from utilizing criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin. In July 2023, the Chica Project, African Community Economic

Development of New England, and Greater Boston Latino Network filed a complaint (#01-23-2231) with the U.S. Department of Education, Office for Civil Rights, that alleged Harvard University engages in such discrimination.

The Chica Project is a Massachusetts nonprofit organization that provides educational benefits to women of color. The African Community Economic Development of New England is a Boston-

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teams of experts across various professions to train AI chatbots. Training includes feeding the bot a prompt, which could be a question or a command, and thereafter analyzing its responses. If an acceptable response is not generated, the professional has the task of assisting the bot with developing the perfect response. However, given technical glitches and human fallibility in general, this hasn't proved to be an easy process.

Think of an AI system as a large database. The database can be used to store information, but can also be programmed to retrieve information as well. It would take an immense amount of time and configuration to upload, review, and develop the proper algorithms to train the system to produce the perfect response. In doing so, human assistance is entirely necessary. The system cannot learn to be like US, without US. There are many aspects of humanity, such as the ability to process logic and reason, in conjunction with the ability to feel and express emotion, that cannot be adequately programmed into a machine without detrimental effects to society and societal systems.

### What Does This Have to Do With Law?

You may have heard in recent news that a lawyer used an AI-based service called "ChatGPT" to draft a document that was later filed with the Court. Unfortunately, it was discovered soon after that the cases cited in the filing were not on point. In fact, they didn't exist at all.

In what has been referred to as an "AI hallucination," the bot will include case law, complete with page citations, to a document in an effort to satisfy the user request regardless of whether said case actually exists. The issue was discovered when opposing counsel was unable to find and review the cited law to verify the holding. Naturally, this has brought on concerns about the use of AI in the legal profession, its shortcomings, and whether lawyers should

be sanctioned when they inadvertently submit false information to the Court.

That being said, the use of AI in law is likely a concern to be addressed by the ABA and other state ethics boards in the near future. Under the ABA Model Rules of Professional Conduct:

**"a lawyer shall not knowingly make a false statement of fact or law to a tribunal or fail to correct a previously made false statement of material fact or law... previously made by the lawyer."** Model Rules of Professional Conduct R. 3.3 (2023)

Traditionally, all filings submitted by the lawyer bearing their signature are viewed as statements by the lawyer. When you file a document, you are knowingly asserting to the court that the information contained therein is true to the best of your knowledge. In the case of the unchecked use of AI, it is difficult to say whether the actual misrepresentation of law was made knowingly. However, lawyers are also ethically required to do their due diligence in obtaining accurate information. As it stands, the use of AI in the legal profession invokes several ethical rules which may necessitate a new rule altogether. In light of this, it is imperative that members of the legal profession exercise caution in using AI based programming to increase efficiency. Due to the shortcomings of AI programs and the continued need for training, analysis, and re-training, it doesn't appear likely that we will be replaced by robots any time soon. ■

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Published at least four times per year.

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## Preferential Treatment at Harvard

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based nonprofit organization that fosters academic development of African refugees and immigrants. The Greater Boston Latino Network is a collective of community organizations that addresses under-representation of the Latinx community in Boston.

At issue is Harvard's practice of granting special preference to students applying for admission whose relatives attended the university or who are donors. The complainants claim that students benefiting from these preferences are predominately Caucasian and frequently less qualified than minority applicants who do not qualify for the preferences. The preferences in the complainants' view have the detrimental effect of excluding academically superior minority students for admission. It is the position of the complainants that Harvard's failure to end the preferences constitutes a denial of equal protection to highly qualified minority students. They argue that Harvard's use of the preferences creates a significant, disparate impact on minority students that is not justified by educational necessity.

To support their allegations, the complainants state that 70 percent of donor-related and legacy applicants are Caucasian. They further state that the proportion of students accepted under the preferences constitutes up to 15 percent of Harvard's admitted students. In addition, the complainants report that donor-related and legacy applicants are six to seven times more likely to be admitted than applicants ineligible for the preferences. Moreover, the complainants contend that the preferences are granted without regard to the applicants' credentials or merits. Such factors applied to students ineligible for preferences include standardized test scores, transcripts, extracurricular activities, athletics, awards, teacher and guidance counselor recommendations, personal statements, and additional supplemental essays or academic material. According to the complainants, experts have estimated that roughly three-quarters of Caucasian students accepted under the preferences would have been rejected but for the legacy and/or donor relationship. Finally, the complainants state

legacy and donor applicants are nearly 20 times more likely to be interviewed by a member of Harvard's admissions office.

Emerging from the complainant's charge is the theory that a postsecondary educational institution may not discriminate through inaction. Harvard has declined to address the racial imbalance of students admitted under the preferences. The complainants view the policy as a barrier to open admissions, a deterrent to equal educational opportunity. Underlying this is the position that federally assisted institutions of higher education have a legal obligation to do all within their power to equalize educational opportunity for all students applying for admission.

The U. S. Department of Education is authorized to refer Harvard to the U. S. Department of Justice for enforcement action if the university is found in violation of Title VI and refuses to take corrective action. This could result in a penalty of withholding of federal funding for university programming. ■

# Why I Chose to Take a Gap Year Before Law School

BY ISABELLA PROVINZINO

In the months leading to my college graduation, I finished the Law School Admissions Test (LSAT) and was beginning to fill out my applications to law schools. I was faced with a decision: Go directly to law school or take time off. Arguably, there is some value to starting graduate classes right away. However, there is not much conversation about taking time off from school.

It is important for new graduates to consider the benefits of taking a gap year. By my senior year of college, I was feeling mentally fatigued. I was not ready to commit

to three years of graduate school. I needed to do something different and gain some experience. I also wanted a year to earn money and repay student loans.

I have had the opportunity to clerk for a family law firm in Chicago. As a clerk, I gained first-hand knowledge of marital dissolution issues. I worked with attorneys and paralegals. I observed complex interaction between attorneys and clients. I worked with various teams in completing difficult projects. I became accustomed to the inner workings of a fast-paced law firm and formed relationships with attorneys who

will continue to help me understand the legal profession. These experiences solidified my desire to attend law school. I encourage new graduates thinking about law school to consider taking a gap year and clerking for a law firm. ■