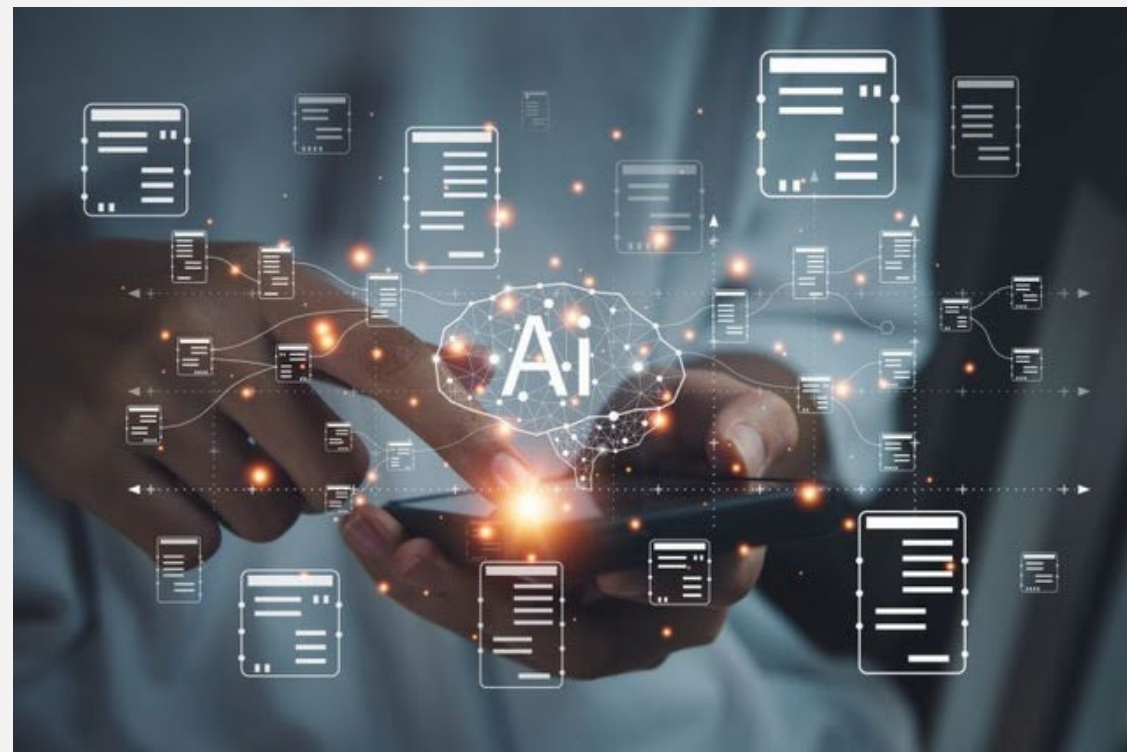


Beyond the Hype:
Real-World Applications
and Ethical Implications of
AI in Legal Practice

February 28, 2025



**Federal Bar
Association**
San Diego Chapter

Outline of Presentation

- Introductions to Panelists (2 mins)
- Introduction to AI (8 mins)
- How AI is being used in the Judiciary (15 mins)
- What are Litigators doing with AI? (10 mins)
- Regulatory Issues (10 mins)
- Takeaways for Practitioners (5 mins)
- Q&A (10 mins)

Speakers



Hon. Allison H. Goddard



Prof. James M. Cooper

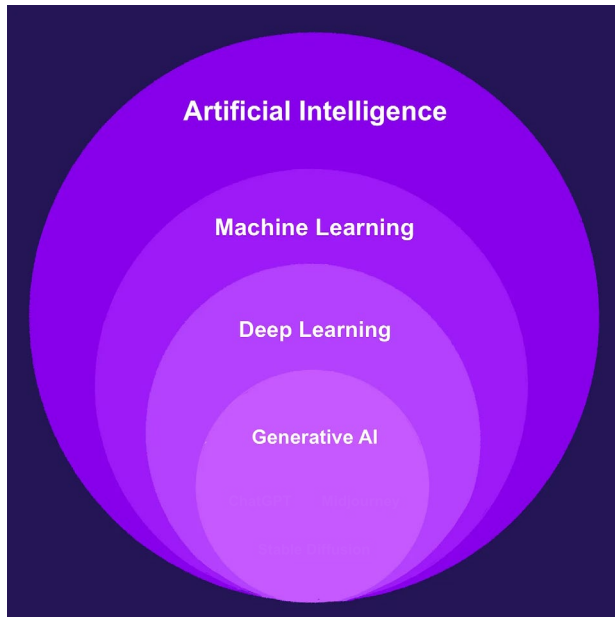


Kashyap Kompella, CFA

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What is AI and why should you care about AI?



Harvard
Business
Review

AI And Machine Learning | ChatGPT Is a Tipping Point for AI

AI And Machine Learning

ChatGPT Is a Tipping Point for AI

by Ethan Mollick

December 14, 2022



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Alternative Resourcing	Accounting & Billing	Business Development	Finding Experts	Case / Records Management	Board Governance	IP Filing	Contract / Document Analysis	eDiscovery	Due Diligence	Consumer Marketplaces
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Legal Service Marketplaces	Legal Spend Management	Client Onboarding	Knowledge Search	Matter Intake / Triage	Data Privacy Compliance	IP Search & Monitoring	Contract Completion	Evidence Management		Employment
Recruitment	Pricing & Profitability Analysis	CRM	Legal Analytics	Project Management & Planning	Guidance Applications		Contract Lifecycle Management	Litigation Analytics		Family
	Time / Task Recording & Analysis	Managing Conflicts	Legal Research		Internal Audit		Document Automation	Online Dispute Resolution		Legal Docs as a Service
			News & Current Awareness		Regulatory Compliance		Document Management			Legal Services
			Technology Know-how		Risk Management		Document Review			Personal Injury
							Drafting Support			Real Estate
							Obligations Management			Wills, Tax, Trust & Probate Services

ChatGPT and Legal Services



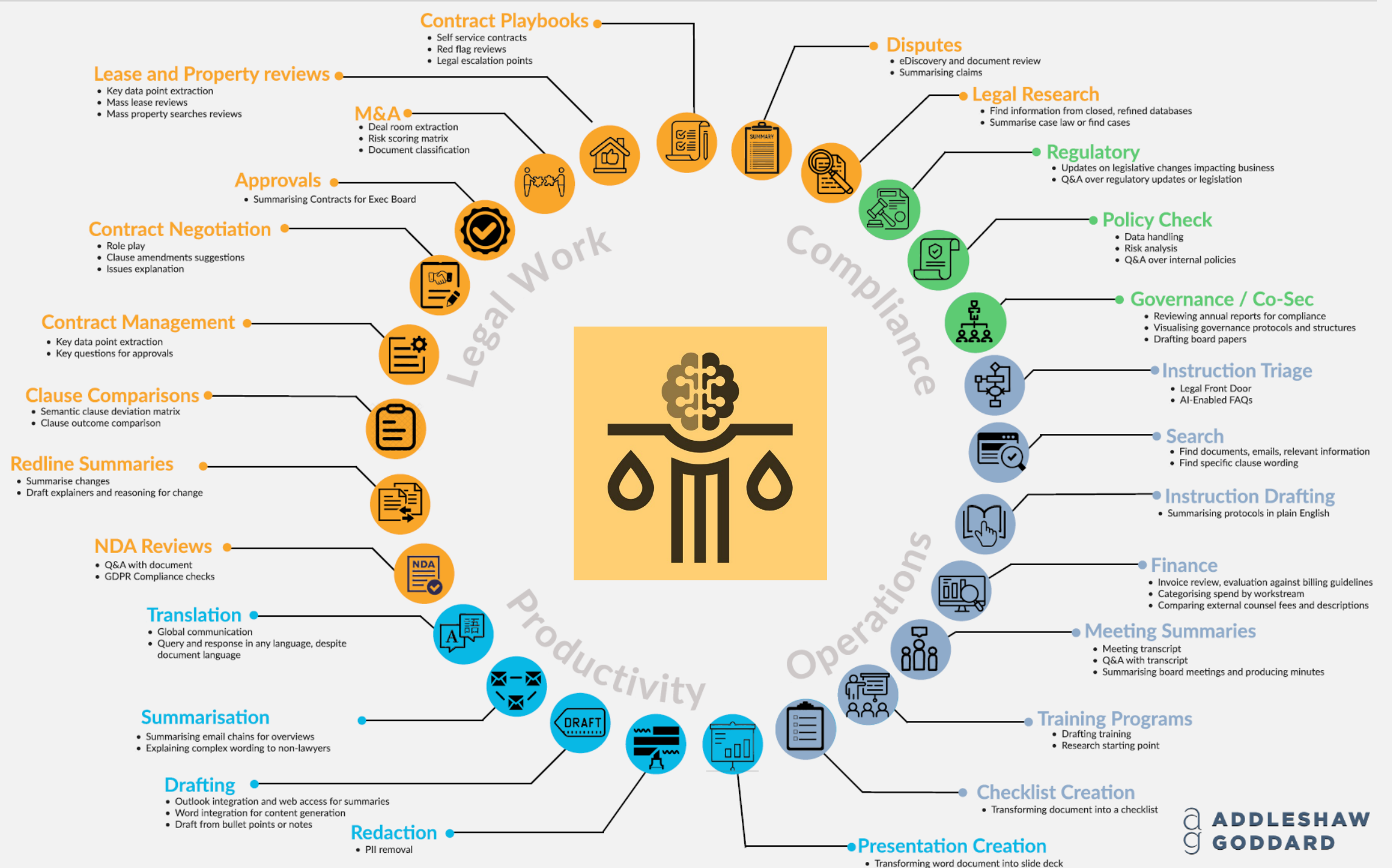
CENTER ON THE
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The Implications of ChatGPT for Legal Services and Society

Andrew Perlman

“For the legal industry, ChatGPT may portend an even more momentous shift than the advent of the internet”

Andrew Perlman,
Dean, Suffolk University Law School



Challenges for Generative AI Uses in Law



“Large Language Models are not built for accuracy-related tasks

legal data is largely proprietary

legal knowledge and practice are not entirely encased in text alone”

Outline of Presentation

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Concerns about Use of GenAI

- Confidentiality
- Information security
- Bias
- Complacency

Best Practices

- Understand the Terms of Service – ensure that user inputs and outputs are not used to train the model
- Do not use open source GenAI tools for research
- Review and verify any output from a GenAI tool
- Have a written policy for how GenAI can be used in your chambers

Illustrative Tools

- Claude.ai (as an exemplar for related publicly available GenAI tools like ChatGPT, Gemini, CoPilot, etc.)
- Westlaw Quick Check Judicial
- CoCounsel 2.0
- NotebookLM by Google

Claude.ai

AG What are some analogies I could use to describe an attorney who has overstated the importance of a case to their legal issue?

Let me offer some fitting analogies for an attorney exaggerating a case's significance:

1. Like a fisherman turning a minnow into a whale story - what started as a small catch grows bigger with each telling
2. Similar to a meteorologist treating every cloudy day like an incoming hurricane - raising unnecessary alarms when routine weather is expected
3. Like someone claiming they've found a revolutionary new recipe when they've just added an extra pinch of salt to an existing dish
4. Comparable to treating a paper cut as if it requires emergency surgery
5. Like calling a puddle the Pacific Ocean - technically they're both bodies of water, but the scale comparison is absurd

Would you like me to elaborate on any of these or explore other analogies that might better fit your specific context?

 Copy  Retry  



Claude can make mistakes. Please double-check responses.

Claude.ai

Stein Verdict
Form

PDF

AG I am attaching a draft special verdict form. Give me three alternatives for the questions in the verdict form that make it more easy to understand to a non-lawyer

I'll help you create more user-friendly versions of the special interrogatories that would be easier for jurors to understand.



Alternative Jury Verdict Form Versions

Click to open document

I've created three different versions of the verdict form, each taking a different approach to making the questions more accessible to non-lawyers:

1. Version 1 uses plain language and focuses on making each question as clear as possible while maintaining the legal meaning.
2. Version 2 takes a Q&A format approach, with more context and clearer answer choices. This version might be especially helpful for jurors who prefer having more explanation.
3. Version 3 uses a timeline approach, organizing questions based on when things happened in the case, which might help jurors connect the questions to the evidence they heard.

Key improvements across all versions include:

- Removing legal jargon
- Using shorter sentences
- Adding context where helpful
- Making the yes/no choices clearer
- Using more natural language
- Organizing related questions together

Would you like me to modify any of these versions or would you prefer a different approach entirely?

Copy Retry

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AG Please provide a one paragraph explanation of the tax concept of FDII, or foreign-derived intangible income. The paragraph should be at the level of an eighth grade reader.



Foreign-derived intangible income, or FDII, is a special tax rule for U.S. companies that sell products or services to customers in other countries. It's designed to encourage American businesses to sell more things overseas. Basically, if a U.S. company makes money from selling to foreign customers, they might pay less taxes on that money. This applies to things like selling software, patents, or providing services to people in other countries. The government created this rule to help U.S. companies compete better with businesses from other countries and to keep jobs and business activities in the United States.

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AG Thanks. I think I need it to be slightly more sophisticated in language. Could you provide the explanation at a 12th grade reading level?

Certainly. Here's an explanation of FDII at a 12th grade reading level:

Foreign-derived intangible income (FDII) is a provision in U.S. tax law designed to incentivize domestic corporations to export goods and services related to intangible assets. Introduced as part of the 2017 Tax Cuts and Jobs Act, FDII offers a reduced tax rate on income that U.S. companies earn from foreign sales and services, particularly those associated with intellectual property like patents, trademarks, and copyrights. The policy aims to encourage multinational corporations to maintain their intellectual property and production within the United States while expanding their global market presence. By providing this tax benefit, the government seeks to enhance the competitiveness of U.S. companies in the international marketplace and discourage the offshoring of valuable intangible assets and related economic activities.

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Enter terms, citations, databases, questions, anything ... 9th Circuit Search Tips > Advanced >

GET STARTED: Cases Statutes Practical Law Secondary Sources Regulations

Precision Research Content types Federal materials State materials Practice areas My content Tools

Cases	Practical Law	Briefs	Key Numbers 🔑
Trial Court Orders	Regulations	Expert Materials	Proposed & Adopted Regulations
Statutes & Court Rules	Administrative Decisions & Guidance	Forms	Proposed & Enacted Legislation
Secondary Sources	Arbitration Materials	Jury Verdicts & Settlements	Trial Court Documents
Specialty areas			
Artificial Intelligence Legal Materials & News	Directories	Litigation Analytics	Trial Transcripts & Oral Arguments
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Improved

Analyze an opponent's work

- Identify potential issues with the opponent's cited authority and quotations
- See relevant authority contrary to the positions in the opponent's filing
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Analyze an opponent's work



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- See analysis of the issues and citations in the briefs filed by both parties to a matter
- Review the most relevant authority for the legal issues that neither party cited
- Discover issues with the citations and quotations relied upon by the parties

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Quick Check Judicial

Get analysis of the citations and quotations from both sides of a matter and see relevant authority cited by neither party.

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Assign documents

Party 1 name Max characters 25

Movant

- 1. Webloyalty MFCC.pdf
- 2. Webloyalty MFCC Reply.pdf
- 3. Drag and drop or press enter to assign selected file to Party 1

Party 2 name Max characters 25

Opponent

- 1. Webloyalty MFCC Opposition.pdf
- 2. Drag and drop or press enter to assign selected file to Party 2
- 3. Drag and drop or press enter to assign selected file to Party 2

Report name

Movant v Opponent

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Recommendation tag -

Case tags

- Frequently cited 1
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Omitted by both Omitted by Movant Omitted by Opponent

Cases relevant to both sides (8)

Select all items 0 items selected

1. **Park v. Webloyalty.com, Inc.**
United States District Court, S.D. California. · March 15, 2019 · Not Reported in Fed. Supp. · 2019 WL 1227062

Case details

Trial level outcome: Motion denied

This case was recommended for the following headings.

Movant: Webloyalty MFCC.pdf

- III. PROPOSED CLASSES
- 2. Plaintiff's Claims Present Common Questions of Law and Fact
- 1. Common Issues Predominate

Movant: Webloyalty MFCC Reply.pdf

- D. The Statute of Limitations Does Not Raise Individualized Issues

Opponent: Webloyalty MFCC Opposition.pdf

- 1. The EFTA Authorization Claim Presents Individualized Issues
- 3. The UCL Claim Presents Individualized Issues
- 4. The Statute of Limitations Raises Additional Individualized Issues As to All Claims
- B. In the Alternative, Any Class Must Exclude People Who Gave Releases Or Received Full Refunds

2. **Bazarganfar v. Club 360 LLC**
United States District Court, C.D. California. · July 28, 2023 · 344 F.R.D. 411 · 2023 WL 6304694

Case details

Motion type: Motion to certify class

Last 2 years

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The screenshot displays the Westlaw Quick Check Judicial interface. At the top, the navigation bar includes 'THOMSON REUTERS WESTLAW PRECISION', 'Quick Check', and various utility links like 'COURT', 'History', 'Folders', 'My links', 'Notifications', 'CoCounsel', and 'Sign out'. Below the navigation bar, there are three tabs: 'Omitted authority', 'Cited authority', and 'Quotation analysis'. The 'Cited authority' tab is active, showing a list of 'Cases (95)'. On the left, a sidebar lists 'Content type' categories such as 'Cases' (95), 'Trial Court Orders' (0), 'Statutes' (11), 'Regulations' (1), 'Secondary Sources' (1), 'Administrative Decisions & Guidance' (0), and 'All cited authority' (108). A 'Filter' section with a 'Clear' button is also present. The main content area shows the first case, '1. Satterwhite v. City of Greenville, Tex.', with its citation: 'United States Court of Appeals, Fifth Circuit. • August 23, 1978 • 578 F.2d 987 • 17 Fair Empl.Prac.Cas. (BNA) 1451'. Below the citation, it indicates 'Cited by Movant: Document 2'. A red vertical bar highlights a specific citation: 'Certiorari Granted, Judgment Vacated by Satterwhite v. City of Greenville, Tex. U.S.Tex. March 24, 1980 ...Minda SATTERWHITE, etc., petitioner, v. CITY OF GREENVILLE, TEXAS U.S.,1980 Supreme Court of the United States Minda SATTERWHITE, etc., petitioner,v. CITY OF GREENVILLE, TEXAS No. 78- 1008 March 24, 1980 Facts and opinion, D.C., 395 F.Supp. 698 549 F.2d 347 557 F.2d 414 578 F.2d 987'. At the bottom, there is a 'Negative treatment' section with options for 'Most recent', 'Distinguished (1)', and 'All (7)'. A 'Select report' dropdown is visible in the top right corner of the main content area.

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Below are items from your document that appear to be citations but cannot be verified. The citations may contain potential errors, cite documents that are not available, or match multiple documents on Westlaw.

Movant

Document 2: Webloyalty MFCC Reply.pdf

1. recommendation adopted, 2015 U.S. Dist. LEXIS 72347 (D. Mass. June 4, 2015)
2. Webloyalty relies on *Western and So. Life Ins. Co. v. Countrywide Fin. Corp.*, No. 11-MDL-02265, 2012 U.S. Dist. LEXIS 60776, *19 (C.D. Cal. Mar. 9, 2012)

Opponent

Document 1: Webloyalty MFCC Opposition.pdf

1. 571 U.S. 1071

Close

March 2

...Minda SATTERWHITE, etc., petitioner, v. CITY OF GREENVILLE, TEXAS U.S.,1980 Supreme Court of the Unit
SATTERWHITE, etc., petitioner,v. CITY OF GREENVILLE, TEXAS No. 78- 1008 March 24, 1980 Facts and opinio

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☰ Cited authority 🗨 Quotation analysis Select report ▾

36

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43

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the authorization is not relevant. See *Jordan v. Freedom Nat'l Ins. Servs.*, No. CV-16-00362, 2016 U.S. Dist. LEXIS 131366, at *11 (D. Ariz. Sep. 26, 2016). EFTA also requires merchants to provide a copy of the authorization to...

□ 3. **Quotation from the analyzed document** Differences

...Seventh Claim challenges Webloyalty's practice of continuing to collect membership fees from consumers who enrolled in a Webloyalty program through a data pass method after the enactment of ROSCA. California Business and Professions Code § 17200 prohibits businesses from engaging in

“any unlawful, unfair or fraudulent business act **of** practice.”

Business practices violate section 17200 if they are unlawful, unfair, or fraudulent. *Cel-Tech Comms. Inc. v. L.A. Cellular Tel. Co.*, 20 Cal. 4th 163, 180 (1999); *Stop Youth Addiction, Inc. v. Lucky Stores, Inc.*, 17 Cal. 4th 553, 560 (1998). Plaintiff has alleged violations of the unlawful...

Under Washington law, a contract requires mutual assent to its essential terms in order to be binding. Although it is clear that an electronic “signature” can be legally sufficient under Washington state law, see Wash. Rev.Code § 19.34.010(2), Washington courts have not decided whether or under...

🚩 **§ 17200. Unfair competition; prohibite...**
CA BUS & PROF § 17200 · West's Annotated California Codes · Business and Professions Code

As used in this chapter, unfair competition shall mean and include

“any unlawful, unfair or fraudulent business act **of** practice

and unfair, deceptive, untrue or misleading advertising and any act prohibited by Chapter 1 (commencing with Section 17500) of Part 3 of Division 7 of the Business and Professions Code.

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- Discover issues with the citations and quotations relied upon by the parties

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<input type="radio"/>	AHG Social Security Orders	Allison Goddard	11/25/24, 4:51 PM	37	Complete

Page 1 of 1

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(Showing 1 to 2 of 2)

25

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AG Allison – 2:52 PM

Please create a timeline of the events in this trial based on these transcripts. The timeline should include citations to the transcript that refer to a specific event.

Database selected:  Stein v Farmers

 [Search a Database](#)

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September 9, 2018: Barbara and Stuart Stein were involved in a car accident in Colorado Springs, Colorado, when an uninsured motorist struck their vehicle from behind. [1](#)

August 15, 2018 - February 15, 2019: The Steins had an active automobile insurance policy with Farmers Insurance Company of Arizona ("FICA") that included \$250,000 uninsured motorist bodily injury coverage per person. [2](#) With two vehicles covered, the Steins had a \$500,000 policy limit. [3](#)

May 22, 2019: Steve Wayant, a claims adjuster at FICA, gave the Steins \$175,000 each, totaling \$350,000. [4](#) [5](#) The letter accompanying the payment stated that FICA would not request reimbursement even if the final award was less than \$350,000. [6](#)


February 28, 2019: The Steins filed a lawsuit against FICA. [7](#) [8](#)


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February 28, 2019: The Steins filed a lawsuit against FICA. [7](#) [8](#)




July 31, 2020: Mrs. Stein's deposition was taken. [9](#)

April 2020: Harold Kammeraad took over the Stein claim from Mr. Wayant, who retired. [10](#)

September 2020: An independent medical evaluation was conducted in the Stein claim. [11](#)

December 15, 2020: Mr. Kammeraad completed an evaluation of the Stein claim. [12](#)



Navigation:   < 40 > - + Page Width 

756

BLATTENBERG - CROSS


1 Q. OKAY. SO STEVE WAYANT OFFERS THIS MONEY -- DOESN'T
2 OFFER IT. HE GIVES THEM \$175,000 EACH, \$350,000, IN EARLY MAY
3 OF 2019, TRUE?
4 A. IT WAS AN UNDISPUTED AMOUNT. HE CALLED IT AN ADVANCE
5 AND HE SAID IT IS SPECIFICALLY NOT AN UNDISPUTED AMOUNT, BUT I
6 KNEW HE FELT THAT FARMERS OWED AT LEAST THAT MUCH, YES.
7 Q. IN YOUR DEPOSITION, SIR, YOU TESTIFIED -- I AM NOT GOING
8 TO READ YOUR ACTUAL QUESTION, BUT I WILL. I JUST WANT TO
9 REFRESH YOUR RECOLLECTION.
10 MR. WAYANT SAID, HERE IS \$175,000, EACH OF YOU, AND YOU
11 DON'T HAVE TO PAY IT BACK.
12 ISN'T THAT TRUE, SIR?
13 A. I DON'T BELIEVE HE ASKED FOR THE MONEY BACK.
14 Q. I AM SORRY. SO YOU AGREE WITH ME, SIR?
15 A. IN SUM, YES.
16 Q. AND HE SAID, HEY, THE PURPOSE OF THIS IS TO HELP YOU
17 WITH YOUR MEDICAL BILLS.
18 ISN'T THAT TRUE?
19 A. I SAW THAT IN HIS LETTER.
20 Q. AND HIS LETTER --
21 MR. HOLLINS: CAN WE BRING THAT UP? WE WILL GET HIS
22 LETTER UP HERE IN A SECOND. IT IS A MAY 22 LETTER. DO WE
23 HAVE IT?
24 WE ARE GOING TO MOVE ON WHILE WE FIND IT. WE
25 HAVE -- THERE WE GO. NO. LETTER. IT IS PAGE 124. I DON'T


757

AG Allison – Dec 11 3:52 AM

Summarize the testimony of each witness in this trial transcripts. Include the page and line number where each witness's testimony starts

1 file added

 Stein Day Four.pdf

 Summarize

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Stein Day Four.pdf

David Blattenberg

Blattenberg's testimony began on page 10, line 105. **1** He testified about his 34 years at Allstate, with 31 years in management and 3 years as a front-line adjuster. **2** He confirmed there is no statutory or case law duty to advance pay money in New Mexico. **3** He stated that, to his understanding, State Farm pays undisputed amounts in New Mexico, and that Allstate had started doing so but may have stopped. **4** He was unaware of a 2014 case against Allstate in New Mexico for failure to make an offer to an uninsured motorist. **5** He could not name another carrier with standards to advance pay on UM cases. **6** He confirmed a UM carrier has no duty to pay unless the case is resolved. **7** He stated that Steve Wayant's advance payment to Mrs. Stein exceeding her medical bills was not under compulsion. **8** He reviewed the claim file but was unsure if certain reports, including Dr. Blumenfeld's, were in the file or provided by counsel. **9** He explained the difference between the litigated file and the claim file. **10** As of April 2021, he could not name a neuropsychologist, psychologist, or occupational therapist in the claim file. **11** He stated information is typically shared between the litigation file and the claim file. **12** He read Mrs. Stein's July 2020 deposition but did not recall if she mentioned seeing a neuropsychologist. **13** He stated his notes did not reflect Mrs. Stein seeing a neuropsychologist, psychiatrist, or occupational therapist outside of litigation. **14** He confirmed Dr. Forno's records were in the claim file. **15** He noted Dr. Cohen's report was from February 2021. **16** He stated Dr. McCaskey's records were in the claim file. **17** He confirmed several doctors' reports were for litigation, not treatment. **18** He agreed bodily injury cases can take time to settle. **19** **20** He explained the seven parts of the Farmers claim file. **21** He confirmed Connie Parkhurst was the medpay adjuster and obtained authorizations from Stuart and Barbara Stein. **22** He confirmed the auto PD adjuster and subrogation person were in the claim file. **23**

significant preexisting issues that could be aggravated or exacerbated by the crash. 341 He did not ask if there was a biomechanical analysis. 342

Barbara Stein

Stein's testimony began on page 90, line 2413. 343 344 Regarding the crash, she felt sad, depressed, angry, and scared. 345 She felt hopeless about the future, angry because the crash was preventable, and she was having problems dealing with it. 346 She thought about the crash every day and felt a weight in her chest. 347 She felt humiliated, abandoned, and attacked by Farmers' treatment of her claim. 348 She felt angry and hurt. 349 She had been insured with Farmers for two or three years and always paid her premiums. 350 She felt hopelessness in connection with the crash. 351 Before the crash, she described herself as happy, pursuing a lifelong goal, motivated, energetic, self-confident, and independent. 352 She was functional before the crash. 353 After the crash, she needed help with many things and was unable to do things she loved, such as cooking for family, sewing, making jewelry, gardening, or going for walks. 354 She was able to make jewelry before the crash but not after. 355 She had two foot surgeries and used a wheelchair or motorized cart after each surgery. 356 She wore a boot for six weeks after each surgery and never took the scooter out of the house. 357 She was able to walk to her grandson's games. 358 Pictures of her left hand were taken two days after the accident and almost two years after. 359 360 She could still do light gardening, like watering plants and pulling small weeds, but only with her right hand and for a short time. 361 She used a special nozzle that she did not have to squeeze. 362 She could still drive but tried not to. 363 Before the crash, she and her husband split the driving on their trip to Colorado. 364 Now, even riding in the car is difficult. 365 She has PTSD and understands it affects her ability to function in daily life. 366 She thinks about the crash and the possibility of dying. 367 368 She does not think Farmers stood behind her. 369 Farmers never offered to pay for her PTSD treatment. 370 She is puzzled by Farmers' treatment and feels they should be working with her, not against her. 371 She does not think Farmers treated her

132 Page Width

STEIN - DIRECT 848

1 NAVICULAR BONE PAIN?
 2 A. YES.
 3 Q. DID YOU HAVE TO GET AROUND IN EITHER A WHEELCHAIR OR A
 4 MOTORIZED CART, MOTORIZED WHATEVER IT IS, AFTER THE -- AFTER
 5 EACH SURGERY?
 6 A. YES. AFTER EACH FOOT SURGERY I COULDN'T BE WEIGHT
 7 BEARING. AND I ALSO, BECAUSE OF MY HAND INJURIES, COULDN'T
 8 USE CRUTCHES OR MANUAL WHEELCHAIR. SO I PURCHASED A MOTORIZED
 9 SCOOTER TO USE IN THE HOUSE, AND A TRANSPORT CHAIR FOR MY
 10 HUSBAND TO PUSH ME IF I NEEDED TO GO OUTSIDE OF THE HOUSE FOR
 11 A DOCTOR'S APPOINTMENT. AND I WAS IN THAT SCOOTER OR THE
 12 TRANSPORT CHAIR FOR SIX WEEKS AFTER EACH FOOT SURGERY.
 13 Q. THEN WERE YOU IN A BOOT FOR WEEKS AFTER THAT?
 14 A. YES. I WAS IN A BOOT FOR ABOUT SIX WEEKS.
 15 Q. WHILE YOU WERE IN THAT MOTORIZED SCOOTER, IF YOU WANTED
 16 TO GO TO THE BASEBALL GAMES OF ONE OF YOUR GRANDSONS DID YOU
 17 HAVE TO GET HELP OR USE THE MOTORIZED SCOOTER?
 18 A. OH, NO. I NEVER TOOK THE SCOOTER OUT OF THE HOUSE, JUST
 19 FOR IN THE HOUSE.
 20 Q. I UNDERSTAND.
 21 NOW, TAKE IT NOW, OR SAY IN THE LAST YEAR. IF YOU WANT
 22 TO GO TO ONE OF YOUR GRANDSONS GAMES ARE YOU -- MAYBE YOU HAVE
 23 TO GO SLOW BUT ARE YOU ABLE TO WALK?
 24 A. YES, I CAN WALK INTO THE GAMES.
 25 MR. POLI: PULL UP EXHIBIT 38, PLEASE, BRAD.

STEIN - DIRECT 849

1 I MOVE FOR THE ADMISSION OF EXHIBIT 38, PICTURES OF
 2 HER LEFT HAND.



Allison - Dec 2 1:04 PM

Please provide a table showing each objection made during Mr. Plitt's testimony, the language of the objection, and the court's ruling on each objection.



Review Documents



Download


Objections During Mr. Plitt's Testimony


Objection	Ruling
Objection. Relevance. 1	Sustained. 2
Objection, Your Honor. Exceeds the scope. 3	Sustained. 4
Objection. Argumentative. 5	Sustained because it assumes the med specials are 178, and that is an assumption. 6
Objection. Relevance. 7	Sustained. 8
Objection. Asked and answered. 9	Overruled. You can answer. 10
Objection. Calls for speculation. 11	Sustained. 12
Objection. Calls for 13 ...	Overruled. You can answer. 14
Argumentative. 15	Overruled. 16
Objection, Your Honor. Argumentative, like Barbara's. 17	
Objection. Relevance, Your Honor. 18	Overruled. You can answer. 19
Objection, Your Honor. He is not his expert. 20	Yes. Overruled. You can answer. 21
Your Honor - 22	I would sustain the objection. 23
Objection. Argumentative. 24	Overruled. You can answer. 25

CoCounsel 2.0

AG Allison - Dec 2 1:04 PM








Please provide a table showing each objection made during Mr. Plitt's testimony, the language of the objection, and the court's ruling on each objection.

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 Download

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Objection. Relevance, Your Honor.	Overruled. You can answer. 19

Navigation:       Page Width 

KAMMERAAD - CROSS 954

1 Q. SO IF YOU WERE THE ADJUSTER FROM DAY ONE, BARBARA
2 WOULD'N'T BE SITTING HERE HAVING RECEIVED A LITTLE LESS THAN
3 HER MED SPECIALS, SHE WOULD BE SITTING HERE HAVING RECEIVED
4 ZERO. HAVE I UNDERSTOOD THAT CORRECTLY?
5 MR. HOLLINS: OBJECTION. ARGUMENTATIVE.
6 THE COURT: SUSTAINED BECAUSE IT ASSUMES THE MED
7 SPECIALS ARE 178, AND THAT IS AN ASSUMPTION.
8 MR. POLI: OKAY.
9 Q (BY MR. POLI) : NOW, YOU HAVE BEEN WITH FARMERS FOR 27
10 YEARS, CORRECT, MR. KAMMERAAD?
11 A. YES, SIR.
12 Q. LET ME GO BACK TO MY -- SKIP WHATEVER THE NUMBER IS
13 THAT -- YOU KNOW, WE WILL PUT IN THE MEDICAL BILLS.
14 IF YOU WERE THE ADJUSTER ON BARBARA'S CLAIM, FROM DAY
15 ONE, SHE WOULD BE SITTING HERE HAVING RECEIVED ZERO ON HER
16 UNINSURED MOTORIST BODILY INJURY CLAIM IF YOU FOLLOWED YOUR
17 NORMAL UNIVERSAL PROCEDURE; AM I RIGHT?
18 A. IF SHE HADN'T SETTLED HER CLAIM, THEN WHAT SHE WOULD
19 HAVE RECEIVED WOULD HAVE THE AMOUNT OF THE MEDICAL PAYMENT
20 COVERAGE.
21 Q. THE 8,000. AND THAT'S ON A DIFFERENT COVERAGE. HAVE I
22 GOT THAT RIGHT?
23 A. YES.
24 Q. SHE HAD, WHAT, \$10,000 WORTH OF COVERAGE FOR MEDICAL
25 BILLS; IS THAT RIGHT?

KAMMERAAD - CROSS 955

1 A. YES.

NotebookLM

* Notebook guide

Help me create



FAQ



Study Guide



Table of Contents



Timeline



Briefing Doc

Summary

These documents are excerpts from legal briefs filed in court cases regarding Social Security Disability benefits, where claimants appeal the denial of their benefits. They demonstrate the legal argumentation involved in such cases, focusing on the ALJ's (Administrative Law Judge) assessment of the claimant's disability based on their medical evidence, their testimony regarding their functional limitations, and how the ALJ's conclusions are challenged by claimants in their appeal. The court, in turn, evaluates the ALJ's reasoning and determination of whether their conclusion is supported by substantial evidence.

Audio Overview



Click to load the conversation.

Load

Suggested questions



How do the rulings in these cases apply to the specific evidence presented for each case?



What are the overarching legal principles governing the determination of disability benefits?



How do the ALJ's decisions in these cases exemplify the challenges of navigating social security law?

What is the standard for assessing whether the ALJ properly evaluated the claimant's testimony regarding symptoms?

Standard for Evaluating Claimant Testimony Regarding Symptoms

When evaluating a claimant's testimony about their symptoms, the ALJ must follow a two-step process.

Step One:

- The ALJ must determine whether there is objective medical evidence to support the claimant's complaints. 1 2 3 4 ...
- At this stage, the claimant is not required to prove that their impairment could reasonably be expected to cause the full severity of the symptoms alleged. 5
- The claimant simply needs to show that the impairment could reasonably be expected to cause some degree of the symptom. 5 9
- **The ALJ cannot reject the claimant's subjective complaints solely because there's a lack of medical evidence fully corroborating the alleged severity of the pain.** 10 11 12 13 14

Step Two:

- If the claimant demonstrates objective medical evidence supporting their symptoms and there is no evidence of malingering, the ALJ can only reject the claimant's testimony about the severity of the symptoms if the ALJ provides "specific, clear, and convincing reasons" for doing so. 6 7 8 9 ...
- The ALJ must identify what specific testimony is not credible and explain what evidence contradicts the claimant's complaints. 24 25 26 27 ...
- **The ALJ's decision must be detailed enough to allow a court to determine that the ALJ rejected the claimant's testimony for valid reasons and didn't arbitrarily discredit their testimony.** 12 24 30 34 ...
- The ALJ should consider the following factors when evaluating the claimant's testimony: 17 26 39 40
 - Daily activities
 - The location, duration, frequency, and intensity of the claimant's symptoms
 - Precipitating and aggravating factors
 - Medications and their effectiveness and side effects
 - Non-medication treatments
 - Other relevant factors

NotebookLM

which decision talks about how a plaintiff's ability to live on their own for three months in a van showed he was not disabled

Plaintiff Living in a Van for Three Months


Source ¹ discusses how a plaintiff's stay in San Francisco for three months was used by the ALJ to discount the opinions of medical experts who found the plaintiff to have marked limitations in social functioning and concentration, persistence, and pace. The ALJ viewed the three month period as a successful venture, demonstrating the plaintiff's self-sufficiency. ¹

However, the source goes on to state that this was not a rational interpretation of the record. The plaintiff was living in a van, working part-time, and returned to San Diego because living in a van in San Francisco's climate was not sustainable. ¹

The source argues that the evidence actually supports the medical experts' opinions, showing that the plaintiff's move was impulsive and poorly planned, highlighting his difficulties in maintaining concentration, persistence, and pace. ¹

Furthermore, the source criticizes the ALJ's decision to selectively focus on this single three-month period, arguing that it cannot be considered substantial evidence to support the ALJ's RFC finding. It points to case law that states that ALJs cannot selectively pick isolated instances of improvement as a basis for concluding that a claimant is not disabled. ¹ ²



 Save to note

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AI Tools for Litigators in the Courtroom

- Supporting Case Strategy Development
- Initial Case Evaluation
- Evolving Case Strategy
- Settlement vs. Trial Analysis
- Selecting Arbitrators

Predictive Analytics in France: Banned

The world's first example of a ban by a national legislature of predictive analytics in the legal profession



The screenshot shows a website header for 'Abogacía Española CONSEJO GENERAL' with a search bar and navigation links. The article title is 'France bans the use of Legaltech to predict judges' decisions', dated 10 2019 June, by George Morell (@Jorge_Morell). The article text states that France's new Law for the reform of Justice imposes prison sentences for publishing statistical information on judges' decisions. A graphic on the right shows a network of icons representing legal innovation.

Home / Publications / Blog / Legal Innovation and New Technologies Blog / France prohibits the use of Legaltech to predict decisions ...

10 2019 June

France bans the use of Legaltech to predict judges' decisions

By [George Morell](#)
TWITTER [@Jorge_Morell](#)

We have recently learned about one of the first major legal limitations imposed by a country regarding the use of *Legaltech*. It turns out that France, in its new [Law for the reform of Justice](#), establishes prison sentences of up to five years for those who publish statistical information on the decisions and the pattern of conduct of the judges regarding the sentences they issue.

Legal Innovation

Judges in Continental systems are concerned that algorithms might discover inconsistencies between their rulings and applicable provisions of law or will have a negative impact on protection of judges' personal data.

This bans the use of public information to “assess, analyze, compare or predict” how judges will decide matters before them.

Breaking Article 33 of the Justice Reform Act carries up to five years in prison.

Lawyers' and Judges' Use of AI: Ethical Issues and Privacy/Confidentiality

- Duty of Competence
 - ABA Model Rules of Professional Conduct (Rule 1.1, Comment 8)
- Mata v. Avianca, Inc.
- Michael Cohen (former Trump associate)
- California and Florida State Bar Associations' Guidance
- Juez Juan Manuel Padilla, First Circuit Court, Cartagena, Colombia
- Chief Justice John G. Roberts
 - Year End Reports on the Federal Judiciary (2023 & 2024)

Privacy Issues

- Will your data show up as training materials for Large Language Models?
- Will your data show up in the People's Republic of China?
- What about open-source models can be locally hosted and run?
- What if protected data has been used to train the models you are using?
 - Personally Identifiable Information, Health Insurance Portability and Accountability Act, California Consumer Privacy Act, and the European Union General Data Protection Regulation

AI and Intellectual Property Law

Big Issues:

1. Can AI inventions be patented or copyrighted?
 2. What is fair use/data scraping? What about unauthorized training? The Japanese exception
- Cases to Note: Thomson Reuters v. Ross, New York Times v. OpenAI, Sarah Silverman et al v. Meta.
 - Licensing and the Revenge of Legacy Media Companies

U.S. Copyright Office Notice of Inquiry August 2023

The U.S. Copyright Office in August 2023 issued a Notice of Inquiry, asking 5 questions related to the copyrightability of material generated using AI systems:

(1) Does the Copyright Clause in the U.S. Constitution permit copyright protection for AI-generated material?

(2) Under copyright law, are there circumstances when a human using a generative AI system should be considered the “author” of the material produced by the system?

(3) Is legal protection for AI-generated material desirable as a policy matter?

(4) If so, should it be a form of copyright or a separate *sui generis* right?

(5) Are any revisions to the Copyright Act necessary to clarify the human authorship requirement?

Of the 10,000 comments, about half addressed one or more of the questions.

U.S. Copyright Office, Copyright and Artificial Intelligence, Part 2: Copyrightability (January 2025) – Conclusions and Recommendations

Based on an analysis of copyright law and policy, based on the responses to its Notice of Inquiry, the U.S. Copyright Office made the following conclusions and recommendations:

Questions of copyrightability and AI can be resolved pursuant to existing law, without the need for legislative change.

The use of AI tools to assist rather than stand in for human creativity does not affect the availability of copyright protection for the output.

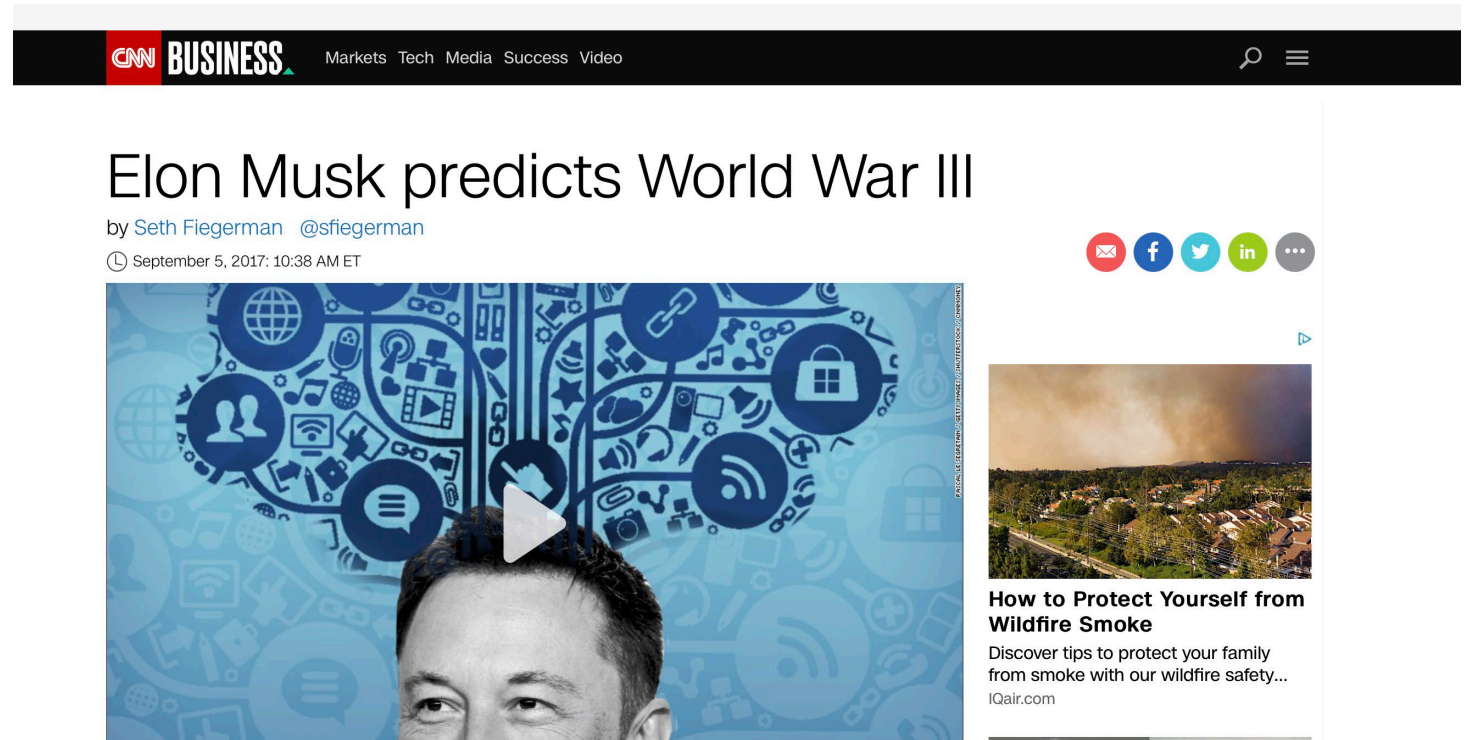
Copyright protects the original expression in a work created by a human author, even if the work also includes AI-generated material.

Copyright does not extend to purely AI-generated material, or material where there is insufficient human control over the expressive elements.

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SkyNets vs. SafetyNets



CNN BUSINESS Markets Tech Media Success Video

Elon Musk predicts World War III

by Seth Fiegerman @sfiegerman
September 5, 2017: 10:38 AM ET

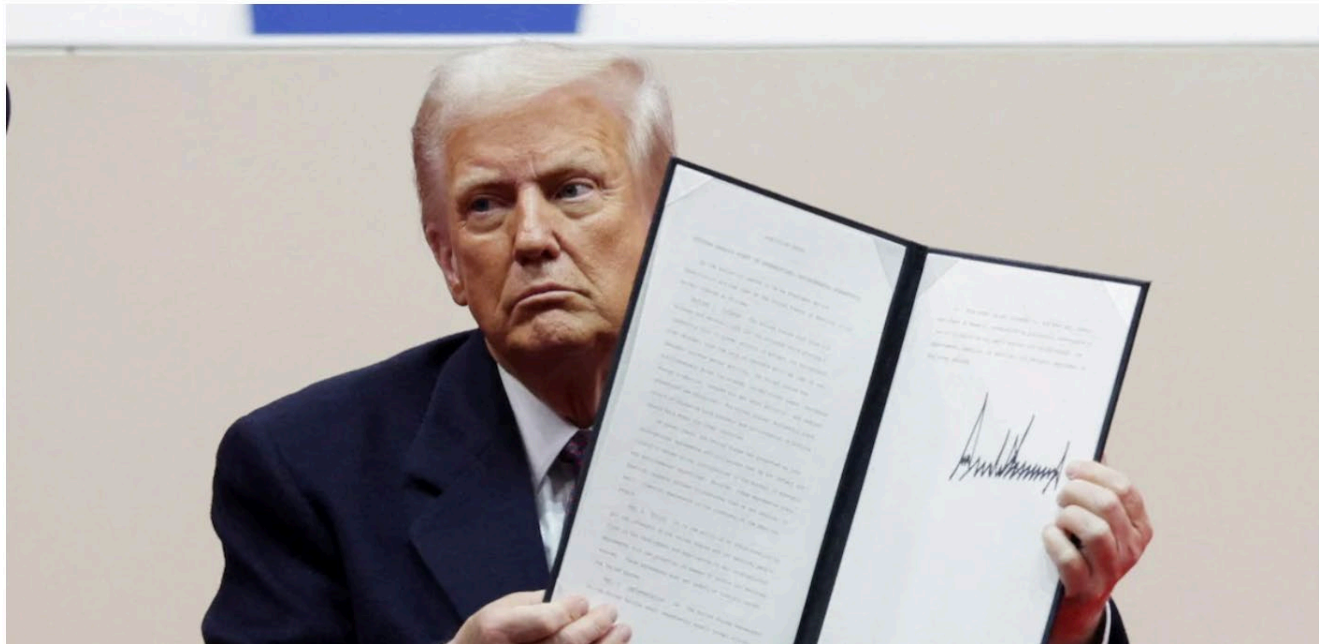
How to Protect Yourself from Wildfire Smoke
Discover tips to protect your family from smoke with our wildfire safety...
IQair.com

“Competition for AI superiority at national level most likely cause of WW3 imo,” Musk said in another tweet, using the Internet short-hand for “in my opinion.” – Elon Musk, Sept. 5, 2017

Trump revokes Biden executive order on addressing AI risks

By David Shepardson

January 21, 2025 12:33 PM PST · Updated 7 days ago



The New Approach: A Return to the Wild West? Or Wait Six Months and Then We'll See



See <https://www.whitehouse.gov/presidential-actions/2025/01/removing-barriers-to-american-leadership-in-artificial-intelligence/>.

The European Union's Unbearable Lightness of AI Regulation – Not!

The EU AI Act was promulgated in March 2024 (which went into force on August 1, 2024), went into effect on February 2, 2025 (in part).

The majority of its provisions being implemented by August 2, 2026.



Scope and Penalties

The AI Act will have extra-territorial scope, and international companies that are not based in the EU may still find themselves subject to the AI Act.

Furthermore, the penalties for non-compliance are significant, reaching up to EUR 35 million (USD 38 million) or 7% of the company's global annual turnover in the previous financial year.



Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) (Text with EEA relevance)
PE/24/2024/REV/1

Vice President JD Vance's Charm Offensive in Europe



World ▾ Business ▾ Markets ▾ Sustainability ▾ Legal ▾ Breakingviews ▾ Technology ▾ Investigations ▾ Mc

Vance tells Europeans that heavy regulation could kill AI

By Jeffrey Dastin and Ingrid Melander

February 11, 2025 8:41 AM PST · Updated 12 days ago



Summary Companies

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- Q&A (10 mins)



“Lawyer in the Loop”

The Artificial Intelligence Imperative

Write new Laws

**Establish new
institutions**

**Use New
Technologies**

**Resolve new
disputes**

**Provide better
oversight**

**Create new
treaties**

Learn New Skills

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- Appendix

AI Incidents Database

<p>656</p> <p>Alleged Deepfake Disinformation Broadcast by Russian State TV Blames Ukraine for Moscow Attack</p> <p>Russian state media is reported to have broadcast deepfaked videos of Ukrainian officials, notably fabricating a video of ...</p> <p>23/3/2024</p>	<p>658</p> <p>The Arizona Agenda Produced a Deepfake of Kari Lake Advocating for the Publication Without Her Consent</p> <p>The Arizona Agenda produced a deepfake video of Republican Senate candidate Kari Lake giving a testimonial about the ...</p> <p>22/3/2024</p>	<p>647</p> <p>A Self-Driving Waymo Robotaxi Reportedly Collided with a Bicyclist</p> <p>A Waymo robotaxi in San Francisco reportedly failed to detect a cyclist obscured by a truck, resulting in a collision with ...</p> <p>6/3/2024</p>	<p>654</p> <p>Microsoft Copilot Designer Reportedly Generated Inappropriate AI Images</p> <p>A Microsoft engineer reported that Copilot Designer, an AI image generator, creates content depicting sex, violence...</p> <p>6/3/2024</p>	<p>650</p> <p>AI-Generated Images of Trump with Black Voters Spread as Disinformation Before U.S. Primary Elections</p> <p>In the run-up to the U.S. primary elections, supporters of Donald Trump shared AI-generated images showing him with Black...</p> <p>4/3/2024</p>	<p>646</p> <p>Snapchat's Algorithm Alleged to Link Minor with Sex Offenders</p> <p>A judge ruled Snapchat not liable under Section 230 after its algorithm connected a minor with convicted sex offenders o...</p> <p>22/2/2024</p>	<p>645</p> <p>Seeming Pattern of Gemini Bias and Sociotechnical Training Failures Harm Google's Reputation</p> <p>Google's Gemini chatbot faced many reported bias issues upon release, leading to a variety of problematic outputs like racial ...</p> <p>21/2/2024</p>	<p>641</p> <p>Nonconsensual Deepfake Porn of Bobbi Althoff Spreads Rapidly on X</p> <p>Nonconsensual deepfake pornography of Bobbi Althoff, which had been in circulation for six months, is reported to have...</p> <p>20/2/2024</p>
<p>642</p> <p>ChatGPT Glitch Disrupts User Interactions with Nonsensical Outputs</p> <p>ChatGPT experienced a bug causing it to produce unexpected and nonsensical responses, leading to ...</p> <p>20/2/2024</p>	<p>644</p> <p>State-Sponsored Hackers Escalate Phishing Attacks Using Artificial Intelligence</p> <p>State-sponsored hackers from North Korea, Iran, Russia, and China are reportedly leveraging artificial intelligence to conduc...</p> <p>18/2/2024</p>	<p>636</p> <p>AI Romance Apps Reportedly Compromise User Privacy for Data Harvesting</p> <p>AI-powered romantic chatbots, marketed for enhancing mental health, are found to exploit user privacy by harvesting sensitive ...</p> <p>14/2/2024</p>	<p>649</p> <p>Deepfake Audio Falsely Attributes Controversial Remarks to Keir Starmer About the Rochdale Azhar Ali Crisis</p> <p>A deepfake audio clip, falsely claiming to be Keir Starmer discussing the Rochdale byelection and Labour's ...</p> <p>14/2/2024</p>	<p>643</p> <p>Deepfake Video Falsely Claims Kyiv's Assassination Plan Against President Macron</p> <p>A deepfake video claimed France 24 reported a Kyiv plot to assassinate French President Macron. This fake news was ...</p> <p>13/2/2024</p>	<p>648</p> <p>Alleged Deepfake Audio of Imran Khan Calls for Election Boycott, Misleading Pakistan Voters</p> <p>A purported deepfake audio clip, falsely attributed to Imran Khan urging a PTI (Pakistan Tehreek-e-Insaf) election boycott, ...</p> <p>7/2/2024</p>	<p>634</p> <p>Deepfake CFO Scam Costs Company \$25 Million</p> <p>A finance employee at a multinational was deceived into transferring \$25 million by fraudsters using deepfake ...</p> <p>2/2/2024</p>	<p>637</p> <p>Gunshot Detection Technology ShotSpotter (now SoundThinking) Reportedly Only Has 47% Accuracy in Chicago ...</p> <p>SoundThinking's (formerly ShotSpotter's) system in Chicago, with a reported 47% accuracy rate for detecting ...</p> <p>31/1/2024</p>
<p>635</p> <p>AI-Generated Fake News Targets Black Celebrities on YouTube</p> <p>YouTube faced a surge of AI-generated fake news targeting Black celebrities, including fake narratives about Sean "Diddy" ...</p> <p>30/1/2024</p>	<p>657</p> <p>ChatGPT Account Compromise Leads to Unintended Data Exposure</p> <p>A security breach involving ChatGPT led to the exposure of sensitive conversations, including login credentials and ...</p> <p>30/1/2024</p>	<p>633</p> <p>Nine Network's AI Alters Lawmaker Georgie Purcell's Image Inappropriately</p> <p>The Nine Network used Photoshop's Generative Expand AI tool to resize an image of lawmaker Georgie Purcell, ...</p> <p>28/1/2024</p>	<p>632</p> <p>Significant Increase in Deepfake Nudes of Taylor Swift Circulating on Social Media</p> <p>AI-generated sexually explicit images of Taylor Swift circulated on X, garnering over 45 million views before removal. ...</p> <p>24/1/2024</p>	<p>628</p> <p>Fake Biden Voice in Robocall Nudges New Hampshire Democratic Voters</p> <p>A robocall imitating President Joe Biden's voice urged New Hampshire Democrats not to vote in the primary, misleading...</p> <p>22/1/2024</p>	<p>631</p> <p>Chatbot for DPD Malfunctioned and Swore at Customers and Criticized Its Own Company</p> <p>DPD's AI chatbot, used for customer service, appeared to malfunction following a system update, leading to inappropriat...</p> <p>18/1/2024</p>	<p>625</p> <p>Proliferation of Products on Amazon Titled with ChatGPT Error Messages</p> <p>Products named after ChatGPT error messages are proliferating on Amazon, such as lawn chairs and religious texts. These ...</p> <p>12/1/2024</p>	<p>655</p> <p>Scams Reportedly Impersonating Wealthy Investors Proliferating on Facebook</p> <p>Scams are reportedly proliferating throughout Facebook impersonating wealthy individuals such as Bill Ackman...</p> <p>11/1/2024</p>
<p>627</p> <p>Unauthorized AI Impersonation of George Carlin Used in Comedy Special</p> <p>An AI-generated comedy special impersonating the late comedian</p>	<p>626</p> <p>Social Media Scammers Used Deepfakes of Taylor Swift and Several Other Celebrities in Fraudulent Le Creuset Cookwa...</p> <p>Scammers reportedly made deepfakes of Taylor Swift,</p>	<p>619</p> <p>Rite Aid Facial Recognition Disproportionately Misidentified Minority Shoppers as Shoplifters</p> <p>Rite Aid used facial recognition technology from October 2012</p>	<p>624</p> <p>Child Sexual Abuse Material Taints Image Generators</p> <p>The LAION-5B dataset (a commonly used dataset with</p>	<p>622</p> <p>Chevrolet Dealer Chatbot Agrees to Sell Tahoe for \$1</p> <p>A Chevrolet dealer's AI chatbot, powered by ChatGPT,</p>	<p>618</p> <p>Navy Federal Credit Union Faces to Sell Tahoe for \$1</p> <p>Navy Federal Credit Union, serving military members and</p>	<p>623</p> <p>Google Bard Allegedly Generated Fake Legal Citations in Michael Cohen Case</p> <p>Michael Cohen, former lawyer for Donald Trump, claims to have</p>	<p>640</p> <p>Waymo Software Flaw Leads to Double Collision with Tow Truck</p> <p>Two Waymo autonomous vehicles hit the same tow truck</p>



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AI Litigation Database

Caption	Brief Description	Algorithm	Jurisdiction	Application Areas	Cause of Action	Issues	Date Action Filed	New Activity
Elon Musk v. Samuel Altman et al	Elon Musk filed a lawsuit against OpenAI and its CEO Sam Altman, alleging they have abandoned the company's founding agreement to pursue AI research for the good of humanity rather than profit.		Superior Court of California, County of San Francisco	Generative AI	Breach of Contract, Fiduciary Duty, Unfair Competition	Misuse of AI	2/29/2024	3/1/2024
Raw Story Media, Inc. v. OpenAI Inc.	Raw Story, America's largest independent progressive news site, filed suit against OpenAI for using thousands of Raw Story's news articles to train ChatGPT in violation of the Digital Millennium Copyright Act.	ChatGPT	District Court, S.D. New York	Copyright, Generative AI, Natural Language Processing	Copyright Infringement, 17 U.S.C. 1202 Removal of Copyright Management Information, Digital Millennium Copyright Act	Infringement, Copyright Infringement	2/28/2024	2/29/2024
The Intercept Media, Inc. v. OpenAI, Inc.	Several prominent news organizations, including The Intercept, have filed lawsuits against OpenAI in a New York federal court. The suits allege that OpenAI, backed by Microsoft, has unlawfully utilized its articles to train its popular AI chatbot, ChatGPT.	ChatGPT	District Court, S.D. New York	Copyright, Generative AI, Intellectual Property, Natural Language Processing	Copyright Infringement, 17 U.S.C. 1202 Removal of Copyright Management Information, Digital Millennium Copyright Act	Infringement, Copyright Infringement	2/28/2024	2/29/2024
Main Sequence, Ltd. v. Dudesy, LLC	The estate of George Carlin sued a pair of podcasters for using artificial intelligence to create a script and voice imitating the late comedian for a new comedy routine, citing the right of publicity and copyright infringement.		US District Court for the Central District of California	Copyright, Generative AI, Infringement, Intellectual Property	Copyright Infringement, Permanent Injunction, Preliminary Injunction, Right to Publicity, Right of Publicity	Infringement, Copyright Infringement	1/25/2024	1/25/2024
Murphy v. EssilorLuxottica	A 61-year-old grandfather filed suit against Sunglass Hut's parent company EssilorLuxottica and retailer Macy's after he was wrongfully arrested and jailed based on facial recognition software that identified him as the man who robbed a Sunglass Hut store. While he was being held, the man was sexually assaulted at the Harris County Jail.		District Court in Harris County	Criminal Justice, Detention and Release, Facial Recognition	Negligence	Facial Recognition, Law Enforcement	1/18/2024	1/18/2024
Basbanes v. Microsoft Corporation	OpenAI and its financial backer Microsoft (MSFT.O), were sued on Jan 5, 2024, in Manhattan federal court by a pair of nonfiction authors who say the companies misused their work to train the artificial-intelligence models behind the popular chatbot ChatGPT and other AI-based services. Writers Nicholas Basbanes and Nicholas Gage told the court in a proposed class action, that the companies infringed their copyrights by including several of their books as part of the data used to train OpenAI's GPT large language model.		US District Court for the Southern District of New York	Copyright, Generative AI, Infringement, Intellectual Property	Copyright Infringement	Copyright Infringement	1/5/2024	2/6/2024
Shanghai Character License Administrative Co. v. AI Company	SCLA's claims infringement of the copyright in the character Ultraman by AI Company as the operator of a text-to-image generative AI service that would, when prompted with "Ultraman" or related expressions, produce graphic images that were substantially similar to one or more versions of the Ultraman character.		China: Guangzhou Internet Court	Generative AI	Copyright Infringement	Copyright Infringement	1/5/2024	3/8/2024
The New York Times Company v.	The New York Times Company sues Microsoft and OpenAI, alleging that they have committed direct, contributory and vicarious copyright infringement: misappropriation of news items, and	ChatGPT, Copilot	Federal: US Dist. Ct. S.D.N.Y.	Generative AI	Copyright Infringement, Trademark Dilution.	Copyright Infringement	12/27/2023	2/26/2024



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