

Generative AI

Legal Research Center Video Series

Recorded: August 2025



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Learning Objectives For This Video

Students will be able to...

1. Understand the basics of how generative AI and retrieval augmented generation (RAG) produce content.
2. Identify limitations in using generative AI tools for legal research and how legal research tools attempt to reduce those limitations.
3. Identify moments in the legal research process in which generative AI tools could increase efficiency or increase the knowledge or understanding of the researcher.
4. Recognize factors to be considered when using generative AI tools and evaluating AI-generated content.

Why Learn About Generative AI

“As [generative AI] tools continue to develop and become more widely available, it is conceivable that lawyers will eventually have to use them to competently complete certain tasks for clients. But even in the absence of an expectation for lawyers to use [generative AI] tools as a matter of course, lawyers should become aware of the [generative AI] tools relevant to their work so that they can make an informed decision, as a matter of professional judgment, whether to avail themselves of these tools or to conduct their work by other means.”

ABA Comm. on Ethics & Pro. Resp., Formal Op. 512, at 5 (2024) (discussing generative artificial intelligence tools).

Generative AI (Gen AI) vs. Extractive AI

- Extractive AI: extracts information from source(s).
- Gen AI: creates new sources of information like text or visual media.

How do Gen AI tools work?

- Gen AI tools that produce text use large language models (LLMs) to simulate conversations.
- LLMs are trained on the internet but are not a search engine by themselves.
- LLMs predict what each word of a response should be based on training.

Predictive Text Examples

1. The man went to the store to get a gallon of _____ for his cereal.
2. Jack and Jill went up the hill to fetch a pail of _____.

Strengths of Gen AI for Research

- Pattern Recognition
- Large vocabulary
 - Conversational (some tools)
- Summarization

Gen AI Features in Existing Tools

- Some existing research tools and databases are incorporating gen AI features that don't require user prompting.
- These are usually features that use an LLM to summarize a specific piece of predetermined content.
 - Ex: Statute and Case Summaries on Lexis

Ethical Considerations Related to Gen AI

- Environmental impact and labor practices
- Confidentiality
 - Legal practitioners should never enter confidential client information into a gen AI tool.
- Inherent bias from training sources

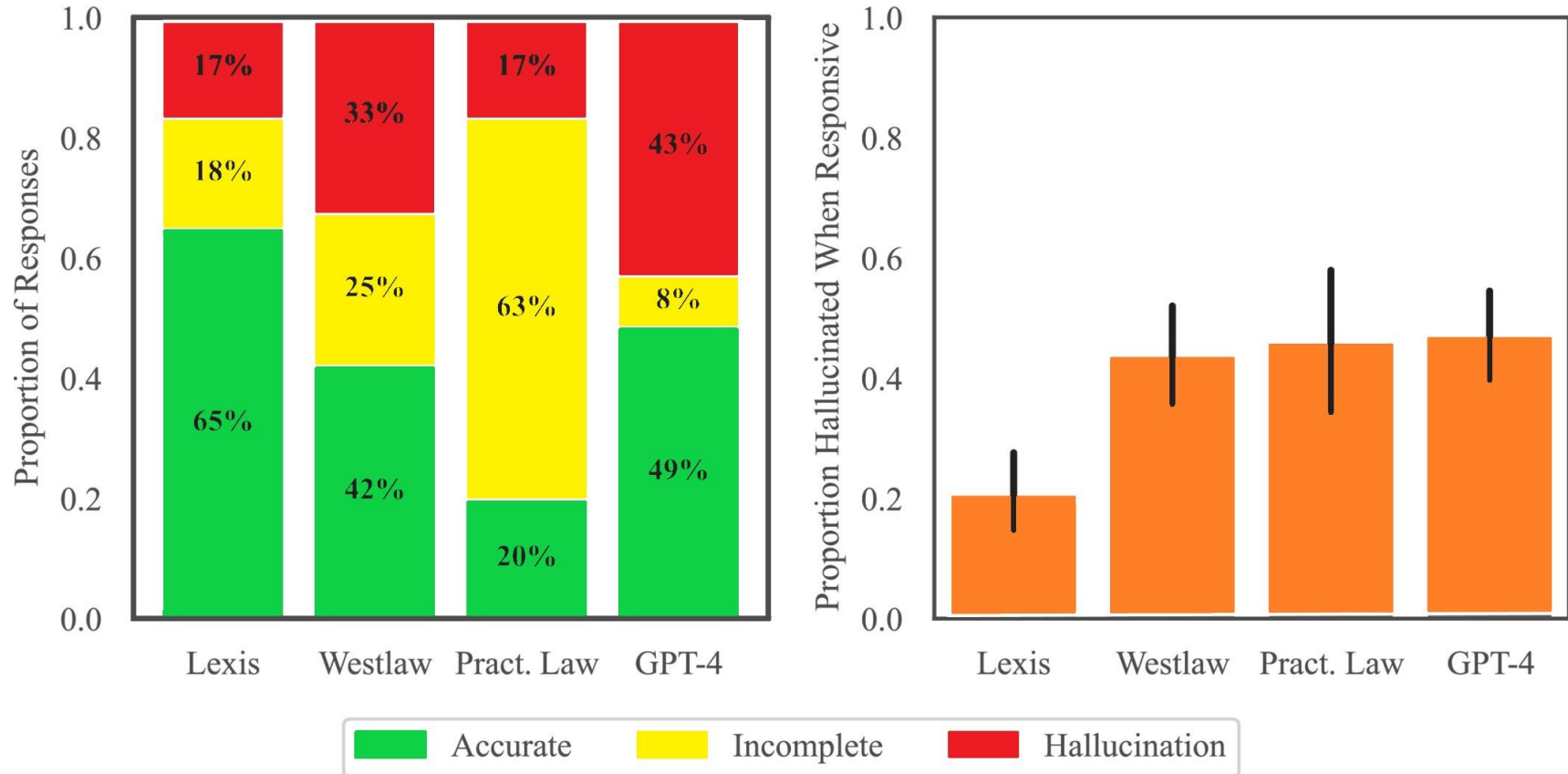
Weaknesses of Gen AI for Research

- Confidence
 - Gen AI is a flatterer.
 - You don't know what you don't know and neither does gen AI.
- Training limited in scope (content and time)
 - Or quality of connected search engine/ database
- Hallucinations
 - Damien Charoltin, *AI Hallucination Cases*, <https://www.damiencharlotin.com/hallucinations/> (last visited July 28, 2025).

How do Gen AI tools search?

- A gen AI tool can use a process called retrieval augmented generation (RAG) to couple an LLM with a search engine.
 - RAG works by turning a user's prompt into a search query. The LLM is then supposed to use the results of the query when producing its response.
 - The goal of RAG is to allow the gen AI tool to access sources of information beyond its training data, which may be proprietary or more current.
 - RAG is NOT a foolproof way to eliminate hallucinations.

Stanford Study on Hallucinations in Gen AI Tools for Legal Research



Varun Magesh et al., *Hallucination-Free? Assessing the Reliability of Leading AI Legal Research Tools*, 22 J. Empirical Legal Stud. 216, 225 fig. 4 (2025), <https://doi.org/10.1111/jels.12413>.

Limitations of RAG Searching

- Hallucinations still possible
- Difficult to manipulate search results (filters)
- Minimal transparency in selection, ranking, and synthesis of sources
- Scope of database/web

When to Use Gen AI Tools in Legal Research

- There's not one "right time," but many wrong ways.
 - Use a tool appropriate for the task.
 - Critically evaluate all AI-generated content.
 - Always use a citator on newly discovered primary law sources.
 - Follow all relevant laws, rules, and instructions.
- Gen AI tools are very good at helping overcome inertia in the research process.
 - Don't know how to start.
 - Don't know where to look.
 - Don't know how to connect everything.

Gen AI Research Tasks

Find	Learn/Investigate	Create/Synthesize/Summarize
<ul style="list-style-type: none">• Find some starting cases on a topic• Find cases matching query	<ul style="list-style-type: none">• Learn about an area of law• Identify the most relevant, timely, & authoritative cases• Ensure there is no authority going the other way• Identify the relevant rule(s)	<ul style="list-style-type: none">• Ensure you've found all cases on point• Summarize the leading authorities• Prune tangential authorities• Harmonize authorities• Reconcile authorities in conflict

Adapted from Rebecca Fordon, Cindy Guyer & Adam Lederer, From AND/OR to AI: Techniques for Prompting Generative AI Tools (May 21, 2024).

Gen AI Tools at USD Law

- ChatGPT
- Microsoft Copilot
- Lexis
 - Protégé
- Westlaw
 - CoCounsel Core
 - AI-Assisted Research
 - Search & Summarize tools

ChatGPT

- Flagship tool of OpenAI
- Free version
 - LLMs available: limited access to GPT-4o, GPT-4.1 mini
 - Access to file uploads and web searching (RAG using Bing).
- Plus (paid) version
 - LLMs available: GPT-4o, o3, o4-mini, and more
 - Access to deep research and custom GPTs
 - \$20/month

Microsoft Copilot

- Available free to USD students when logging in with USD credentials.
 - Microsoft has commercial data protection standards and has promised not to use organizational data to train model.
- LLMs available: OpenAI models
 - Microsoft does not specify which OpenAI models are used.
- RAG using Bing

Lexis Protégé

- LLMs available: combination of OpenAI, Anthropic, and Mistral AI models
- Strong promise of data protection and security
- Skills
 - Ask
 - *Draft*
 - Summarize
 - Documents

Lexis Protégé, continued

- Scope of Training/RAG
 - Case law
 - Statutes/codes
 - Regulations and agency decisions
 - Some secondary sources (Practical Guidance, Matthew Bender, and select treatises)
- 10 question max per conversation

Westlaw

- Multiple tools with different scopes and availability
 - AI Assisted Research
 - RAG with cases, statutes, and regulations
 - Initial question + 5 follow-up questions
 - Search & Summarize tools
 - Rutter
 - Practical Law
 - CoCounsel Core
 - Includes several skills in the categories of research, review, summarize, and draft

Considerations for Effective Use of a Gen AI Tool

- R: Role the AI assumes
- I: Instructions for the AI to accomplish the task
- C: Context and background information
- E: Expectations for desired outcomes

Sarah Gotschall, *A Legal Research Prompting Guide and Generative AI System Comparison Exercise*, AI LAW LIBRARIANS (July 17, 2024), <https://www.ailawlibrarians.com/2024/07/17/a-legal-research-prompting-guide-and-generative-ai-system-comparison-exercise/>.

Role

- Role the AI assumes in generating a response
- Can range from general to specific
 - “Lawyer” vs. “Lawyer representing the plaintiffs in a class action products liability lawsuit”
- Legal AI tools like Lexis Protégé and Westlaw AI Assisted Research typically have the role of “legal practitioner” built into the programming of the tool
 - Only need to specify when you want the AI to assume a role different than this standard
 - Be cautious of specific roles that may exclude relevant resources

Instructions

- Instructions for the AI to accomplish the desired task
- AI tools programmed to do a specific task need fewer instructions on how to do it
 - Ex: Summarize skill in Lexis Protégé

Context

- Context or background information necessary for the task
- The amount of context needed depends on what the task is
- Some specific facts can overly influence an AI response

Expectations

- Expectations for the desired outcomes such as constraints or formatting
- Ability to specify depends on the tool and the task
- Jurisdiction

Evaluating AI-Generated Content

Usage: “Did I use the right tool?”	Input: “Did I use an effective prompt?”	Output: “Did the tool give an acceptable response?”
<ul style="list-style-type: none">• Designed purpose of tool• Scope of training and/or RAG• Tool transparency	<ul style="list-style-type: none">• Considerations for effective use (RICE)• Influence of follow-up interactions• Missing perspectives from prompts	<ul style="list-style-type: none">• Source & accuracy verification• Bias & perspective in response• Interaction dynamic between AI & user• Critical evaluation considering ultimate research objective

Adapted from Mary Ann Naumann, Re-Engineering Research: Integrating Generative AI & Prompt Engineering into Information Literacy Programs (June 30, 2024).

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