AI USE CASE AND UPL: DISCUSSION MATRIX

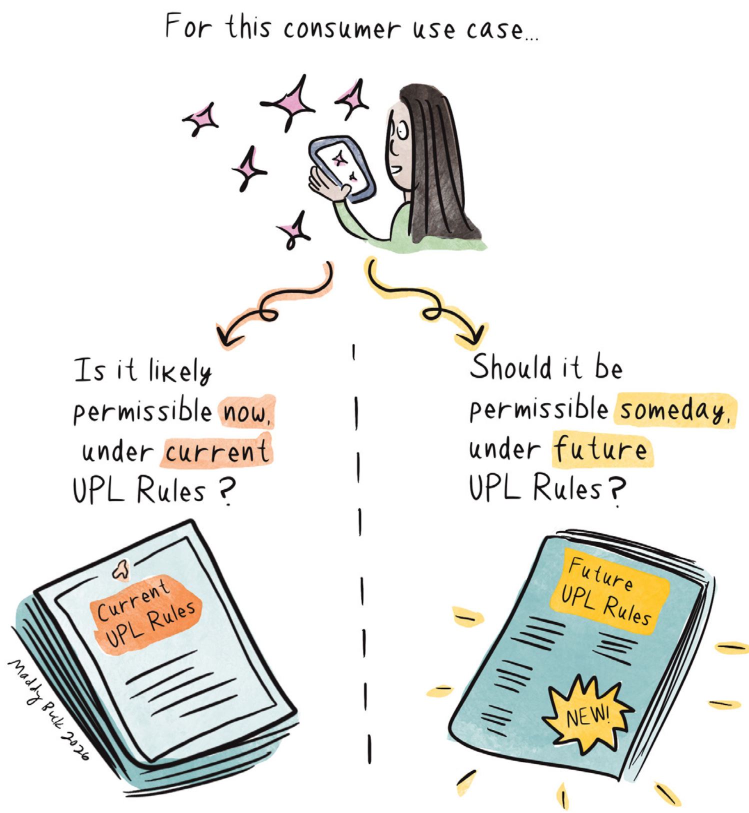
A version of this discussion matrix was used by the Colorado Subcommittee to understand which use cases Subcommittee members thought currently violated UPL in Colorado and which use cases Subcommittee members thought should be permitted assuming an acceptable rate of accuracy.

Assume all of the following hypotheticals are AI software tools that perform at acceptable levels of accuracy.

The survey is broken into eight parts containing families of hypotheticals.

- For each part, you'll be asked whether the given hypotheticals are likely permissible under your state's CURRENT UPL rules.
- Then you'll be asked whether you think the given hypotheticals should be permissible under FUTURE UPL rules.

The purpose of this survey is merely to identify whether there are some types of activities that everyone clearly agrees should be permissible or not.



Part 1: Research

Scenario 1.1: Consumers can research legal questions for their personal use and get citations and summaries of case law.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Scenario 1.2: Consumers can research legal questions for their personal use and get answers written by AI.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Scenario 1.3: Consumers can research legal questions and then receive a prediction about whether they will win their case.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Comments:

Part 2: Form Selection and Completion

Scenario 2.1: Consumers describe a fact pattern (e.g. I'm getting a divorce in Colorado) and the tool identifies and recommends forms.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Scenario 2.2: Consumers describe a fact pattern (e.g. I'm getting a divorce in Colorado) and the tool recommends forms to be completed AND completes some or all of the forms.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Comments:

Part 3: Legal Document Guidance

Scenario 3.1: Consumers can upload a document (e.g., eviction notice) and get a description of the document (e.g., this is an eviction notice).

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Scenario 3.2: Consumers can upload a document (e.g. an eviction notice) and get a description of the document and a step-by-step guide through the related legal process.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Scenario 3.3: Consumers can upload a document (e.g., eviction notice) and get a description of the document with recommendations on how the specific consumer should respond.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Comments:

Part 4: Document Drafting

Scenario 4.1: Consumers can share a fact pattern (e.g. I need a divorce in Colorado) and then the tool selects the documents for consumers to complete.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Scenario 4.2: Consumers can share a fact pattern (e.g. I need a divorce in Colorado) and then the tool (i) selects the documents for consumers to complete and (ii) leads consumers through each document using guided interview questions to help consumers complete the document.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Scenario 4.3: Consumers can share a fact pattern (e.g. I need a divorce in Colorado) and then the tool uses the information shared and assembles/organizes it within a contract or settlement agreement.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Scenario 4.4: Consumers can share a fact pattern (e.g. I need a divorce in Colorado) and then the tool uses the information shared to draft a legal document using at least some language generated by the AI tool.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Comments:

Part 5: Contract Review

Scenario 5.1: Consumers can upload a contract, and the AI tool explains the meaning of concepts.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Scenario 5.2: Consumers can upload a contract, and the AI tool spots potential issues (e.g. things that might not normally be found in that type of contract or things that might impact the consumer's rights).

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Scenario 5.3: Consumer can upload a contract to a playbook created by an attorney to see which of the attorney's standards are and are not met (e.g. a lease expert creates a playbook that says "leases in CO should not contain a waiver of the implied covenant of good faith and fair dealing pursuant to C.R.S. 38-12-801(3)(III)(C)").

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Scenario 5.4: An AI software tool helps the consumer modify the agreement to fix issues identified by the AI.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Scenario 5.5: An AI software tool tells the consumer whether they should or should not sign the agreement with no knowledge of the consumer's fact pattern.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Scenario 5.6: An AI software tool tells the consumer whether they should or should not sign the agreement after consideration of the consumer's fact pattern.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Comments:

Part 6: Case Assessment

Scenario 6.1: Consumers can share a fact pattern and then the tool spots potential legal issues.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Scenario 6.2: Consumers can share a fact pattern and then the tool assesses whether consumers are eligible for benefits they are legally entitled to.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Scenario 6.3: Consumers can share a fact pattern and then the tool identifies a potential legal claim or defense that may be relevant to their case and a step-by-step explanation of related elements.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Scenario 6.4: Consumers can ask questions about potential legal rights or obligations they may have, and the AI tool provides relevant answers.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Comments:

Part 7: AI Bots/Agents

Scenario 7.1: Consumers can interact with an AI bot operated by a law firm to facilitate client screening, selection, or intake processes.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Scenario 7.2: Consumers can interact with an AI bot operated by a law firm to facilitate client screening, selection, or intake processes to answer legal questions.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Scenario 7.3: Consumers can interact with an AI bot to facilitate client screening, selection, or intake processes, NOT operated by a law firm.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Scenario 7.4: Consumers ask legal questions and get answers from an AI bot NOT operated by a law firm.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Comments:

Part 8: Dispute Resolution

Scenario 8.1: Consumers share a fact pattern, and an AI tool compiles questions to ask during a direct examination of a witness at trial.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Scenario 8.2: An AI tool mediates disputes between consumers.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Scenario 8.3: An AI tool provides support with in-court interactions between the consumer and the judge and/or opposing counsel.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Scenario 8.4: A trained and certified domestic violence advocate (nonlawyer) uses an AI tool to provide legal *information* to a victim of domestic violence.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Scenario 8.5: A trained and certified domestic violence advocate (nonlawyer) uses an AI tool to provide legal *advice* to a victim of domestic violence.

Current Rules	Future Rules
☐ Likely currently permissible	☐ Probably SHOULD be permissible
☐ Unlikely currently permissible	☐ Probably should NOT be permissible

Comments:

Final Questions

AI Services for Lawyers (Not Consumers)

1. Do any scenarios LIKELY constitute UPL under current rules when used exclusively by attorneys?

☐ Yes ☐ No

2. Do you think any scenarios SHOULD constitute UPL when used exclusively by attorneys?

☐ Yes ☐ No

Final Comments