

AI USE CASE MATRIX & UPL

Discussion Facilitation Guide

For use by facilitators when reviewing survey results with a group

This guide is designed for use after survey responses have been collected and tallied. It provides a structured agenda, opening framing, scenario-by-scenario discussion prompts, and guidance for navigating areas of disagreement.

SECTION 1: BEFORE THE MEETING

Facilitator Checklist

- Distribute the survey to all respondents with enough time before the meeting.
- Collect completed surveys and enter responses into the tally sheet.
- Print or share the Summary tab, especially scenarios with split results (no consensus).
- Identify 3–5 scenarios in advance where you expect the most disagreement. These deserve the most time.
- Share the Respondent Guide with anyone unfamiliar with UPL concepts beforehand.
- Confirm the state(s) being discussed and brief yourself on any recent UPL enforcement actions there.

Room Setup & Materials

- Printed or projected tally sheet Summary tab
- Whiteboard or shared document for capturing live discussion notes
- Timer—this agenda runs 90 minutes; each part averages 8 minutes
- Optional: printed copies of the survey for reference

Suggested Participant Roles

Role	Responsibility
Facilitator	Manages time, poses prompts, ensures all voices are heard
Note-taker	Captures key positions and areas of agreement/disagreement
Reporter (optional)	Summarizes each part before moving on
Participants	Licensed attorneys and/or legal professionals in the target state(s)

SECTION 2: SUGGESTED AGENDA (90 MINUTES)

Time	Activity
0:00–0:10	Welcome, ground rules, and framing (see Section 3)
0:10–0:20	Parts 1–2: Research & Form Selection (review tally, open discussion)
0:20–0:30	Parts 3–4: Legal Documents & Document Drafting
0:30–0:45	Part 5: Contract Review (typically the most contested section)
0:45–0:55	Parts 6–7: Case Assessment & AI Bots/Agents
0:55–1:05	Part 8: Dispute Resolution & Final Questions
1:05–1:20	Cross-cutting themes: Where do current rules fall short?
1:20–1:30	Next steps: What does this group recommend?

Facilitator tip: Don't try to reach consensus on every scenario—this is a discussion tool, not a vote. Focus on understanding why people disagree. The most productive moments are often in split scenarios.

SECTION 3: OPENING THE DISCUSSION

Suggested Opening Script

"We're here to explore a genuinely hard question: when an AI tool does things that look like legal work, does it cross the line into the unauthorized practice of law? There are no right answers—the law itself hasn't fully resolved this. What we're looking for is where there's broad agreement, where there's disagreement, and why. Please speak from your experience as a legal professional in [state], and feel free to challenge each other respectfully."

Ground Rules to Establish

- We are analyzing hypothetical AI tools—assume they perform at an acceptable accuracy.
- Distinguish your personal view from what you believe the current law requires.
- "I don't know" and "it depends" are valid answers—say what it depends on.
- We will not reach consensus on everything. That's fine and expected.
- Critique the scenario, not the people who answered it differently from you.

Framing the Two Questions

Current Rules	Future Rules
"Is this likely permissible under your state's existing UPL framework?"	"Should this be permissible, regardless of what the current rules say?"
Focuses on statutory and case law as it stands today.	Focuses on policy—what rules would best serve consumers and the profession?
Disagreement here often reflects genuine legal ambiguity.	Disagreement here often reflects different values about access vs. protection.

SECTION 4: SCENARIO DISCUSSION PROMPTS

For each part, review the tally results first, then use the prompts below to open discussion. Spend the most time on scenarios that are split or where current/future answers diverge significantly.

Part 1: Research

Consumers research legal questions and get citations and summaries of case law.

1.1

- ▶ Is this meaningfully different from a law library or LexisNexis?
- ▶ Does adding AI tool-generated summaries change the analysis?
- ▶ What if the citations are wrong—does that change the UPL question?
- ▶ Should accuracy matter to the permissibility question?

Consumers research legal questions and get answers written by an AI tool.

1.2

- ▶ What makes an "answer" different from a "summary"?
- ▶ Does it matter whether the AI tool uses first-person ("you should...") language?
- ▶ What disclosures, if any, would make this permissible?
- ▶ Is there a meaningful line between 1.1 and 1.2?

Consumer receives a prediction about whether they will win their case.

1.3

- ▶ Is case outcome prediction categorically different from legal research?
- ▶ Should confidence levels or disclaimers affect permissibility?
- ▶ What harms could flow from an incorrect prediction?
- ▶ Does the answer change if the prediction is probabilistic vs. definitive?

Part 2: Form Selection and Completion

2.1

AI tool identifies and recommends forms based on a fact pattern.

- ▶ Is recommending a form substantively different from providing a form?
- ▶ Does the specificity of the recommendation matter?
- ▶ What if the AI tool recommends the wrong form—liability?
- ▶ How does this compare to court self-help centers?

2.2

AI tool recommends AND completes some or all of the forms.

- ▶ At what point does form-completion become legal advice?
- ▶ Does it matter if the consumer reviews before filing?
- ▶ Should form completion by AI be treated differently from LegalZoom-style services?
- ▶ What safeguards would make this acceptable?

Part 3: Legal Document Guidance

**3.1–
3.3**

AI tool describes a legal document (3.1), describes the document and gives a step-by-step guide through the related legal process (3.2), or provides specific recommendations on how the consumer should respond (3.3).

- ▶ Where exactly does the line move between 3.1, 3.2, and 3.3?
- ▶ Is a "step-by-step guide" vs. "recommendations" a meaningful distinction?
- ▶ Does personalization to the consumer's situation cross the line?
- ▶ What if 3.1 and 3.2 are fine but 3.3 is not—what changes?

Part 4: Document Drafting

**4.1–
4.2**

AI tool selects documents (4.1) or selects documents and leads the consumer through guided interview questions to complete them (4.2).

- ▶ Is selecting documents for a consumer qualitatively different from recommending them?
- ▶ At what point does a guided interview become drafting?
- ▶ How do courts in your state treat non-attorney document preparation services?
- ▶ Should court filings be treated differently from contracts?

AI tool assembles/organizes the shared information within a contract or settlement agreement (4.3) or drafts a legal document using AI-generated language (4.4).

**4.3–
4.4**

- ▶ Is AI tool-generated language in a legal document categorically different from a template?
- ▶ Does the stakes of the document matter (divorce vs. NDA)?
- ▶ Should the consumer's review and approval change the analysis?
- ▶ What liability framework would make 4.4 acceptable?

Part 5: Contract Review

Note: This section typically generates the most disagreement. 5.1–5.2 are often seen as permissible; 5.5–5.6 are often seen as not. The interesting question is where and why the line moves.

AI tool explains contract concepts (5.1) or spots potential issues (5.2).

**5.1–
5.2**

- ▶ Is explaining what an indemnification clause means the practice of law?
- ▶ Does flagging unusual clauses differ from advising on them?
- ▶ What if explanations are jurisdiction-specific?
- ▶ Should accuracy standards differ for explanations vs. advice?

Contract reviewed against an attorney-created playbook.

5.3

- ▶ Does attorney involvement in creating the playbook change the UPL analysis?
- ▶ What's the significance of the attorney not reviewing the specific contract?
- ▶ Is this more like a checklist tool or legal advice?
- ▶ How would your state's bar likely view attorney liability here?

AI tool helps the consumer modify the agreement to fix issues identified by the AI.

5.4

- ▶ Does moving from spotting issues (5.2) to fixing them change the UPL analysis?
- ▶ Does it matter whether the consumer reviews and approves each modification?
- ▶ Is suggesting replacement language more like drafting or legal advice?
- ▶ What safeguards would make AI tool-suggested fixes acceptable?

AI tool tells consumers whether to sign—without (5.5) or with (5.6) knowledge of their situation.

**5.5–
5.6**

- ▶ Is "should you sign" the quintessential legal advice question?
- ▶ Does consideration of the consumer's facts make it more or less acceptable?
- ▶ What's the difference between this and a friend who is a lawyer advising informally?
- ▶ Would any disclosure or disclaimer make 5.6 acceptable?

Part 6: Case Assessment

6.1–
6.4

AI tool spots legal issues (6.1), assesses benefit eligibility (6.2), identifies a potential claim or defense with step-by-step elements (6.3), or answers questions about the consumer’s potential legal rights or obligations (6.4).

- ▶ Is spotting issues different from advising on them?
- ▶ Does the nature of the benefit (housing, disability, food) affect your analysis?
- ▶ [6.4] How does a direct Q&A about rights/obligations (6.4) compare to issue-spotting (6.1)—is one more likely to constitute legal advice?
- ▶ Should access-to-justice concerns factor into what should be permissible?
- ▶ Is 6.2 (benefits eligibility) categorically different from 6.3 (potential claims/defenses) or 6.4 (rights/obligations answers)?
- ▶ [6.4] Does the conversational AI format (consumer asks follow-up questions) raise different UPL concerns than a static information resource?

Part 7: AI Bots/Agents

7.1–
7.2

AI bot operated by a law firm—intake only (7.1) or intake plus legal questions (7.2).

- ▶ Does law firm operation provide a legal “safe harbor” for the AI’s activities?
- ▶ Who is responsible when the bot gives wrong information—the firm, the AI tool vendor?
- ▶ What supervision requirements should apply?
- ▶ Does 7.1 (intake only) present meaningfully lower risk than 7.2?

7.3–
7.4

AI bot NOT operated by a law firm—intake (7.3) or answering legal questions (7.4).

- ▶ Does the absence of attorney oversight change the UPL analysis materially?
- ▶ Is there a consumer protection argument for allowing 7.3 but not 7.4?
- ▶ How should regulators treat a company offering 7.4 across all 50 states?
- ▶ Should AI bots face different rules than human non-attorney advisors?

Part 8: Dispute Resolution

8.1–
8.3

AI tool compiles trial questions (8.1), mediates disputes (8.2), or supports in-court interactions (8.3).

- ▶ Is drafting direct examination questions legal advice or legal work product?
- ▶ Can an AI be a neutral mediator—what ethical issues arise?
- ▶ Does real-time in-court support (8.3) cross a line that 8.1 does not?
- ▶ What court rules would need to change to permit 8.3?

Certified DV advocate uses AI tool for legal information (8.4) or legal advice (8.5) with victims.

**8.4–
8.5**

- ▶ Does the advocate's certification and relationship with the client change the analysis?
- ▶ Should access-to-justice concerns for DV victims warrant a different rule?
- ▶ Is the information/advice distinction more or less meaningful in a DV context?
- ▶ What safeguards should accompany any exception for advocates?

Final Questions: AI Tool Provides Services for Lawyers (Not Consumers)

Do any scenarios likely constitute UPL under CURRENT rules when used exclusively by attorneys? Should any scenarios constitute UPL under FUTURE rules?

FQ

- ▶ Does the analysis change when the user is a licensed attorney rather than a consumer?
- ▶ Which scenarios change most when an attorney is the user?
- ▶ Should AI tools used exclusively by attorneys ever constitute UPL?
- ▶ What supervision or verification duties should attorneys have when using these AI tools?

SECTION 5: CROSS-CUTTING THEMES

After working through the parts, use these broader prompts to surface themes and principles.

The Spectrum: Information → Advice

Activity: Ask the group to place scenarios on a whiteboard spectrum from "clearly information" to "clearly advice." Where does the group cluster? Where are the outliers?

- What factors drove your placement—personalization, stakes, specificity, format?
- Are there scenarios where current and future answers end up in different places on the spectrum?
- Does the spectrum model even work, or are there other dimensions (e.g., risk of harm, consumer sophistication)?

Access to Justice vs. Consumer Protection

- Who is harmed if AI tools are too restricted? Who is harmed if they are too permissive?
- Are there consumer groups (low-income, rural, language barriers) for whom the calculus is different?
- Should the same AI tool activity be regulated differently depending on the consumer's ability to pay for an attorney?

The Accuracy Question

- Several scenarios implicitly assume the AI tool is accurate. Does accuracy matter to the UPL analysis—or is that separate?

- Should there be a minimum accuracy threshold before AI tools are permitted in high-stakes scenarios? What would that threshold be?
- Who is liable when AI tools produce harmful errors—the consumer, the vendor, a supervising attorney?

Attorney Involvement

- Do scenarios change meaningfully when a licensed attorney creates the playbook, reviews outputs, or operates the platform?
- What level of attorney involvement is sufficient—creation, review, supervision, availability?
- Is attorney oversight a meaningful safeguard, or does it create the illusion of oversight?

SECTION 6: CLOSING THE DISCUSSION

Capturing Next Steps

Question to pose to the group	What to capture
"Which 3 scenarios do we have clearest consensus on—permissible or not?"	List of consensus scenarios to anchor any recommendations
"Which scenarios need further legal research before we can take a position?"	Research agenda items with owner and deadline
"If we could change one UPL rule, what would it be?"	Draft recommendation language for follow-up
"What's missing from this survey? What scenarios should we add?"	Gaps for a future version of the survey

Suggested Closing Script

"We've covered a lot of ground. We found clear agreement on [X scenarios] and real disagreement on [Y scenarios]—and that disagreement is itself valuable data. The note-taker will circulate a summary within [X days]. Our goal was not to resolve these questions today, but to map them carefully enough that we can make informed recommendations. Thank you for your time and candor."

After the Meeting

- Share the note-taker's summary with all participants within 5 business days.
- Flag any scenarios where consensus shifted meaningfully during discussion vs. the original survey.
- Draft a short findings memo if results are to be shared externally.
- Consider a follow-up survey for any states where significant differences emerged.

APPENDIX: QUICK REFERENCE

Consensus Threshold Guide

Label in tally sheet	What it means
✓ Green — 70%+ agree permissible	Strong consensus that this is (or should be) allowed
✗ Red — 70%+ agree not permissible	Strong consensus that this is (or should not be) allowed
Amber — No consensus	Responses are genuinely split — worth the most discussion time

Scenario Quick-Reference

Part	Scenarios
Part 1: Research	1.1 Case law summaries · 1.2 AI tool-written answers · 1.3 Case outcome prediction
Part 2: Form Selection and Completion	2.1 Recommend forms · 2.2 Complete forms
Part 3: Legal Document Guidance	3.1 Describe · 3.2 Step-by-step guide · 3.3 Recommend response
Part 4: Document Drafting	4.1 Select documents · 4.2 Guided interview completion · 4.3 Assemble contract/settlement · 4.4 AI tool-generated language
Part 5: Contract Review	5.1 Explain concepts · 5.2 Spot issues · 5.3 Playbook · 5.4 Modify · 5.5–5.6 Sign/don't sign
Part 6: Case Assessment	6.1 Spot issues · 6.2 Benefits eligibility · 6.3 Identify claims/defenses · 6.4 Rights/obligations Q&A
Part 7: AI Bots/Agents	7.1–7.2 Law firm operated · 7.3–7.4 Not law firm operated
Part 8: Dispute Resolution	8.1 Trial questions · 8.2 Mediation · 8.3 In-court support · 8.4–8.5 DV advocate

Key Terms

For definitions of key terms, see Appendix D: Glossary for Direct-to-Consumer Legal Innovation in the full toolkit, *Prosecutorial Guidance and Non-Prosecution Policies: A Pragmatic Path Forward for AI in Legal Services*, available at iaals.du.edu/ai_toolkit.