Pre-conference workshop - AI in Legal Research: Theory, Practice, and Responsibility

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Presenters: Emma Elliot (Lexum); Brenda Alm (CanLII); Isabela Pocovnicu (Lexum)

Notes:

- Text is turned into pieces that are then assigned a number, and AI tries to find pieces that look similar.
- Results are probabilistic (statistical) so no guarantee of getting the same result all the time.
- Two main types of systems for AI; retrieval and reasoning
    - Retrieval: surface real documents
    - Reasoning: create new text based on prior training
- Search augmented tools are where AI improves the search process
- The two main systems are best sorted for different tasks:
    - Retrieval tools are best for tasks like searching for cases with a defined result
    - Reasoning tools are best for tasks like drafting documents
- General purpose LLMs (like ChatGPT, Claude, Gemini) are trained on the internet
    - ChatGPT (v. 5.5) and Claude (v. 4.7) are not interchangeable but good at what they can accurately perform. Will hallucinate citations.
- CanLII features:
    - AI analysis that provides detailed summaries of case law and legislation
    - AI enrichments for case law search results (not all jurisdictions provide these for searching yet)
    - Search+
        - Converts natural language search into Boolean search terms
- CanLIIs "Responsible Use Policy"
    - Clearly labels AI-generated content from a large language model, without editorial revision
    - CanLII is mandated to provide free access to Canadian legal information, not free access to legal conclusions
    - Every AI feature is opt-in or clearly labelled so there should be no surprise where an output came from
- Duty not to mislead the court is a standard part of a court's code of conduct, and use of false citations from hallucinated AI results can be considered such
- Recommended resource for tracking use of hallucinated AI in Canadian law: https://www.damiencharlotin.com/hallucinations/?states=Canada
- Intrinsic vs. extrinsic hallucinations

- *National Indigenous Fisheries Institute v. Canada (Fisheries and Oceans)* (link: https://www.canlii.org/en/ca/fct/doc/2026/2026fc382/2026fc382.html?resultId=353d3ba6a8184ab48b2abd5002fdf16c&searchId=2026-05-24T14:29:47:389/9c8f7dfa85d943afa67c6c531191e8d7) is a leading case on creating penalties for lawyers misleading the courts with hallucinated cases
- Tools that are purely LLMs have the highest risk in hallucinated results since they are trained off the internet and not specifically legal data
- RAG-based tools are grounded in real document sets and have a much lower citation risk (still does not eliminate the risk though)
- Some judges won't give the full citation of false/misleading AI citations
- If a citation is caught in a case, the courthouse of the jurisdiction it came from should be the first contacted to verify the citation
    - There may be bounce-back from the courthouse as they may expect CanLII to make the change, as some courthouses allow others to make modifications to rulings for correcting mistakes (others don't)
- Useful link re. how courts treat AI errors: https://www.slaw.ca/2026/04/24/on-judicial-sanctions-and-hallucinated-citations/
- Suggestions for creating prompts:
    - Frame your role and what information you need
    - Chain the questions into ordered steps
    - Ask the model how it works
- Uses commonly used words from documentation as key search words, so the key words can be used to search in other databases
- From an access to justice perspective, AI can help people become oriented with law, provide them plain language results and to use plain language, and with finding the right forms they need
- Lux report was a summary of a survey conducted by users throughout Canada using CanLII
    - Key finding was that AI summaries are becoming a triage tool, not a replacement for reading decisions
    - Things that were found to be helpful: quick relevance screening, factual snapshots
    - Things that were found to be confusing: coverage gaps, inconsistent availability
    - Things that surprised them: legislative summaries were less valued than case summaries since legislative summaries create less "friction" than case summaries
    - Plain language searching saved time and was the most valued feature of Search+, with relevance scores mostly matching users own judgement

    - Work is being done to improve accuracy/explainability, and to correct users needing to often rephrase their question to get usable results. Also to create filters for jurisdiction and date that automatically apply to a search
- Agentic AI models are starting to be provided access to emails and personal documentation, so greater safeguards are needed for them
- Federal courts require lawyers to state they are using AI, but there is strong suspicion that lawyers are failing to do that

Presentation: Beyond the Books: Student Use, Preparedness, and Perceptions of Gen AI

Presenter: Hannah Rosborough

Notes:

- Is herself concerned about GenAI and tends to view it negatively
- Only discusses phase 1 of survey (Beyond the Books: Generative Artificial Intelligence and Law Students' Use, Preparedness, and Perceptions) as phase 2 is currently ongoing and focused on academic usage of GenAI
- Seems to be a trend for new AI tools to roll out shortly before the start of academic school year
- Concern that businesses are dictating the usage of AI because they embed AI into platforms that are used to teach law students
- Law school faculty tended to expect Legal Research & Writing (LRW) course to cover usage of AI for students
- Federation of Law Societies adopted a policy of "Technological Competency" in 2024 as part of it's Model Code of Professional Conduct
    - It requires practitioners to at least understand the usage and availability of AI, but the wording in the code is quite vague about the how
- Draws a comparison of students using GenAI to students from 10-15 years ago using Wikipedia for assignments (lot of people were using it, even though it was not allowed by faculty to be used for assignments)
- Survey themes: Understanding of technological competency, academic use, work use, perceptions of generative AI, prediction of impact
    - Met 5% threshold for responses so survey is statistically relevant
    - Data is still being processed
- Majority of responses were from 1st year students b/w 20-25 years of age and female
    - 3 responses from LU
- Over 2/3 responded to say they use AI for academic work (with suspicion that some No responses are disingenuous)

    - 5 main uses for using general AI tools (i.e. ChatGPT):
        - Summarizing case law
        - Studying for exams
        - Assistance with course readings
        - Summarizing secondary sources
        - Summarizing legislation
    - Editing was the primary reason for using general AI tools for writing purposes
    - Far fewer responses to use of legal tools, as people had to use them first to respond to those questions
    - Very little in-depth discussion about discussion of AI, and most of the discussion was either neutral or mostly negative
    - Major ethical concerns were inaccurate/misleading information, confidentiality/privacy concerns, misuse of intellectual property
    - Expectation is there will be slightly to moderately reliance of AI in the legal profession
- Understanding and adapting to technology was the main theme of the survey
- Most popular tools was another theme, but there are so many changes, and they're changing fast
    - ChatGPT and Lexis+ Protégé were the most commonly listed tools
- Overall general comments were mixed, with some feeling it needs to be used vs. those who feel it is "evil"
- Suggestion to focus on adaptability by teaching understanding of how LLMs work and how to figure out what LLM tool fits best to what it is needed for

<u>Presentation: GenAI, Data Integrity, and Implicit Bias</u>

Presenters: Kim Nayyer; James Bachmann; Sarah Gibbs

<u>Notes:</u>

- GenAI does not search for information, it just predicts what the response should be
- Legal vendor's AI tools are built on open source APIs such as OpenAI, Anthropic, or Alphabet's models
    - Data is passively gathered, un-curated and sometimes without consent of copyright holder, so it's very hard if not impossible to know what the models were actually trained on
- Models are often now trained on synthetic information, or information created by AI, causing recursive learning and data synthesis and reuse
- "Continued influence effect" means failure to update beliefs in light of corrections to misinformation

    - In a GenAI context, users are likely to continue to believe, or at lease be unduly influenced by, inaccurate information provided by AI even if the user does additional research and discovers correct information
- "Confirmation bias" means tendency to search for, notice, interpret, and remember information (in a way) that supports beliefs we already hold
    - In a GenAI context, users are likely to use AI to seek out one-sided information, giving them a skewed understanding of the legal landscape
- Biases can be combined and persist, even if someone accepts opposite belief through their research
- Ex search: Find me cases of successful claims for nervous shock in incidents without fatalities
    - AI DeepResearch (Thomson Reuters product) found results on May 8, 2026, even though this type of search should not be readily found by conventional research methods
- AI search strategies can lead to reliance on AI-style interfaces (only using natural language) and teleological searching (i.e. absence of a broader consideration of the law)
- Thomson Reuters AI appears to struggle with procedural and fact-specific questions and often starts a response using case law
- Agentic AI is steering away from prompt 'engineering', but prompt engineering still has use from narrowing results from broad search
- Federated searching has reached a point where it's becoming nearly impossible to find the original source of information
- AI searching denies people access to any information on serendipitous searching since it will not bring up results that are inaccessible to the AI
- Case study: Ashley MacIsaac v Google (Gemini incorrectly stated he is a sex offender and he had a show cancelled because the venue believed the result generated by Gemini)

<u>Presentation: The Embedded Law Library: The 21st Century Role of Law Libraries in Society</u>

Presenters: Michael Marin

<u>Notes:</u>

- The library can be a welcoming place for law students as it can be a calm oasis from their studies and the legal profession's hierarchy
- People are struggling to place themselves in fast changing systems, and he believes libraries are able to help people do that
- When institutions become detached from their communities, the things that happen within the institution can acquire far more weight than would be appropriate outside

the institution (ex. A professor becoming extremely emotional by being assigned a classroom that had the chalk board positioned differently than where they wanted it)

- How do libraries embed themselves in their community in such a way that they keep up with changes?
    - The change in the legal profession is leading to changes in how law firms are structured and organized, on top of dealing with many changes to the profession itself and the stresses those changes cause
- If a law library only serves their community in a passive manner, they may be viewed as unnecessary or a money sink
    - Embedding themselves in the legal community demonstrates value and establishes relationships with community members
- Feels that law librarians are very well positioned to help the legal community navigate the use/understanding of AI
    - Biggest concern for the legal profession will be in how to navigate the information overload practitioners are inundated with