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As buzz around artificial intelligence continues to grow, law firm leaders are by and large taking a cautious approach, concerned by the confidentiality implications and alarmed at the prospects for so-called "hallucinations," where the programs inadvertently fabricate research results that can land an attorney in hot water.

But when it comes to the marketing and business side of the legal industry, leaders are bullish about the prospects of AI assisting their overworked teams, with many actively exploring possible applications, if not using them already.

"Knowing that this is the reality, we need to be ready for it," Kevin Iredell, chief marketing officer at Lowenstein Sandler, said. "We might as well set ourselves up for future success today."

Iredell, who is president-elect of the Legal Marketing Association, said firm leaders' approaches to AI run the gamut. While some firms have extended an outright ban on the use of the technology for attorneys as well as staff, others are allowing their marketers and business development staff to move ahead cautiously, and still others are already experimenting with the use of AI in the marketing space.

According to several in the marketing realm, that's in large part due to the fact that the concerns that apply to the legal work product do not apply in the marketing and business development arena. Confidentiality is not much of a concern when it comes to developing a press release that is intended to be made public, the marketers said. And hallucinations aren't a problem when the machine is being fed specific information to work with.

At Lowenstein Sandler, the approach has been one of "let's try new things," Iredell said.

At the firm a team including Iredell, the firm's chief legal officer and head of IT developed a general use policy to give employees a clear understanding of the dos and don'ts. According to Iredell, some obvious rules include making sure nothing is ever used before being thoroughly fact-checked first and ensuring the programs are not given access to anything that includes confidential client information.

Another group, Iredell said, is evaluating the available AI tools that the firm might invest in.

Ballard Spahr is taking a similarly bullish approach with the firm currently developing an internal AI system expected to address specific case uses on the customer relationship management end.

On the marketing end, although the firm isn't currently using generative AI, Chief Marketing and Business Development Officer Amy Shepherd said the team is keeping a close eye on emerging AI products, as well as programs that are being developed internally at the firm, to see what might become a good fit for the department. Specifically, she said, it will be important to have vendors who can provide a long-term vision for integrating new AI developments into the platforms as they emerge.

"I do think that it will be an amazing opportunity for us in the legal marketing space as we watch how this plays out," Shepherd said. "At every turn from this point forward we have to figure out, what is the AI play here? We want to make sure our vendors are thinking through all the possible AI supported processes that could make the systems more efficient and more ever-green."

Marketing

Wayne Pollock, who founded the legal marketing firm Law Firm Editorial Service, characterized generative AI platforms, such as ChatGPT, as "the smartest, most motivated intern you'll ever have." And like an intern, he said, their work is rarely an end product and always needs to be double-checked.

However, he said, the platforms can be a big help in writing things like press releases, law firm bios, nominations for award submissions or speeches. Marketers would still need to review the output for factual errors, or potential plagiarism, but the content marks a good first step toward the end product.

“Instead of that marketing assistant staring at the blank cursor on their screen, if AI takes a first crack at the bio, that is still further ahead than you staring at your document,” Pollock said.

The rise in the use of AI also dovetails with the boom in attorneys using social media to generate clients, and leveraging AI can save a lawyer significant time in researching and drafting content for posts, attorneys and marketers said.

Ethen Ostroff of Ethen Ostroff Law, a tech-savvy personal injury firm that focuses on referrals and has a heavy social media presence, said he uses AI to help develop online content.

He gave the example of an attorney with a YouTube channel, who wants to discuss car crash litigation. The attorney, he said, can ask the AI platform for the top 10 most-searched terms for car crash litigation, then use the platform to generate a five-minute script hitting on those search terms, and then have it write a caption with all relevant hashtag. The attorney could then recreate the same requests for each social media platform they use, he said.

“From a research standpoint and an SEO standpoint, it’s an incredible tool,” Ostroff said. “If you have an SEO researcher and they’re not using AI, you’re overpaying them for that service.”

Business Development

As on the marketing end, there are numerous potential applications on the business development end that are only beginning to be explored.

Pollock said AI could help research potential lateral moves and clients, and help develop engagement strategies.

Also, he said it could help firms cheaply research potential new areas of practice. One way of doing this, he said, would be through the fast generation of so-called SEO articles—short, informative articles that appear on firm websites that explain given areas of the law.

A firm looking to expand into a new practice area, Pollock said, could research the most-searched articles on that area of law, then generate numerous SEO articles on that topic. The firm can then gauge the reaction online from potential clients and determine if there’s room for growth in that practice area.

Other applications can be aimed at streamlining a firm’s business development practices and monitoring systems.

At Ballard Spahr, for example, over the past 18 months the firm has been looking for ways to harness AI for its business development through a project with a Microsoft-approved AI vendor.

Melissa Prince, Ballard’s chief client value and innovation officer, said the firm is developing case uses on the business side that will allow it to more efficiently examine and address issues such as case performance and diversity metrics. The system, Prince said, can help the firm structure teams in the most efficient and effective way possible by determining the best blend of talent and experience to employ. It could also quantify, track and leverage the speed and effectiveness of litigation, or flag issues as they arise.

Another use could be combining third-party vendor data sets with internal information to better understand client needs, market position and risk-mitigation strategies.

For now, Prince said, the firm is using limited datasets, which don’t include accessing any confidential information, and the firm is focused on employing AI on the business-development side. However, she said that having an in-house AI system functioning well on the business side will then make it easier for the firm to begin integrating AI into the legal services arena—whatever that may eventually look like.

A staggered approach like this will also help ensure the firm doesn’t create something without first fully understanding all of its ramifications, Prince said.

“I anticipate that within a year or two it’ll be doing a decent job of using our internal systems to serve clients better, staff matters more effectively, understand when we could make improvements and measure success in a highly customized way,” she said.

Ethics

With these new tools, some ethical concerns have arisen, but the overarching problems involving confidentiality of the legal work-product largely don’t apply to the marketing teams. Instead, fact-checking and checking for plagiarism are some of the bigger concerns, marketers said.

Pollock said law firms have been receptive to the idea of him using AI tools. Firms, he said, view it as his responsibility to fact-check the content he provides and to ensure things like the work hasn’t been plagiarized. That same mentality applies regardless of the role AI might play, he said. It shouldn’t matter how the work is done, as long as the customer is happy with the final product, he said.

Overall, Pollock said firms should think twice before closing the door to AI when it comes to marketing and business development tasks.

“As long as you’re talking about information that’s going to be made public, the marketing team can be walled off,” Pollock said.

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